

Understanding Federal Definitions of Homelessness

This resource:

- is part of the California Homeless Education Technical Assistance Center's (HETAC) [School-Community Partnerships: A Toolkit for Working Together to Serve Children, Youth, and Families Experiencing Homelessness](#);
- explores different definitions of homelessness established in federal statute; and
- links to resources for more information.

Context

Homelessness is defined in different ways across several key federal statutes. Below are federal definitions of homelessness and related terms used when referring to children, youth, and families experiencing homelessness.

U.S. Department of Education (ED) Definitions and Usage

Definition of Homeless

The McKinney-Vento Homeless Assistance Act authorizes assistance for people experiencing homelessness, including housing interventions and supportive services. [Subtitle VII-B](#) of the McKinney-Vento Act, reauthorized by Title IX, Part A of the Every Student Succeeds Act, is known as the education subtitle as it establishes educational rights and supports for children and youth experiencing homelessness. The McKinney-Vento Act also establishes the definition of homelessness used by U.S. public schools, often known as the “education definition”, as follows.



The term "homeless children and youths"—

- A. means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1) of this title); and
- B. includes—
 - i. children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;
 - 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 11302(a)(2)(C) ¹ of this title);
 - iii. children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - iv. migratory children (as such term is defined in section 6399 of title 20) who qualify as homeless for the purposes of this part because the children are living in circumstances described in clauses (i) through (iii).

42 U.S.C. § 11434a(2); Ca. Educ. Code § 48850(d)(1)

Definition of Unaccompanied Youth

According to [Subtitle VII-B of the McKinney-Vento Homeless Assistance Act](#), the term "unaccompanied youth" includes a homeless child or youth not in the physical custody of a parent or guardian

42 U.S.C. § 11434a(6)

Definitions Usage

The ED definition of homelessness is used by U.S. public schools and other federal programs whose authorizing statutes adopted the ED definition of homelessness, including

- [The Child Care Development and Block Grant Act](#)
- [The Child Nutrition Act](#)
- [The Head Start Act](#)
- [The Higher Education Act](#)
- [The Perkins Career and Technical Education Act](#)
- [The Workforce Innovation and Opportunity Act](#)

For more information on determining homelessness under the education definition, visit the California Homeless Education Technical Assistance Center's [Determining Eligibility for McKinney-Vento Rights and Services webpage](#).

U.S. Department of Housing and Urban Development (HUD) Definitions and Usage

Definition of Homeless

The McKinney-Vento Homeless Assistance Act authorizes assistance for people experiencing homelessness, including housing interventions and supportive services. Title I of the McKinney-Vento Act, reauthorized by the [Homeless Emergency and Rapid Transition to Housing \(HEARTH\) Act](#), establishes the definition of homelessness used by key federal homeless response programs, often known as the "HUD definition", as follows.

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| <p>a. IN GENERAL. For purposes of this Act, the terms "homeless", "homeless individual", and "homeless person" means</p> <ol style="list-style-type: none">1. an individual or family who lacks a fixed, regular, and adequate nighttime residence;2. 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;3. an individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including hotels and motels paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, congregate shelters, and transitional housing);4. an individual who resided in a shelter or place not meant for human habitation and who is exiting an institution where he or she temporarily resided; | <p>CATEGORY 1: Literally homeless"</p> |
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| <p>5. an individual or family who—</p> <p>A. will imminently lose their housing, including housing they own, rent, or live in without paying rent, are sharing with others, and rooms in hotels or motels not paid for by Federal, State, or local government programs for low-income individuals or by charitable organizations, as evidenced by—</p> <p>i. a court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days;</p> <p>ii. the individual or family having 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; or</p> <p>iii. 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 any oral statement from an individual or family seeking homeless assistance that is found to be credible shall be considered credible evidence for purposes of this clause;</p> <p>B. has no subsequent residence identified; and</p> <p>C. lacks the resources or support networks needed to obtain other permanent housing; and</p> | <p>CATEGORY 2: Imminent risk of homelessness</p> |
| <p>6. unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who—</p> <p>A. have experienced a long-term period without living independently in permanent housing,</p> <p>B. have experienced persistent instability as measured by frequent moves over such period, and</p> <p>C. 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.</p> <p style="text-align: right;">42 U.S.C. § 11302(a)</p> | <p>CATEGORY 3: Homeless under other federal statutes</p> |
| <p>DOMESTIC VIOLENCE AND OTHER DANGEROUS OR LIFE-THREATENING CONDITIONS.— Notwithstanding any other provision of this section, the Secretary shall consider to be homeless 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.</p> <p style="text-align: right;">42 U.S.C. § 11302(b)</p> | <p>CATEGORY 4: Fleeing/Attempting to Flee Domestic Violence</p> |

