

Two Federal Definitions of Youth Homelessness: How Regulatory Design Shapes Eligibility for Housing Assistance

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Abstract

Two federal agencies count homeless youth using different definitions, and the resulting figures diverge by roughly a factor of forty. On a single night in January 2025, the Department of Housing and Urban Development identified 35,159 unaccompanied homeless youth nationwide. Over the 2023-24 school year, the Department of Education identified 1,548,191 homeless children and youth under the McKinney-Vento Act, about three-quarters of them doubled up in someone else's home rather than in a shelter or on the street. That gap is best read as a matter of regulatory design rather than measurement error. HUD's definition of homelessness, at 24 CFR 578.3, excludes the doubled-up and economic-hardship categories that McKinney-Vento explicitly includes at 42 U.S.C. § 11434a. Federal housing assistance follows HUD's narrower definition. Continuum of Care funding is allocated using HUD's count, and the Youth Homelessness Demonstration Program limits assistance to doubled-up youth to ten percent of a community's award. That arrangement rests on the statutory language, on the funding formula that gives the narrower definition its practical force, and on the repeated failure of the Homeless Children and Youth Act, reintroduced in the current Congress as S.1667 and H.R.6403, to align the two definitions despite bipartisan sponsorship. That record lines up with the existing empirical literature, particularly a 2022 study finding that a third of students identified as homeless in HUD's own housing records went unrecognized by their schools. Maintaining two incompatible federal definitions has let Congress ration eligibility without having to legislate the rationing directly.

Keywords: youth homelessness, McKinney-Vento Act, HUD, Continuum of Care, homelessness definitions

1. Introduction

A student who sleeps on a relative's couch because her family lost their apartment is homeless under federal education law. The same student, walking into a federally funded shelter intake office

the next morning, is very likely not homeless under federal housing law. That mismatch is the designed outcome of two federal statutes that define the same word differently and assign that word different consequences.

The scale of the resulting gap is large enough to be treated as a genuine empirical puzzle rather than a rounding error. On a single night in January 2025, the U.S. Department of Housing and Urban Development (HUD, 2026) counted 35,159 unaccompanied homeless youth nationwide through its annual Point-in-Time count. Over the 2023-24 school year, the U.S. Department of Education's National Center for Homeless Education (NCHE, 2026) identified 1,548,191 children and youth experiencing homelessness under the McKinney-Vento Homeless Assistance Act, a figure equal to 3.2 percent of all public school enrollment that year. The two counts are not measuring identical things. HUD's is a single-night tally of unaccompanied minors and young adults. The Department of Education's is a full-school-year cumulative count of all homeless children and youth, including those living with a parent. Even accounting for that difference in scope, the education count exceeds the housing count by roughly forty to one. About 74 percent of the students counted by schools, more than 1.15 million children and youth, were living doubled up with another family rather than in a shelter, a motel, or an unsheltered location (NCHE, 2026).

This paper argues that the gap is best explained by regulatory design rather than by inconsistent measurement technique. McKinney-Vento's education provisions, at 42 U.S.C. § 11434a(2), define homeless children and youth broadly enough to include those "sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason." HUD's regulatory definition, at 24 CFR 578.3, excludes that same doubled-up population from the categories that drive housing eligibility. HUD has separately instructed that no Continuum of Care (CoC) may serve individuals under the broader "Category 3" definition without special agency approval (24 CFR 578.89). Congress allocates federal Homeless Assistance Grants using HUD's narrower count, and the flagship youth housing program caps assistance to the broader-definition population at ten percent of a community's award. That definitional choice, made in the Code of Federal Regulations, has direct, dollar-denominated consequences for which homeless young people can be assessed for help.

The remainder of this paper proceeds in eight parts. Section 2 reviews the existing empirical and legal literature on the definitional gap and locates the contribution of this paper within it. Section

3 describes the research approach used to identify and verify the sources relied on throughout. Section 4 lays out the statutory and regulatory architecture that produces two incompatible definitions of the same population. Section 5 quantifies the gap over time and by housing situation. Section 6 traces the funding-eligibility mechanism that converts a definitional choice into a resource allocation outcome. Section 7 reviews developments between 2024 and 2026, including the reintroduced Homeless Children and Youth Act (HCYA) and ongoing litigation over HUD's Continuum of Care funding notices. Section 8 discusses what the persistence of this arrangement suggests about the political function of definitional ambiguity in federal homelessness policy and sets out three concrete directions for reform. Sections 9 and 10 address limitations and conclude.

