

## Who Is Homeless?

### Who is homeless? (Sec.25)

The term "homeless children and youth"—

(A) means individuals who lack a fixed, regular, and adequate nighttime residence ...; 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 accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(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 ...

(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 who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

This document was collaboratively developed by:

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National Coalition for the Homeless (NCH)—202-737-6444 ext. 18—  
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National Law Center for Homelessness and Poverty (NLCHP)—202-638-2535—  
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The McKinney-Vento Homeless Assistance Act (Subtitle B—Education for Homeless Children and Youth), reauthorized in January 2002, ensures educational rights and protections for children and youth experiencing homelessness. This brief explains the legislation and offers strategies for implementing it in a school district. Additional briefs on various topics in the law may be found on the websites of the organizations listed below.

### Key Provisions

- The term "homeless" is broadly defined by the McKinney-Vento Act's Education for Homeless Children and Youth Program, as quoted at left.
- The term "unaccompanied youth" includes youth in homeless situations who are not in the physical custody of a parent or guardian.
- Preschool children, migrant children, and youth whose parents will not permit them to live at home or who have run away from home (even if their parents are willing to have them return home) are considered homeless if they fit the definition.

Homelessness is a lack of permanent housing resulting from extreme poverty, or, in the case of unaccompanied youth, the lack of a safe and stable living environment. Over 1.35 million children and youth experience homelessness in a year.<sup>1</sup> Families are the fastest-growing segment of the homeless population in the United States, accounting for approximately 40 percent of those in homeless situations.<sup>2</sup> Two trends are largely responsible for the rise in family homelessness over the past 15–20 years: a growing shortage of affordable rental housing and a simultaneous increase in poverty. There is an increasing gap between income and housing costs for low-income individuals. For example, a minimum-wage worker cannot afford the Fair Market Rent for housing in any jurisdiction in the United States.<sup>3</sup>

Yet, despite the obvious need, the supply of affordable housing continues to dwindle. Between 1997 and 1999, there was a net loss of more than 300,000 housing units affordable to households with low incomes.<sup>4</sup> The shortfall in affordable housing for the very poorest households now stands at 3.3 million housing units. The lack of affordable housing has resulted in an increase in the number of people who become homeless. A survey of 27 U.S. cities found that requests for emergency shelter increased by an average of 13 percent in 2001; requests for shelter by homeless families alone increased by 22 percent.<sup>5</sup>

The primary causes of homelessness among unaccompanied youth are physical and sexual abuse by a parent or guardian, neglect, parental substance abuse, and family conflict.

Children and youth in homeless situations often do not fit society's stereotypical images. For example, many children who are homeless are very young; in fact, over 40 percent of children living in homeless shelters are under the age of five.<sup>6</sup> In addition, emergency shelters in urban areas cannot meet the rising need for temporary housing, turning away 52 percent of all requests for emergency shelter by families. Rural areas often have no shelters at all.<sup>7</sup>

*continued on reverse*

## Who Is Homeless? (continued)

As a result of the lack of shelter, most students in homeless situations share housing with friends or relatives, stay in motels or other temporary facilities, or live on the streets, in abandoned cars, and in woods and campgrounds. Of the children and youth identified as homeless by State Departments of Education in FY2000, only 35 percent lived in shelters, 34 percent lived doubled-up with family or friends, and 23 percent lived in motels and other locations.<sup>8</sup> Yet, these children and youth may not immediately be recognized as homeless and are sometimes denied the protections and services of the McKinney-Vento Act. Therefore, the Act now contains a specific definition of homelessness that includes a broad array of inadequate living situations. This definition can help educators, families, and youth understand who is entitled to the Act's protections.

The issue brief entitled "Identifying Students in Homeless Situations" provides strategies to locate and serve children and youth living in a variety of homeless situations. Consult other issue briefs in this series for legal provisions and implementation strategies to ensure children and youth in homeless situations can select their school, enroll in school immediately, access transportation services, have disputes resolved quickly, and access Title I services.

### Footnotes

- <sup>1</sup> Burt, M. & Laudan, A. *America's Homeless II: Populations and Services*, The Urban Institute, 2000.
- <sup>2</sup> U.S. Conference of Mayors. *A Status Report on Hunger and Homelessness in America's Cities: 2001*.
- <sup>3</sup> National Low Income Housing Coalition. *Out of Reach*, 2001. [www.nlihc.org/oor2001](http://www.nlihc.org/oor2001)
- <sup>4</sup> Harvard University, Joint Center for Housing Studies, *The State of the Nation's Housing: 2001*. [www.jchs.harvard.edu/publications/son2001](http://www.jchs.harvard.edu/publications/son2001)
- <sup>5</sup> U.S. Conference of Mayors. *A Status Report on Hunger and Homelessness in America's Cities: 2001*
- <sup>6</sup> Interagency Council on the Homeless. *Homelessness: Programs and the People They Serve*, Summary Report. December 1999.
- <sup>7</sup> U.S. Conference of Mayors. *A Status Report on Hunger and Homelessness in America's Cities: 2001*
- <sup>8</sup> U.S. Department of Education. *Education for Homeless Children and Youth Program Report to Congress*, 2000.

### Endnotes

All definitions are contained, exactly as written here, in McKinney-Vento Act Sec. 725(2); 42 U.S.C. 11435(2).

"Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.... Throwaway children or youth (i.e. those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodations." U.S. Department of Education Preliminary Guidance for the Education for Homeless Children and Youth Program, Title VII, Subtitle B (June 1995), 22-3.

Every state is required to have a coordinator for the education of homeless children and youth, and every school district is required to have a liaison for homeless students. These individuals will assist you with the implementation of the McKinney-Vento Act. To find out who your state coordinator is, visit the NCHE website at [www.serve.org/nche](http://www.serve.org/nche).



For further information on the McKinney-Vento Act and resources for implementation, call the NCHE HelpLine at 800-308-2145 or e-mail [homeless@serve.org](mailto:homeless@serve.org).

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