



# Key Federal Terms and Definitions of Homelessness Among Youth

Homelessness is defined in a number of different ways. Below are federal definitions and key terms that are used when talking about youth who have run away and/or are experiencing homelessness.

## U.S. Department of Education (ED)

**Subtitle VII-B of the McKinney-Vento Homeless Assistance Act** defines *homeless children and youths* 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; 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 (within the meaning of section 11302(a)(2)(C) 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 subtitle because the children are living in circumstances described in clauses (i) through (iii).

42 U.S.C. § 11434a(2)

**Subtitle VII-B of the McKinney-Vento Homeless Assistance Act** defines *unaccompanied youth* as follows:

The term "**unaccompanied youth**" includes a youth not in the physical custody of a parent or guardian.

42 U.S.C. § 11434a(6)

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

HUD defines homelessness for their program into four categories. The categories are:

### Category 1: Literally Homeless

Individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:

- (i) Has a primary nighttime residence that is a public or private place not meant for human habitation;
- (ii) Is living in a publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or

- (iii) Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution

### **Category 2: Imminent Risk of Homelessness**

Individual or family who will imminently lose their primary nighttime residence, provided that:

- (i) Residence will be lost within 14 days of the date of application for homeless assistance;
- (ii) No subsequent residence has been identified; and (iii) the individual or family lacks the resources or support networks needed to obtain other permanent housing

### **Category 3: Homeless under other Federal statutes**

Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:

- (i) Are defined as homeless under the other listed federal statutes;
- (ii) Have not had a lease, ownership interest, or occupancy agreement in permanent housing during the 60 days prior to the homeless assistance application;
- (iii) Have experienced persistent instability as measured by two moves or more during in the preceding 60 days; and
- (iv) Can be expected to continue in such status for an extended period of time due to special needs or barriers

### **Category 4: Fleeing/Attempting to Flee Domestic Violence**

Any individual or family who:

- (i) Is fleeing or attempting to flee their housing or the place they are staying because of domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions related to violence that has taken place in the house or has made them afraid to return to the house, including:
  - Trading sex for housing
  - Trafficking
  - Physical abuse
  - Violence (or perceived threat of violence) because of the youth's sexual orientation;
- (ii) Has no other residence; and
- (iii) Lacks the resources or support networks to obtain other permanent housing.

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

### **The Runaway and Homeless Youth Act (RHYA)**

RHYA (42 U.S.C. §5732a) defines HOMELESS YOUTH as individuals who are *“less than 21 years of age...for whom it is not possible to live in a safe environment with a relative and who have no other safe alternative living arrangement.”* This definition includes only those youth who are unaccompanied by families or caregivers. This definition is used in connection with the Basic Center Program and the Transitional Living Program.

For the **Basic Center Program**, the homeless youth is an individual who is 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.

For the **Transitional Living Program**, the age is defined as 16-21 years of age, or 22 years of age if previously in care, under certain circumstances.

In addition, the Basic Center Program serves:

Runaway Youth —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.

AND

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.

Finally, the **Street Outreach Program** (which attempts to outreach and refer youth to the above-mentioned transitional living and runaway youth programs) has this definition of youth who are the target of outreach:

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.