2. Literature Review

The empirical dimension of the HUD-McKinney-Vento gap has drawn more sustained attention than its legal and regulatory dimension. Lowell and Hanratty (2022) linked Minnesota school records to that state's Homeless Management Information System across four school years. They found that 34 percent of students who met HUD's own housing-system definition of homelessness were never identified as homeless by their schools, a mismatch running in the opposite direction from the one this paper foregrounds. That finding is a reminder that neither system captures the full population the other one does. More directly relevant to this paper's argument, Lowell and Hanratty also found that doubled-up and literally homeless students faced comparable levels of educational disadvantage. That finding undercuts the premise, implicit in HUD's narrower definition, that doubled-up arrangements are meaningfully less precarious than shelter stays or street homelessness. Richard et al. (2022) took a different empirical approach, using Census microdata to estimate that 3.7 million people were doubled up nationwide in 2019, a population an order of magnitude larger than HUD's entire annual sheltered-and-unsheltered count. That figure is a useful corrective to the assumption that doubled-up arrangements are a marginal category rather than the modal form of family homelessness. The U.S. Government Accountability Office (GAO, 2010) documented the definitional divergence itself as early as 2010. It concluded that federal agencies used inconsistent definitions of homelessness that complicated any effort to size the population accurately or to coordinate services across programs.

Prevalence research adds a demographic dimension that the count comparison alone does not capture. Chapin Hall's Voices of Youth Count was a national phone survey of 26,161 respondents,

conducted in 2016 and 2017. It estimated that roughly one in ten young adults aged 18 to 25 and one in thirty adolescents aged 13 to 17 experience some form of homelessness over a twelve-month period, including running away, couch surfing, staying in a shelter, or sleeping unsheltered. That works out to an estimated 4.2 million young people nationwide (Morton et al., 2018). The same study also found substantial disparities in risk. LGBTQ youth faced a 120 percent higher risk of homelessness than their peers, Black youth an 83 percent higher risk, and Latino or Latina youth a 33 percent higher risk. Chapin Hall has since called for an updated national prevalence study, since the underlying survey is now close to nine years old and predates most of the developments discussed in Section 7. A related but analytically distinct strand of research examines the foster-care-to-homelessness pipeline. Dworsky et al. (2019) found that roughly one in five former foster youth experience homelessness within four years of aging out of care. Spindle-Jackson et al. (2024) found that extending foster care eligibility to age 21 under the Fostering Connections to Success and Increasing Adoptions Act measurably reduced homelessness among former foster youth. That literature bears on a different reform lever, state-level extended foster care policy, and is noted here only to mark it as adjacent rather than to take it up directly.

The legal literature is considerably thinner than the empirical literature. Metcalf (2021) wrote as a student note in the *Stetson Law Review*. The note argued that HUD's regulatory exclusion of doubled-up youth misreads the McKinney-Vento Homeless Assistance Act's original intent, and that the agency's interpretation of the HEARTH Act amendments, which govern HUD's homeless-assistance programs, is legally vulnerable to challenge. That note remains, to this author's knowledge, the only dedicated legal treatment of the doubled-up exclusion published in a law review. No subsequent article has updated that analysis against the 2024-2026 developments taken up in Section 7 of this paper. Those developments include the reintroduction of the Homeless Children and Youth Act in the 119th Congress, the release of the 2025 Annual Homeless Assessment Report, the National Center for Homeless Education's 2023-24 data summary, and the ongoing litigation between the National Alliance to End Homelessness and HUD over Continuum of Care funding notices.

This paper's contribution is therefore a synthesis rather than a wholly novel empirical finding. It draws the statutory text, the regulatory mechanism, and the funding formula into a single account of how the definitional gap becomes an eligibility gap. It updates that account with the most recent data and legislative activity. Finally, it situates the doubled-up exclusion within a broader pattern,

in which federal homelessness policy rations scarce housing assistance through definitional narrowing rather than through an explicit, contestable funding cap. The paper follows Lowell and Hanratty (2022) and Metcalf (2021) in treating the empirical case for reform as already substantially made, and it does not claim to be the first to identify the gap between the two counts.

3. Materials and Methods

This paper is a doctrinal and policy-analytic synthesis rather than an empirical study involving primary data collection, human subjects, or original statistical analysis, and its methods section describes a research and verification process rather than a study design. Three categories of source material were used, each identified and checked in a different way.

