LEGACY: Living Equitably: Grandparents Aiding Children & Youth

By Ana Beltran, Special Advisor, Generations United

The LEGACY Act of 2003 – Living Equitably: Grandparents Aiding Children and Youth – is the first federal affordable housing program specifically aimed at ‘grandfamilies,’ or families where the children are being raised by grandparents or relatives other than their parents. LEGACY authorized two recently opened demonstration projects under Section 202 for specially designed housing for grandfamilies with caregivers age 62 or older.

ADMINISTRATION
LEGACY is administered by HUD’s Office of Housing Assistance and Grant Administration.

HISTORY
LEGACY became law as part of the American Dream Downpayment Act of 2003. It was conceived and became law on the heels of several important advancements in affordable housing for grandparents and other relatives and the children they raise. In 1998, GrandFamilies House in Dorchester, MA, opened its doors as the first housing program specifically designed for grandparents raising grandchildren. At the same time, Generations United, the national intergenerational nonprofit membership organization, conducted a national survey and discovered that affordable housing was one of grandfamilies’ most serious concerns.

Although the lack of affordable housing is an issue for many Americans, there are several unique barriers related to grandfamilies’ circumstances. These caregivers frequently take on such responsibilities with no warning whatsoever. They may be living in small apartments that are not suitable for children and that do not satisfy child welfare occupancy requirements. If they live in senior housing, they may be subject to eviction if the children are discovered. Presence of additional children may violate private lease agreements and occupancy standards. Even if their housing is suitable, caregivers may no longer be able to afford that housing after taking on the extra expenses of raising children. If it is not suitable, and the caregivers lack a legal relationship to the children, they are often unable to convince the housing authorities to recognize their need for a larger apartment as a ‘family.’

Data from the U.S. Census Bureau reflect these challenges: more than one in four grandparent caregivers live in overcrowded conditions; more than one in six pay more than half their income on rent; and 60% of qualifying renters are not receiving housing subsidies. Almost 7.8 million children under age 18 live in homes throughout all regions of the country where the householders are grandparents or other relatives, according to the 2010 U.S. Census. This is 10.5% of all children in the country.

For over a decade, Generations United has worked on Capitol Hill to raise awareness about the number of grandfamilies and their housing challenges. In 2000, Generations United collaborated with other organizations to successfully enact a change to the federal HOME Investment Partnerships Program that effectively allows more revenue to housing developments specifically for older grandparents and other relatives raising children. This early work culminated in LEGACY.

PROGRAM SUMMARY
LEGACY, as enacted, contains three provisions:
(1) Develop and distribute grants for no less than two and no more than four demonstration projects to create housing for grandparents and other relatives raising children.
(2) Provide training to HUD personnel on issues facing relatives raising children.
(3) Work with the U.S. Census Bureau to conduct a national study of the housing needs of grandparents and other relatives raising children, and make recommendations to Congress based on that study.

(1) Demonstration Projects. In December 2008, HUD awarded $3.9 million in Capital Advance and Project Rental Assistance Contract (PRAC) funds to two Section 202 projects for demonstration projects, one in urban Chicago and the other in rural Tennessee. The Chicago development opened during the fall of 2011 and has 10 units consisting of three and four bedrooms that can serve up to 34 residents. The Smithville, TN development opened in the spring of 2011 and has nine two-bedroom units, plus a manager’s unit, for up to 20 residents.

Both projects provide a range of supportive services on site that are tailored to meet the needs of seniors, children, and the families as a whole. In Chicago, residents have access to after-

---

2 LEGACY takes its name from the documentary Legacy, nominated for an Academy Award in 2000, which tells the compelling story of an inner-city grandmother raising her five grandchildren.
school and summer programs for children; General Educational Development (GED) and English as a Second Language (ESL) courses; a financial education program; health classes and screenings; health care services for seniors; and job education. In Smithville, the Upper Cumberland Development District's Relative Caregiver Program is available. This program provides easy to follow information about the existing resources available to families and fills in gaps where services are not available.

(2) Training. In 2007, HUD, with its subcontractor Generations United, broadcast a three-hour training to HUD's regional and headquarters' staff. In addition to covering LEGACY, the training provided an overview of the affordable housing issues faced by grandparents and other relatives raising children, how other housing programs and supportive services can help these families, and housing developments designed specifically for them.