Categories of Homelessness

HUD divides its definition of homelessness into [four categories](#), as noted above and as follows:

- Category 1: Literally homeless
- Category 2: Imminent risk of homelessness
- Category 3: Homeless under other federal statutes (see note below)
- Category 4: Fleeing/Attempting to flee domestic violence

Definitions Usage

The HUD definition of homelessness is used by HUD homeless assistance programs, including the [Continuum of Care \(CoC\)](#) and [Emergency Solutions Grant \(ESG\)](#) programs, and by U.S. Department of Veterans Affairs' (VA) programs serving veterans experiencing homelessness.

Note: [HUD must approve the use of CoC Program funds to serve people experiencing homelessness under Category 3 of its definition.](#) To date, HUD has not authorized any CoC to serve Category 3. People who qualify as homeless under Category 3 may be served by the ESG program if they meet required eligibility criteria for certain ESG components.

U.S. Department of Health and Human Services (HHS) Definitions

Definition of Homeless

According to the [Runaway and Homeless Youth Act \(RHYA\)](#), the term "homeless", used with respect to a youth, means an individual—



- A. who is—
 - i. less than 21 years of age, or, in the case of a youth seeking shelter in a center under part A, less than 18 years of age, or is less than a higher maximum age if the State where the center is located has an applicable State or local law (including a regulation) that permits such higher maximum age in compliance with licensure requirements for child-and youth-serving facilities; and
 - ii. for the purposes of part B, not less than 16 years of age and either—
 - I. less than 22 years of age; or
 - II. not less than 22 years of age, as of the expiration of the maximum period of stay permitted under section 11222(a)(2) of this title if such individual commences such stay before reaching 22 years of age;
- B. for whom it is not possible to live in a safe environment with a relative; and
- C. who has no other safe alternative living arrangement.

34 U.S.C. §11279(3)

Definition of Runaway

The term "runaway", used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.

34 U.S.C. §11279(4)

Definition of Street Youth

The term "street youth" means an individual who—

- A. is—
 - i. a runaway youth; or
 - ii. indefinitely or intermittently a homeless youth; and
- B. spends a significant amount of time on the street or in other areas that increase the risk to such youth for sexual abuse, sexual exploitation, prostitution, or drug abuse.

Definition of Youth At Risk of Separation From the Family

The term "youth at risk of separation from the family" means an individual—

- A. who is less than 18 years of age; and
- B.
 - i. who has a history of running away from the family of such individual;
 - ii. whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or
 - 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.

Definitions Usage

Key RHYA programs and their corresponding definitions are as follows:

- **The Basic Center Program (BCP)**: The BCP helps create and strengthen community-based programs that meet the immediate needs of runaway and homeless youth under 18 years old. In addition, BCP tries to reunite young people with their families or locate appropriate alternative placements. The BCP uses the RHYA definitions of homeless youth, runaway youth, and youth at risk of separation from the family.
- **The Street Outreach Program (SOP)**: The SOP work with homeless, runaway, and street youth to help them find stable housing and services. The SOP uses the RHYA definitions of homeless youth, runaway youth, and street youth.
- **The Transitional Living Program (TLP)**: The TLP provides long-term residential services to homeless youth between the ages of 16 and 22. The TLP uses the RHYA definitions of homeless youth.



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