Primary legal sources were retrieved directly from Congress.gov, govinfo.gov, and the Electronic Code of Federal Regulations rather than from secondary summaries. These sources include the McKinney-Vento Homeless Assistance Act at 42 U.S.C. § 11434a, HUD's implementing regulations at 24 CFR 578.3 and 578.89, and the text of S.1667 and H.R.6403. Every statutory or regulatory quotation in this paper was checked against that primary text. Federal administrative data, including HUD's 2025 Annual Homeless Assessment Report and NCHE's 2021-22 to 2023-24 data summary, were retrieved from the issuing agencies' own websites (huduser.gov and nche.ed.gov, respectively) rather than from press coverage of those reports. The specific figures used in Sections 5 and 7 of this paper were also cross-checked against at least one independent agency or research-organization summary of the same underlying report where one was available.

Peer-reviewed and law-review literature was identified through targeted searches for empirical and legal work specifically addressing the HUD-McKinney-Vento definitional gap, doubled-up homelessness measurement, and youth homelessness prevalence. That search was not a comprehensive, database-indexed systematic review of the kind a full law-review article would typically report, and Section 9 flags this as a limitation. Secondary reporting, including advocacy-organization publications and trade press, was used only where it summarized or contextualized a primary source that could also be independently located. One exception is noted directly: a district-level statistic reported in trade press could not be traced to a verifiable primary source, and Section 6 flags it as an unconfirmed claim rather than citing it as established fact. All legislative and litigation developments discussed in this paper are current as of September 2026. Any subsequent

committee action, floor vote, or court ruling would need to be incorporated before this paper could be treated as reflecting the present state of the law.

4. The Statutory and Regulatory Framework

The divergence between HUD's and the Department of Education's homeless counts traces back to two separately drafted definitions of the same underlying term. McKinney-Vento's education subtitle defines "homeless children and youths" as those who lack "a fixed, regular, and adequate nighttime residence," a definition that Congress wrote broadly and then specified further by example. The statute explicitly includes children and youth "sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason" and those "living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations" (42 U.S.C. § 11434a(2)). Both categories, doubled-up and out-of-pocket motel stays, are written into the statute as core examples of homelessness rather than as edge cases requiring separate justification. Congress has broadened this education-side definition and its accompanying enrollment protections over successive reauthorizations of the underlying act, a trajectory that runs in the opposite direction from HUD's regulatory definition over the same period.

HUD's regulatory definition proceeds from a different statutory base and reaches a narrower result. Under 24 CFR 578.3, a person is homeless for HUD purposes only if they meet one of four categories. The first covers people literally homeless in a shelter, transitional housing, or a place not meant for human habitation. The second covers imminent loss of housing within fourteen days with no subsequent residence identified. The third covers homelessness under another federal statute's definition, a category that on its face could absorb the McKinney-Vento population, since it explicitly references homelessness "under other Federal statutes." The fourth covers people fleeing or attempting to flee domestic violence. The third category is where the two definitions might have converged. In practice, that convergence does not occur. HUD's own guidance states that the agency has not authorized any Continuum of Care to serve individuals under that third category without a separate approval process under 24 CFR 578.89. That approval is granted only after a community documents that serving the broader population would be cost-effective. Doubled-up and unsubsidized motel arrangements are consequently excluded, in practice if not entirely on the face of the regulation, from the categories that drive HUD's Point-in-Time counts and most Continuum of Care assistance.

Table 1 summarizes the practical difference between the two definitions as they operate today.