(3) National Study. After the training, HUD released its Intergenerational Housing Needs and HUD Program Options Report to Congress, fulfilling the last requirement of the LEGACY law. That report can be accessed at [www.huduser.org/Publications/pdf/intergenerational.pdf](http://www.huduser.org/Publications/pdf/intergenerational.pdf)

FUNDING

When LEGACY became law in 2003, the legislation authorized $10 million to accomplish the program's objectives, but because it lacked a specific appropriation, HUD failed to take significant steps to implement it. Generations United worked with Members of Congress, including Senators Mary Landrieu (D-LA) and Debbie Stabenow (D-MI) to obtain funding, and almost two years later, in November 2005, $4 million was specifically earmarked for its implementation. LEGACY has not received additional earmarking. Once the demonstrations have been operational more than a year and their anticipated success is documented, advocates will seek an expansion of the program.

WHAT ADVOCATES NEED TO KNOW NOW

There are no urgent advocacy issues with regards specifically to LEGACY. However, there are existing areas of policy that could be modified to help facilitate grandfamilies' access to affordable housing.

Family composition. Throughout the country, some housing authorities are unlawfully requiring relative caregivers to have legal custody or guardianship of the children in their care in order to qualify as 'families' for assisted housing. This is a serious issue because many relatives lack legal relationships with the children due to a variety of factors, including the costs of legal proceedings and potential disruption of family dynamics.

Housing authorities require legal custody or guardianship to attempt to prevent fraud, like an applicant who misrepresents that he or she is raising children in order to request additional bedrooms. These fraud concerns can be legitimate, but addressing them by requiring legal relationships is not.

Although HUD has not issued specific policy on this issue, federal law is clear. The Fair Housing Act defines 'familial status' to include grandparents and other relatives without legal custody of the children in the second part of its definition: Familial status means one or more individuals (who have not attained the age of 18 years) being domiciled with – (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having custody, with the written permission of such parent or other person. HUD includes in its Occupancy Handbook ways to verify family composition that address fraud concerns without requiring legal custody or guardianship:

A. Owners may seek verification of family composition only if the owner has a clear, written policy. Verification is not required.

B. Owners may use a policy to verify family composition to determine whether children reside in the household 50% or more of the time, as well as to determine the appropriate unit size for the family.

C. If an owner determines it necessary to verify family composition, information may be collected from sources listed in Appendix 3.

According to that Appendix, acceptable sources of verification are birth certificates; divorce actions; drivers' licenses; employer records; income tax returns; marriage certificates; school records; social security administration records; social service agency records; support payment records; utility bills; and Veteran Administration records. Basically, documents that show the child is living with the relative.

To explain the policy to local housing actors, local jurisdictions should address legal custody issues in their Public Housing Administrative Plan, Section 8 Administrative Plan, and Consolidated Plan.

Family Unification Program. The Section 8 Family Unification Program (FUP) is another housing opportunity that is underutilized by relative-headed households because of the interpretation of what constitutes a family. FUP provides Section 8 vouchers to families whom the child welfare agency has certified are families and for whom the lack of adequate housing is a primary factor in the imminent placement of the family's children in foster care or in the delay of discharge of a child from foster care to his or her family. Some local housing...
Program Facts

- LEGACY has funded two national demonstration programs for grandfamilies, one in rural Tennessee and the other in urban Chicago.
- The two demonstrations have 19 units of two, three, and four bedroom apartments specially designed for grandfamilies, along with supportive services on site.
- Hundreds of HUD headquarters and regional staff were trained on the challenges faced by grandfamilies and housing programs that can assist them. That training can be replicated with other housing actors.
- A first of its kind Report to Congress was released, which documents many of the housing challenges faced by grandfamilies, thereby raising awareness among federal legislators.

Use of existing programs. LEGACY is a limited program, but existing federal, state, and local housing programs can be tapped or tailored to meet this demand. Once potential funders of grandma family housing are aware of the needs of these families, they can adjust their funding plans and priorities accordingly. State housing finance agencies will then know to include such projects in Qualified Allocation Plans, thus making proposals competitive for Low Income Housing Tax Credits. Local and state governmental agencies that administer the HOME and Community Development Block Grant programs can include housing for relatives raising children in their yearly Consolidated Plans and Action Plans as priorities or eligible types of housing to be assisted. Lenders who are involved in the Federal Home Loan Banks’ Affordable Housing Program (AHP) can include special criteria in their plans for grandfamilies housing. No source of funding will include criteria that encourage housing for grandfamilies and other relatives raising children unless the funders know about the families.

