

Discussion of Veteran and Homeless Definitions

Definitions of Veteran

While different interests may consider varying ways of defining a Veteran, there is one key definition that has the power to determine Veteran benefits: Title 38 of the United States Code. To receive Veteran benefits, a Veteran is defined as a person who “served in the active military, naval, or air service, and who was discharged or released there from under conditions other than dishonorable.”¹

In terms of homeless Veterans, the United States Interagency Council for the Homeless’ *Opening Doors* plan defines Veterans as “all Veterans: both individual Veterans and Veterans in families with children; Veterans who are experiencing chronic homelessness and those who are not; and Veterans with every discharge status, including those Reserve and Guard members who maintain an obligation and potential re-activation status with Department of Defense (DoD), but who also have an established Veterans status with [Veteran Affairs] following discharge from periods of active duty; and those Veterans who are not eligible for [Veteran Affairs] benefits and services”.² The definition for *Opening Doors* is notably much broader than the definition required for receiving Veterans benefits.

Readers should keep in mind that the definitions used for Veterans differ depending on program type and that not all state funds or federal pass-through funds administered by state agencies use the definitions above. The members of the TICH have completed a table with programs that are specifically for or possibly available to Veterans experiencing homelessness or in danger of experiencing homelessness, specifying which definition Veterans need to meet in order to receive program assistance.

Definitions of Homeless

The most universally-used definition is the McKinney-Vento Homeless Assistance Act (P.L. 100-77). The Congressional Research Services has shown that “Although Veterans experience all types of homelessness, some evidence exists that they may be chronically homeless in higher numbers than non Veterans.”³ Below are definitions of homelessness per Mc-Kinney-Vento and the

Literal homelessness includes any individual or family lacking a fixed, regular, and adequate nighttime residence. Persons or families who are literally homeless face one of the following three situations:

- Having a primary nighttime residence that is a public or private place not designed for regular sleeping accommodation, such as a car, park, abandoned building, bus or train station, or campground; or

¹ Perl, 2015, November, p. 2.

² United States Interagency Council for the Homeless, 2015, p. 26.

³ Ibid, p. 18.

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- Living in an emergency shelter, including transitional housing and hotels/motels paid by charitable institutions or government entities; or
- Exiting an institution, such as a jail or hospital, after a stay of 90 days or fewer, if the persons had lived in a place not meant for human habitation or lived in an emergency shelter before becoming homeless.⁴

Persons or families who meet all of the following criteria are considered homeless, since they are experiencing imminent loss of housing:

- Having an eviction notice with 14 or fewer days' notice, lack of resources to remain in a hotel or motel for more than 14 days, or evidence that the individual or family could not stay with another homeowner or renter for more than 14 days; and
- Having no subsequent residence identified; and
- Lacking resources or support networks to obtain other permanent housing.⁵

Unaccompanied youth and families who do not qualify as homeless under McKinney-Vento but are considered homeless under other federal statutes, can still be considered homeless under McKinney-Vento if the youth and homeless families:

- Have experienced a 60 days or greater period without living independently in permanent housing;
- Have experienced instability by two or more moves during a 60-day period; and
- Are expected to continue in unstable housing due to certain factors. For example, chronic disabilities, physical or mental health conditions; substance addiction; histories of domestic violence or childhood abuse; the presence of a child or youth with a disability; or multiple barriers to employment.⁶

McKinney-Vento's definition of homelessness also includes persons fleeing or attempting to flee domestic violence or life-threatening condition.⁷

The definition of Chronic homelessness was updated in December, 2015, by the Continuum of Care Final Rule (24 Code of Federal Regulation §578.3). Chronically homeless is defined as:

(1) A "homeless individual with a disability," as defined in section 401(9) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(9)), who:

(i) Lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

⁴ Perl, 2015, p. 4.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

(ii) Has been homeless and living as described in paragraph (1)(i) of this definition continuously for at least 12 months or on at least 4 separate occasions in the last 3 years, as long as the combined occasions equal at least 12 months and each break in homelessness separating the occasions included at least 7 consecutive nights of not living as described in paragraph (1)(i). Stays in institutional care facilities for fewer than 90 days will not constitute as a break in homelessness, but rather such stays are included in the 12-month total, as long as the individual was living or residing in a place not meant for human habitation, a safe haven, or an emergency shelter immediately before entering the institutional care facility;

(2) An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or

(3) A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) or (2) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.⁸

⁸ United States Department of Housing and Urban Development, December, 2015.