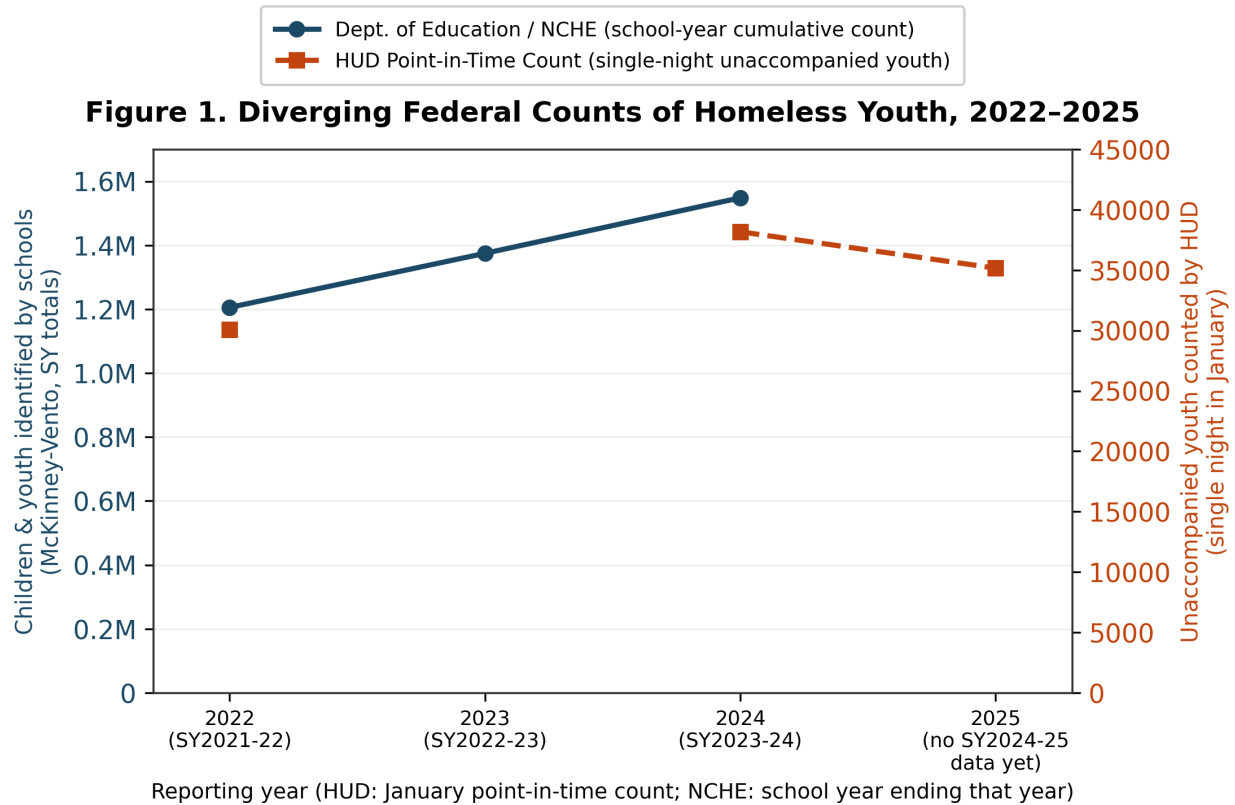
Table 1. Comparison of the McKinney-Vento and HUD definitions of youth homelessness

Feature	McKinney-Vento (42 U.S.C. § 11434a)	HUD (24 CFR 578.3)
Governing statute	McKinney-Vento Homeless Assistance Act, education subtitle	HEARTH Act amendments to the McKinney-Vento Act
Core standard	Lacks a fixed, regular, and adequate nighttime residence	Falls into one of four enumerated categories
Doubled-up youth	Explicitly included	Excluded from operative categories absent HUD approval
Motel/hotel stays (self-pay)	Explicitly included	Excluded unless imminent loss of housing is separately shown
Administering agency	U.S. Department of Education, via local school liaisons	U.S. Department of Housing and Urban Development, via Continuum of Care lead agencies
2023-24/2025 count	1,548,191 (school year)	35,159 (single night)

The divergence reflects two statutes assigning different legal content to the same word, with the narrower content controlling access to the larger federal resource, rather than two agencies independently measuring the same phenomenon with different instruments and arriving at different estimates by chance. The GAO identified this basic structure as far back as 2010, and no rulemaking has since altered the core categories at 24 CFR 578.3.

5. The Empirical Scale of the Gap

The definitional gap is not static, and its trajectory over time strengthens rather than weakens the case that the two counts measure different populations rather than the same population with different noise. Figure 1 plots HUD's unaccompanied-youth Point-in-Time count alongside NCHE's school-year homeless student count from 2022 through the most recent available data in each series.

