

# DETERMINING FIXED, REGULAR AND ADEQUATE

The McKinney-Vento Homeless Assistance Act defines homeless children as “individuals who lack a fixed, regular, and adequate nighttime residence.” These sample questions can be used as a guide in determining whether a family qualifies as homeless under this federal law.

**Fixed:** *A residence that is stationary, permanent and not subject to change. Factors to consider:*

- Does the family have any legal right to be in that home?
- Is the arrangement permanent or temporary?
- Is the family seeking another place to live?
- How soon does the family plan to move?
- What brought the family to the current living situation?
- Where was the family living previously?
- Where would the family go if they couldn't stay in their current location?
- Did the family move in together to save money? Is this a permanent plan?
- Could the family be asked to leave at any time?
- Is the housing shared equally?
- Is the location on wheels? Does it move to various locations?



**Regular:** *A residence that is used on a regular, nightly basis. It is consistent. Factors to consider:*

- Does the family move frequently?
- Does the family stay in the same place each night?
- Does the family have a key to the place they are staying?
- How long has the family been there?
- What is their residence plan?
- How long did they live in the last place? Why did the family leave?
- Can the family come and go freely?



**Adequate:** *A residence that is sufficient for meeting both the physical and psychological needs typically met in a home environment. The residence has adequate privacy, space, security, lighting and ventilation, etc. Factors to consider:*

- How large is the residence?
- How many people reside at that location?
- Is the family sharing a room? How many people share one room?
- Where does the family sleep? Is it in a bedroom, or in a public area such as a dining room or living room?
- Does the place have running water, electricity, and heat?
- What is the condition of the place? Is it safe, warm and dry? Is there glass in the window panes? Are there holes in the structure?
- Is the housing sub-standard (e.g. housing that may cause significant injury, illness or death)?
  - health and safety issues
  - number of occupants vs. number of square feet
  - age of occupants
  - local and state building codes



Adapted from *Best Practices in Homeless Education: Determining Eligibility for Rights and Services Under the McKinney-Vento Act*

(National Association for the Education of Homeless Children and Youth)



# Doubled Up



## HOMELESS

Residence is NOT  
FIXED, REGULAR AND ADEQUATE

### Loss of Housing:

- Eviction; inability to pay rent/bills
- Destruction of or damage to home
- Unhealthy conditions (infestations, domestic violence, drug/alcohol abuse in home)
- Student doesn't have personal housing (abandoned, kicked out of home, left due to abuse)

### Economic Hardship:

- Limited financial resources have forced family to share housing
- Due to accident or illness
- Due to loss of employment
- Due to loss of public benefits
- Due to condition of poverty
- Intent of sharing is temporary (though situation may last longer)

### Sharing Housing:

- No legal right to be in the home
- Can be asked to leave at any time with no legal recourse
- Moved into the home as an urgent measure to avoid being on the street
- Living situation is intended to be temporary

Student/family is residing with  
another family

WHY?

Determination is a  
**CASE-BY-CASE** analysis

## NOT HOMELESS

Residence is  
FIXED, REGULAR AND ADEQUATE

### Fixed Residence:

- Stationary, permanent and not subject to change
- Intent of sharing housing is to be a permanent arrangement
- Moved in together to share a home and expenses- intent is a long term arrangement
- Sharing home equally—not just guests in the home

### Regular Residence:

- Used on a regular, consistent, nightly basis
- Family has keys to residence and is free to come and go as they please
- Family is not in fear of being kicked out of home

### Adequate Residence:

- Residence is sufficient for meeting both the physical and psychological needs typically met in home environments
- Enough space for all occupants—not living in public areas (e.g., dining room)
- Home has heat/electricity/running water

A long-term, cooperative living arrangement among families that is fixed, regular, & adequate

- Refer to the District's McKinney-Vento Homeless Education Liaison
- Complete Homeless Program form
- Use CALPADS Primary Residence Code 120 (Temporarily Doubled Up)

- Complete Residency Affidavit
- Use CALPADS Primary Residence Code 200 (Permanent Residence)