

## Definitions of Homelessness for Federal Program Serving Children, Youth, and Families

The two major definitions of homelessness in use by federal agencies are the education definition in Subtitle VII-B of the McKinney-Vento Act, and the Housing and Urban Development (HUD) definition in Section 103 of Subtitle I of the McKinney-Vento Act. The following chart illustrates the similarities and differences between federal agencies' definitions of homeless. In December 2011, HUD issued complex regulations on the HEARTH definition of homelessness.

|   | EDUCATION DEFINITION   | HUD DEFINITION – PRIOR TO 2009  | HUD DEFINITION – HEARTH ACT - CURRENT   | RHYA DEFINITION  |
|---|--|---|---|--|
| <b>Statutory Reference:</b>                                 | Section 725 of Subtitle VII-B of the McKinney-Vento Act  | Section 103 of Subtitle I of the McKinney-Vento Act   | Section 103 of Subtitle I of the McKinney-Vento Act   | Section 387 of the Runaway and Homeless Youth Act  |
| <b>Federal Programs and Agencies Using This Definition:</b> | <ul style="list-style-type: none"> <li>- Elementary and Secondary Education (ED)</li> <li>- Individuals with Disabilities Education Act (ED)</li> <li>- Higher Education Act (ED)</li> <li>- Head Start Act (HHS)</li> <li>- Child Nutrition Act (USDA)</li> <li>- Violence Against Women Act (DOJ)</li> </ul>   | <ul style="list-style-type: none"> <li>- Homeless Assistance Programs (HUD)</li> <li>- Emergency Food and Shelter (Homeland Security)</li> <li>- Department of Veterans Affairs (all programs)</li> <li>- Department of Labor (all programs)</li> </ul> | <ul style="list-style-type: none"> <li>- Homeless Assistance Programs (HUD)</li> </ul>  | Runaway and Homeless Youth Act Programs (HHS)  |
| <b>LIVING SITUATIONS COVERED BY THESE DEFINITIONS</b>       |  |   |   |  |
| <b>Unsheltered Locations</b>                                | <p><b>Yes:</b></p> <p>“(ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));</p> <p>(iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings”</p> | <p><b>Yes:</b></p> <p>“an individual who has a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.”</p>   | <p><b>Yes:</b></p> <p>“an individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;”</p> | <p><b>Yes, if the youth cannot live with relatives and has no other safe place to go:</b></p> <p>“a youth... for whom it is not possible to live in a safe environment with a relative, and who has no other safe alternative living arrangement.”</p> |
| <b>Emergency Shelters and Transitional Housing</b>          | <p><b>Yes:</b></p> <p>“children and youth who are living in emergency or transitional shelters”</p>  | <p><b>Yes:</b></p> <p>“a supervised publicly or privately operated shelter designed to provide temporary living accommodations”</p>   | <p><b>Yes:</b></p> <p>“an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements”</p>   | <p><b>Yes, if the youth cannot live with relatives and has no other safe place to go:</b></p> <p>“a youth... for whom it is not possible to live in a safe environment with a relative, and who has no other safe alternative living arrangement.”</p> |

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| <b>Motels and Hotels</b> | <p><b>Yes, if there are no appropriate alternatives:</b></p> <p>“children and youth who are living in motels, hotels, trailer parks, or camping grounds <u>due to the lack of alternative adequate accommodations</u>”</p> <p>(emphasis added)</p> | <p><b>No, except for “welfare hotels”:</b></p> <p>“an individual who has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);”</p> | <p><b>Generally, no, except for the following situations:</b></p> <ul style="list-style-type: none"> <li>- “hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations”</li> <li>- “an individual or family who has a primary nighttime residence that is a room in a hotel or motel and where they lack the resources necessary to reside there for more than 14 days, who has no subsequent residence identified; and lacks the resources or support networks needed to obtain other permanent housing;”</li> <li>- “any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing”</li> <li>- “unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who have experienced a long term period without living independently in permanent housing; and have experienced persistent instability as measured by frequent moves over such period; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.</li> </ul> | <p><b>Yes, if the youth cannot live with relatives and has no other safe place to go:</b></p> <p>“a youth... for whom it is not possible to live in a safe environment with a relative, and who has no other safe alternative living arrangement.”</p> |

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| <b>Staying with Others (“Doubled-Up”)</b> | <p><b>Yes, if it is due to loss of housing, economic hardship, or a similar situation (within the definition of lacking fixed, regular, and adequate situations):</b></p> <p>“...individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and<br/> (B) includes —<br/> (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason;”</p> | <p><b>No</b></p>               | <p><b>Generally, no, except the following situations:</b></p> <p>“an individual or family who will imminently lose their housing, including housing they are sharing with others, as evidenced by credible evidence indicating that the owner or renter of the housing will not allow the individual or family to stay for more than 14 days, and who has no subsequent residence identified; and who lacks the resources or support networks needed to obtain other permanent housing:</p> <ul style="list-style-type: none"> <li>- “any individual or family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and who have no other residence and lack the resources or support networks to obtain other permanent housing”</li> <li>- “unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who have experienced a long term period without living independently in permanent housing; and have experienced persistent instability as measured by frequent moves over such period; and can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.”</li> </ul> | <p><b>Yes, if the youth cannot live with relatives and has no other safe place to go:</b></p> <p>“a youth... for whom it is not possible to live in a safe environment with a relative, and who has no other safe alternative living arrangement.”</p> |

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| “At Risk of Homelessness” | No such definition.  | No such definition.            | <p><b>Defines “at risk of homelessness” to include <u>all</u> families with children and youth defined as homeless under other Federal statutes.</b></p> <p>(1) AT RISK OF HOMELESSNESS.-The term ‘at risk of homelessness’ means, with respect to an individual or family, that the individual or family-</p> <p>(A) has income below 30 percent of median income for the geographic area;</p> <p>(B) has insufficient resources immediately available to attain housing stability; and</p> <p>(C)(i) has moved frequently because of economic reasons;</p> <p>(ii) is living in the home of another because of economic hardship;</p> <p>(iii) has been notified that their right to occupy their current housing or living situation will be terminated;</p> <p>(iv) lives in a hotel or motel;</p> <p>(v) lives in severely overcrowded housing;</p> <p>(vi) is exiting an institution; or</p> <p>(vii) otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness.</p> <p>Such term includes all families with children and youth defined as homeless under other Federal statutes.</p> | <p><b>No such definition. However, RHYA does define “youth at risk of separation from family:”</b></p> <p>YOUTH AT RISK OF SEPARATION FROM THE FAMILY.—The term ‘youth at risk of separation from the family’ means an individual—</p> <p>(A) who is less than 18 years of age; and</p> <p>(B) (i) who has a history of running away from the family of such individual;</p> <p>(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or</p> <p>(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.</p> |