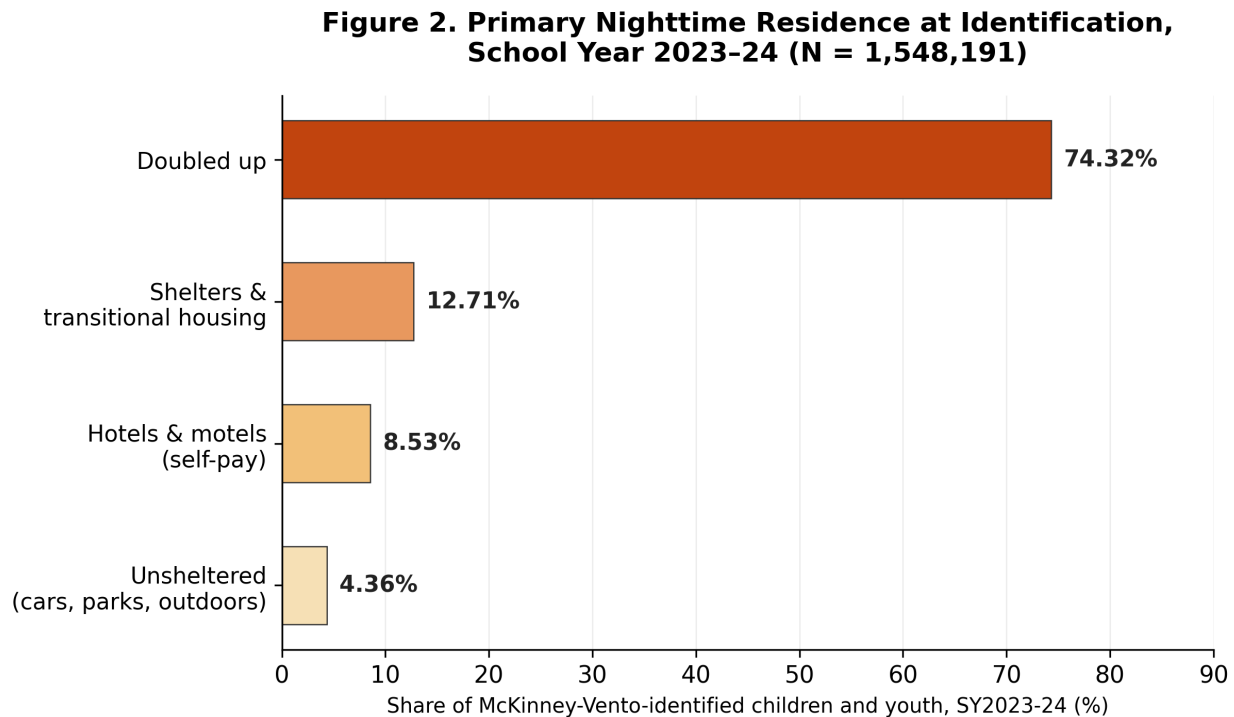


Note. HUD's January 2023 count is omitted; the widely cited ~34,700 figure for that year could not be verified against a primary HUD table and is excluded rather than estimated. Sources: HUD (2026); NCHE (2026).

Figure 1. Diverging federal counts of homeless youth, 2022-2025

Between the 2021-22 and 2023-24 school years, the NCHE count rose from 1,205,311 to 1,548,191, a 28.5 percent increase over two years (NCHE, 2026). Over almost the same window, HUD's Point-in-Time count of unaccompanied youth fell from 38,170 in January 2024 to 35,159 in January 2025, after having risen from a low of 30,090 in January 2022 (HUD, 2026). The two series move in opposite directions over the same broad period. That divergence is difficult to reconcile with the idea that the two counts are tracking one underlying trend with different levels of measurement error. It is far more consistent with the two systems capturing substantially different populations, one shaped by school-based identification of a broad range of housing instability and the other shaped by a narrower, shelter-centered federal definition. HUD's January 2023 unaccompanied-youth figure is omitted from Figure 1 rather than estimated, since the roughly 34,700 figure sometimes cited for that year could not be verified against a primary HUD table in the course of this research. The surrounding 2022, 2024, and 2025 data points are drawn directly from HUD's published reports and are treated as reliable.

The composition of the NCHE count matters as much as its size. Figure 2 breaks down the 1,548,191 students identified in the 2023-24 school year by their primary nighttime residence at the point of identification.



*Note. Categories generally excluded from HUD's core homeless definition (24 CFR 578.3) appear in the top two bars.
Source: National Center for Homeless Education (2026).*

Figure 2. Primary nighttime residence at identification, school year 2023-24

Just over 74 percent of McKinney-Vento-identified students, more than 1.15 million children and youth, were doubled up. Another 12.71 percent were in shelters or transitional housing, 8.53 percent were in hotels or motels paid for out of pocket, and 4.36 percent were unsheltered (NCHE, 2026). Read against HUD's four categories, the two largest slices of the McKinney-Vento population, doubled-up and self-pay motel stays, are precisely the categories that HUD's regulatory definition generally excludes from Categories 1, 2, and 4. Only the shelter and transitional housing share, roughly one in eight McKinney-Vento-identified students, and a portion of the unsheltered share map cleanly onto HUD's operative categories without requiring the Category 3 approval process described in Section 4. The remaining share, well over eighty percent of the McKinney-Vento population, is generally invisible to the count that drives federal housing assistance eligibility.

6. The Funding-Eligibility Transmission Mechanism

A definitional gap on paper becomes a resource allocation outcome through a specific administrative pathway, and tracing that pathway is what distinguishes a legal-regulatory account of the gap from a purely statistical one. Figure 3 diagrams that pathway as a five-step chain running from statutory text to a binding funding cap.

