

ATTACHMENT D: McKinney-Vento Act Definition of Homelessness

It is the responsibility of the local VA medical center HCHV program to determine homeless status of program applicants. The HCHV Program follows the definition of “homeless” as authorized in 38 U.S.C. 2002(1) and The McKinney-Vento Homeless Assistance Act, as amended by S. 896 The Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009.

NOTE: See <http://www.hudhre.info/hearth/>

- a. Homeless refers to:
- b. An individual or family who lacks a fixed, regular, and adequate nighttime residence.
- c. 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.
- d. 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).
- e. An individual who resided in a shelter or a place not meant for human habitation and who is exiting an institution where the individual temporarily resided.
- f. An individual or family who:
 - i. Shall 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:
 - ii. A court order resulting from an eviction action that notifies the individual or family that they must leave within 14 days.
 - iii. 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.
 - iv. Credible evidence indicating that the owner or renter of the housing shall 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 must be considered credible evidence for purposes of this clause.
- g. Has no subsequent residence identified.
- h. Lacks the resources or support networks needed to obtain other permanent housing.
- i. Unaccompanied youth and homeless families with children and youth defined as homeless under other Federal statutes who:
 - i. Have experienced a long-term period without living independently in permanent housing;

- ii. Have experienced persistent instability as measured by frequent moves over such period; and
- iii. 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 use disorders, histories of domestic violence or childhood abuse, the presence of a child or youth with a disability, or multiple barriers to employment.
- iv. **NOTE:** *The term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained pursuant to an Act of Congress or a state law.*