

## Legal Definition of Homelessness

According to section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), the term “homeless children and youths”—

(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).

Children and youth are considered homeless if they fit both part A and any one of the subparts of part B of the definition above.

[What is the Meaning of Fixed, Regular, and Adequate Nighttime Residence?](#)

### **Fixed, Regular, and Adequate Nighttime Residence**

**Fixed nighttime residence:** Stationary, permanent, and not subject to change.

**Regular nighttime residence:** Used on a predictable, routine, or consistent basis.

**Adequate nighttime residence:** Sufficient for meeting both the physical and psychological needs typically met in home environments.