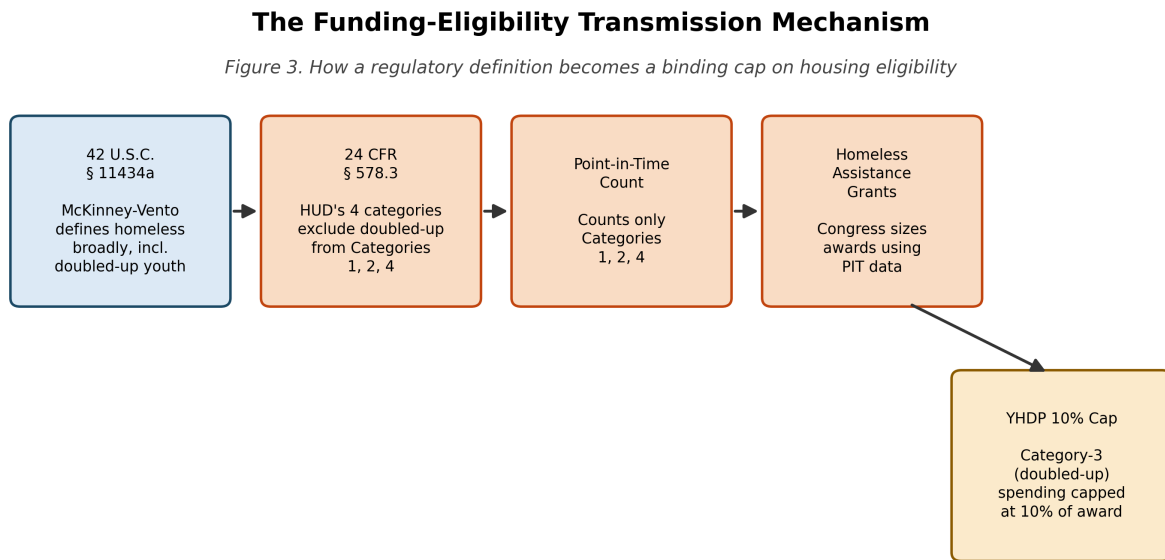


Figure 3. The funding-eligibility transmission mechanism

Congress allocates HUD's Homeless Assistance Grants, the primary federal funding stream for homeless housing programs, using Point-in-Time count data that reflects only HUD's Categories 1, 2, and 4. Because doubled-up youth do not fall into those categories, they are not counted for purposes of sizing a community's award. They generally cannot be assessed for HUD-funded housing assistance in the first place, independent of any question about a program's capacity or a family's other eligibility factors. Point-in-Time data also feeds directly into the Continuum of Care competition process, where HUD scores communities' annual funding renewal applications in part on system performance measures calculated from that same count. The narrower definition therefore shapes two things at once, whether an individual youth can be assessed for help and how competitive a community's application is for renewed federal funding.

The Youth Homelessness Demonstration Program (YHDP), HUD's flagship youth-specific initiative, makes this exclusion explicit rather than incidental. YHDP funding may serve youth meeting Categories 1, 2, or 4 without restriction. A community may direct no more than ten percent of its YHDP award to youth meeting the broader Category 3 definition, and only after HUD approves a request documenting that serving that population would be cost-effective. Given that roughly three-quarters of McKinney-Vento-identified youth are doubled up (NCHE, 2026), a ten percent cap on Category 3 spending means that the large majority of the McKinney-Vento-identified youth population is structurally excluded from a program built specifically to serve homeless youth.

The downstream effect of this mechanism is documented rather than speculative. A Learning Policy Institute brief on California data found that more than 80 percent of the state's student population experiencing homelessness does not qualify for HUD homeless assistance, precisely because most are doubled up. Trade press reporting has suggested that in some individual school districts the excluded share runs as high as 70 percent. That district-level figure could not be traced to a verifiable primary source in the course of this research (see Section 3) and should be treated as an unconfirmed claim rather than as a second data point. The statewide California figure is the more defensible number to cite.

This transmission mechanism, statute to regulation to Point-in-Time count to appropriations formula to program eligibility cap, is the paper's central legal-analytic contribution. Prior empirical work has established that the two counts diverge and that the divergence carries real consequences for educational outcomes (Lowell & Hanratty, 2022). What has been less thoroughly documented in the legal literature is the specific administrative chain itself, the way a definitional choice made in a regulation becomes a binding cap on which homeless young people can receive federally funded housing help. That cap applies independent of the severity of their circumstances or the availability of local shelter capacity.

7. Recent Developments, 2024-2026

Three developments since 2024 sharpen rather than resolve the gap described above. First, the 2025 Annual Homeless Assessment Report (AHAR), released by HUD on May 29, 2026, found that total U.S. homelessness fell to 745,652 people on a single night in January 2025. That figure is a 3.4 percent decrease and the first year-over-year decline since 2016 (HUD, 2026).