Specially designed housing. Localities wanting to expand affordable housing opportunities for grandfamilies can contact Generations United and reach out to the existing housing developments for grandfamilies, to benefit from lessons learned including funding ideas.

As examples of the complexity of this housing, here are some policies that need to be considered early in the process when developing housing for these families:

- What will the grandparents and other relatives have to prove concerning their relationship to the children in order to qualify for housing?
- How will residents be transitioned to other housing when youth age out and caregivers are no longer raising them?
- Will the program also be open to aunts and uncles raising children?
- Will birth parents be allowed to reside on the property?
- How will family crises, such as a sickness or death of the grandparent or other relative, be handled?

On-site supportive services are an integral part of these developments, and need to be designed with the age of the residents in mind. From the experience of the existing developments, essential supportive services include case management, support groups for grandparents and other relative caregivers, before and after-school programs for children and youth, and transportation for families.

Education on the issue. Despite advances, many housing officials and advocates remain unfamiliar with the specific needs of this population and the current housing developments serving these families, most notably GrandParent Family Apartments in the South Bronx, NY. That building, the nation’s first ground-up development for grandfamilies, has been serving families since 2005 and consists of 50 units of two and three bedrooms with extensive on-site supportive services for all ages.

In order to successfully advocate around the country for an increase in housing specifically for these families, materials need to be developed on the existing housing programs and those funded by LEGACY, so that more programs can be pursued in additional jurisdictions. This housing is difficult to develop in part due to the complex public-private financing required; consequently, the replication materials need to include an extensive discussion on financing. Furthermore, more housing actors, not just HUD staff, need to be trained on grandfamilies and the housing issues they face. The HUD training materials could be used as a basis for that training.

WHAT TO SAY TO LEGISLATORS

In order to increase affordable housing opportunities for grandparents and other relatives raising children, housing advocates and experts on the issues facing grandparents and other relatives should combine their unique expertise and collaborate in advocacy efforts at the national, state and local levels.
Advocates should speak to federal legislators with the message that LEGACY is the first step in helping support the affordable housing needs of grandparents and other relatives who are stepping forward to raise children. Members of Congress should monitor the success of the two demonstrations and explore ways to expand this program to fund additional sites.

State legislators have also been important champions of grandfamilies housing developments that are not funded through LEGACY in several jurisdictions. In Baton Rouge, LA, for example, a state legislator was instrumental in converting an old nursing home to grandfamilies housing.

When talking with either federal or state lawmakers, share data concerning the numbers of families and their need for affordable housing. Remember that more than 7.8 million children in all regions of the country are living with grandparents or other relatives who are the householders. Numbers specific to each state are available at www.grandfactsheets.org and for each Congressional district, county or city can be found at www.census.gov.

Although the lack of affordable housing is an issue for many Americans, there are several unique barriers related to grandfamilies' particular circumstances:

- Relative caregivers frequently take on caregiving with no warning.
- Many live on fixed incomes and in small apartments that are not suitable for children.
- The homes may not satisfy child welfare occupancy requirements.
- Caregivers may no longer be able to afford housing after taking on extra expenses of raising children.
- If they live in senior housing, they may be subject to eviction if the children are discovered.
- The presence of additional children may violate private lease agreements and occupancy standards.
- If families lack a legal relationship to the children, they are often unable to convince the housing authorities to recognize their need for larger apartments.

U.S. Census Bureau data reflect these challenges:

- More than one in four grandparent caregivers live in overcrowded conditions.
- More than one in six pay more than half their income on rent.
- 60% of qualifying renters are not receiving housing subsidies.

Finally, probably the most fundamental tool in convincing legislators is a constituent's story. A story like that of a woman in Boston, who at age 52 suddenly began raising her three grandchildren in her studio apartment. For eight years they all lived together in the one room. The studio was subsidized, and she was unable to convince the housing authorities to allow her to move to a multi-bedroom apartment, because they did not recognize the children as her family. Her case, while dramatic, is just one of countless that can be found all over the country and shared with lawmakers.