



Migrant and Homeless Under the McKinney-Vento Act

The McKinney-Vento Act defines homeless children and youth as individuals who lack a ***fixed, regular, and adequate nighttime residence***. Included in the definition of homeless are migrant children living in the circumstances described in the definition; therefore, while migrant students are not categorically eligible for McKinney-Vento services, migrant students living in a primary nighttime residence that is not fixed, regular, and adequate are.

The definition lists several living arrangements that are not fixed, regular and adequate, and therefore, would be considered homeless. This includes:

- Sharing housing with a friend, relative or someone else due to
 - Loss of housing
 - Economic hardship or similar reason
- Living in a motel or hotel
- Living in trailer parks
- Living in camping grounds due to lack of alternative accommodations
- Living in emergency or transitional shelters
- Abandoned in hospital
- Primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings
- Temporary living arrangement (month to month lease; up to six months)
- Crowded conditions
- Migrant or farm labor housing/camp (open seasonally)

Criteria that deems housing as substandard may include:

- Lacks water, electricity or heat
- Infested with vermin (bed bugs, lice, etc.) or mold
- Lacks a functional part such as a working kitchen or toilet
- May present unreasonable dangers to adults, children or persons with disabilities
- Housing that doesn't meet local or State housing code