Unaccompanied youth homelessness fell by 8 percent, from 38,170 in 2024 to 35,159 in 2025, though that figure remains above the 30,090 recorded in 2022. Advocacy organizations, including SchoolHouse Connection, have cautioned that Point-in-Time count decreases can reflect methodological artifacts, such as reduced shelter capacity or fewer volunteer counters, rather than a genuine reduction in need. This paper treats the 2025 decline with that caveat rather than presenting it as unambiguous progress.

Second, NCHE's February 2026 data summary for school years 2021-22 through 2023-24 recorded the opposite trend. Homeless student counts rose from 1,205,311 in 2021-22 to 1,548,191 in 2023-24, with the doubled-up share holding steady at roughly 74 percent of the total across those years (NCHE, 2026). Section 5 discusses why this opposite-direction movement is itself evidence that the two systems capture different populations.

Third, the Homeless Children and Youth Act was reintroduced in the 119th Congress with the kind of bipartisan sponsorship that has accompanied every version of the bill since it was first introduced in 2017. The Senate version, S.1667, was introduced by Senators Katie Britt (R-AL) and Angela Alsobrooks (D-MD) on May 7, 2025, and referred to the Committee on Banking, Housing, and Urban Affairs. The House version, H.R.6403, was introduced by Representatives Mike Lawler (R-NY) and Janelle Bynum (D-OR), joined by Representative Delia Ramirez (D-IL), on December 3, 2025, and referred jointly to the Financial Services and Education and Workforce Committees. Both bills would align HUD's definition of homelessness with the broader definition already used by the Department of Education and other federal agencies and would require annual data collection on homeless children, youth, and families. Neither bill had advanced out of committee as of this writing.

The bill's legislative history helps explain why passage has proven so difficult. Opposition, centered on the National Alliance to End Homelessness and other parts of the homelessness-services field, has consistently argued that expanding HUD's definition without a matching increase in appropriated funding would dilute a fixed pool of housing resources across a much larger eligible population. That dilution, opponents argue, would pull funds away from permanent-housing interventions with an established evidence base. Sponsors have responded that the bill would only make doubled-up youth and families eligible for assessment, not guarantee them housing placement. That argument addresses the resource-dilution objection without directly

refuting the underlying concern about a fixed funding pool. Research complicates the opposition's premise about relative need. A National Network for Youth analysis of Chicago's Families in Transition data found that doubled-up families reported greater mental health needs and higher rates of medical conditions than HUD-recognized homeless families, alongside similar rates of other vulnerabilities. That evidence runs against the assumption that the doubled-up population is meaningfully less needy than the sheltered population HUD currently prioritizes.

A fourth development is not directly about the youth definitional gap, though it is highly relevant to the funding context in which any reform would operate. It is the ongoing litigation between the National Alliance to End Homelessness and HUD over the agency's Continuum of Care funding notices. A federal district court in Rhode Island vacated HUD's FY2025 Notice of Funding Opportunity in June 2026 and vacated a subsequent FY2026 notice in August 2026. In both cases, the court found that HUD had failed to satisfy the Administrative Procedure Act's notice-and-comment requirements before attempting to cap permanent-housing spending and redirect funds toward other program types. HUD appealed. On September 16, 2026, a three-judge panel of the First Circuit granted the agency's request for a stay pending appeal, allowing the FY2026 notice to proceed for the moment even as the underlying legal challenge continues. This litigation concerns how CoC funds already allocated under HUD's narrower definition should be spent, not who counts as homeless for eligibility purposes in the first place. Even so, the instability it has introduced into CoC funding cycles is directly relevant background for any assessment of how readily the system could absorb an expanded, HCYA-style eligible population if Congress were to act.

8. Discussion: Definitional Design as Implicit Rationing

Read together, the statutory text, the funding mechanism, and the fourteen-year record of a stalled legislative fix suggest that the HUD-McKinney-Vento gap functions less as an unintended measurement artifact and more as a durable, if largely unacknowledged, rationing device. Congress has never voted to exclude doubled-up youth from federal housing assistance as a matter of stated policy. Instead, an administrative definition adopted through regulation has produced that exclusion as a byproduct. That byproduct has proven far more durable than an explicit funding cap might have been, because reversing it requires amending a statute rather than simply appropriating more money. The repeated, bipartisan-sponsored failure of the Homeless Children and Youth Act

across three Congresses, from Representative Stivers's 2017 version through the current S.1667 and H.R.6403, illustrates how resistant this kind of definitional rationing is to direct legislative correction. That resistance holds even when the sponsors span the political spectrum, and even when the empirical case that doubled-up youth face comparable hardship to sheltered youth is not seriously contested by either side of the debate.

This dynamic has a broader implication for how researchers and advocates should frame reform efforts. Arguments that emphasize the size of the excluded population, the 1.15 million doubled-up students identified by schools each year, are necessary but may not be sufficient. The opposition's resource-dilution argument does not dispute that population's size so much as its priority relative to a fixed funding pool. The three directions below take that constraint as a starting point rather than treating it as an argument to be dismissed.

8.1. Pair Definitional Expansion with Proportional Funding

The most direct response to the resource-dilution objection is to make it moot rather than to argue against it. A version of HCYA that phased in the broader definition alongside a scheduled, proportional increase in Homeless Assistance Grant appropriations, rather than expanding eligibility against a fixed budget, would remove the central premise of the opposition's argument. This is a more expensive path politically, since it requires an affirmative appropriations commitment rather than a definitional amendment alone, but it is the only version of reform that does not simply redistribute an existing shortage across a larger population.

8.2. Reform the Category 3 Approval Pathway Short of Full Statutory Change

A narrower, more achievable reform would leave 24 CFR 578.3's four categories intact but revise 578.89's approval process for serving Category 3 individuals. HUD could, for example, raise or eliminate the ten percent YHDP cap for communities that can document unmet need among doubled-up youth, without waiting for Congress to amend the underlying statute. Because this change would occur at the regulatory rather than the statutory level, it would not require the sustained bipartisan floor votes that HCYA has failed to secure across three Congresses. It would still require HUD to initiate a rulemaking process, though, and it would remain vulnerable to reversal by a subsequent administration in the way the FY2025 and FY2026 NOFO litigation illustrates.

8.3. Decouple Data Collection from Eligibility

A third option, smaller in scope but easier to implement, is to require the annual, harmonized data collection that HCYA calls for, independent of any change to eligibility rules. HUD could publish an annual doubled-up count alongside its existing Point-in-Time count, using NCHE's existing school-based data collection infrastructure as a model, even without expanding who can receive HUD-funded housing assistance. That step alone would let Congress and researchers track the excluded population's size and trend over time, building the kind of longitudinal evidence base that could eventually support either of the two more ambitious reforms above.

9. Limitations

Several limitations bound the claims made here. The 35,159 and 1,548,191 figures are not directly comparable in their raw form; the first is a single-night count of unaccompanied minors and young adults, while the second is a full-school-year cumulative count that includes children living with a parent. The defensible comparison this paper draws is over definitional scope and eligibility consequence, not over raw magnitude, and readers should not treat the forty-fold ratio as a literal estimate of underdetection. The Point-in-Time count's 2025 decline should be read with the methodological caution that advocacy organizations have raised about shelter capacity and volunteer counting effects, not as confirmed evidence of improving conditions. The district-level 70 percent exclusion figure reported in trade press could not be verified against a named primary source in this research and is noted only as an unconfirmed claim rather than cited as evidence. As described in Section 3, this paper's literature search was targeted rather than a comprehensive, database-indexed systematic review. If a fuller HeinOnline or Westlaw search were to surface a more recent article performing the same legal synthesis attempted here, the novelty claim in Section 2 would need to be narrowed accordingly. Finally, this paper is a legal and policy synthesis rather than an original empirical study, so its three reform proposals in Section 8 are offered as directions for further research and advocacy rather than as fully specified legislative or regulatory language. Each would require additional analysis, likely including cost estimation and stakeholder consultation, before it could be evaluated as an actionable policy proposal.

10. Conclusion

The gap between HUD's and the Department of Education's counts of homeless youth is best read as a story about two federal definitions of the same word. One was written broadly by Congress and expanded through subsequent amendments. The other was written narrowly by regulation. The two have been allowed to coexist for decades because reconciling them would require an act of Congress that has repeatedly failed to pass despite bipartisan sponsors. The Youth Homelessness Demonstration Program's ten percent cap on serving the broader-definition population is the clearest evidence that this coexistence is deliberate rather than accidental. That cap functions as a specific, quantified limit on how far the narrower definition's exceptions can be stretched before HUD's own funding formula treats an expansion as something to be capped rather than absorbed. Until Congress amends HUD's governing statute, or until HUD itself revisits 24 CFR 578.3 and 578.89 through rulemaking, that will not change. In the overwhelming majority of cases, the doubled-up youth counted every year by their schools will remain invisible to the federal housing system built to help them.

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