

Writing - Expert Interview

Are Families that Live in RVs Considered Homeless?

The quick answer is “probably, yes”.

Why?

And what does that mean?

Read on.

Disclaimer

We are not lawyers. Homelessness is a complex issue and connects to the RV world in different ways.

We’re a fulltime RV family that got caught up in the definition of homelessness and were curious about how it applies to us.

We read as much as we could, we found an expert to interview, and we present our opinion below. Don’t construe it as legal advice, K?

Who Defines Homeless?

The short answer is “the government”.

The longer answer is that multiple government entities have created multiple definitions:

- General Definition
- U.S. Department of Health & Human Services
- McKinney-Vento Act

Our Focus

The definition that impacts fulltime RV families the most is the McKinney-Vento act, and specifically the Vento amendment.

Michael Boyink

Portfolio

616-298-4606
mike@boyink.com

The primary goal of the Vento amendment was to ensure that homeless children could still attend public schools.

Among other things the act provides:

- Free transportation to school
- Continuation in their school of origin
- Registration even if required documents are missing (immunization records, etc)

State Implementation

In order to implement the act each state must establish a statewide homeless coordinator to review the state's policies and procedures.

Each school system must appoint a liaison to educate teachers and work with local homeless families.

RVers are Homeless?

The McKinney-Vento Act defines homelessness as:

"An individual or family who lacks a fixed, regular, and adequate nighttime residence."

and

"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."

and

"Children living in "motels, hotels, trailer parks, or camp grounds due to lack of alternative accommodations."

It doesn't matter if:

- You don't like the sound of that
- You agree that only "fixed" housing is legitimate housing

Michael Boyink

Portfolio

616-298-4606
mike@boyink.com

- You think having an address means you aren't homeless

What matters is the wording of the law. RVs are indeed not fixed and we do park them at campgrounds.

You could make a good argument that we are homeless.

Expert Input Needed

We needed to talk to someone who was familiar with this landscape. A bit of web searching brought us to Diane Nilan.

Diane is the President of Hear Us, a non-profit whose mission is to give voice and visibility to homeless children and youth.

Started after years of running a homeless shelter, Diane uses the Hear Us platform to:

- Produce films
- Speak at events
- Facilitate media connections for homeless families
- Raise awareness of the homeless issue in America

And the bonus?

Diane is herself a fulltime RVer of 10 years.

She takes advantage of the fulltime RV lifestyle to travel the country supporting her mission.

Our Conversation with Diane

We wanted to:

- Describe the two main groups of families in RVs and see if they would be considered homeless under the McKinney-Vento Act
- Ask (if yes) what does that mean?
- Find out if RV families had to accept supplies or services from the school because they were considered homeless

Michael Boyink

Portfolio

616-298-4606
mike@boyink.com

- Ask if being considered homeless would increase the risk of CPS getting involved
- Ask if there were any state by state differences to be aware of

Two Groups of Family RVers

At a high level we see two main groups of families living in RVs - you're either on the move or stationary.

And yes, we know the definitions are a bit fuzzy. Get used to it - we didn't find completely definitive answers in any of our research in this area.

On the Move

These are families that are in an RV to travel, learn on the road, and have a family adventure.

They homeschool by choice but also necessity (they are not going to be in one place long enough to take advantage of public schools).

They are (usually) not residents of where they are. They have state residency and a mailing address but may be multiple states away from their location.

Stationary

These are families living in an RV and not traveling. They tend to be residents of where they are.

Their mailing address is the RV park where the rig is parked. They are staying in one spot long enough to take advantage of public schools.

Are Both Groups Homeless?

Diane didn't feel the "On the Move" types of RV families would be considered homeless.

The definition of homelessness has that "lack of alternative accommodations" clause that would likely apply to this group.

If you have the means to put fuel in the tank and pay campground fees you probably would be able to find alternative accommodations.

Michael Boyink Portfolio

616-298-4606
mike@boyink.com

About the stationary group, however, Diane says:

"If they lost housing due to crisis and they are living in a situation that's not a traditional home, in some cases then the McKinney-Vento act would apply and they would be considered homeless."

So, What Does that Mean?

I know. Just set aside that knee-jerk gut level reaction you're having. We had it too.

The bigger question is - what does that mean?

Go back to the language of the McKinney-Vento act. It's all about making sure being homeless doesn't prevent a child from getting an education via the public school system.

For Homeschoolers

Homeschooling your kids? Diane admits to not being as familiar with homeschooling but still recommends contacting the school's homelessness liaison:

If the family is in a homeless situation they might still be entitled to some resources from the school district.

Our personal feeling?

Unless you feel like you'd really benefit from something the school provides (music or sports programs, etc) we'd recommend not contacting the liaison.

Maybe we're paranoid but for us the less any government entity knows about us the better.

Just make sure to follow the appropriate state homeschooling laws.

For Public Schoolers

Putting your kids in the public schools? Then be prepared to face being considered homeless by the school.

Michael Boyink

Portfolio

616-298-4606
mike@boyink.com

In fact, it's probably best to seek out and contact the school system's homelessness liaison to explain your situation before it becomes an issue on its own.

The point of making contact would be to either:

- Proactively decline any of the extra services (if you have no need)
- Explain your situation and work with the liaison to take advantage of benefits available to you under the McKinney-Vento act

Diane warns:

"That liaison may be a well-informed person who is really focused on the job or a harried administrator who hasn't been focused on it because it hasn't been an issue in their district. They may not know the law."

Forced to Take Food?

We've heard stories of families being (more or less) forced to accept food from the public school because they were "homeless living in an RV".

Diane responded:

"The family is not obligated to take any of the services. They can politely decline. The school district isn't going to force it on them. The school is just trying to make sure the family isn't just saying they'll be OK when they actually won't be."

The school will probably still want to include you in their homelessness reporting to the Federal Government, however, so you may still be asked for information even though you are declining the service.

Increased Risk of a CPS Visit?

One of the main concerns families have over being considered homeless is that CPS may get involved and take their kids away.

On the one hand Diane said:

"The standard language is that if the kids are not being abused or neglected then there should be no fear. I've been in campers where families were living

Michael Boyink Portfolio

616-298-4606
mike@boyink.com

that were way worse than I thought was livable but there was still not abuse or neglect."

But on the other hand:

"If the family gets turned in because someone sees living in a camper as a concern, but then it comes out the kids aren't going to school or getting the services they're entitled to, then the family could be accused of neglecting their kids educational well-being."

The lesson there is:

- If you are homeschooling make sure you are doing it to the letter of the appropriate state laws
- If you are public schooling, having already made contact with the school's homeless liaison would go a long way towards making CPS happy

State by State Differences?

Fulltime RVers are more aware of state by state differences in laws than most people. We have to think about such things as:

- Can I turn right on red here?
- Can I talk on my cell phone while driving here?
- Is there a different speed limit for when I am towing an RV here?

I asked Diane if - in her experience also as a fulltime RVer - there were any state by state differences we needed to be aware of as far as being homeless is concerned.

"This is a Federal Law. It trumps any State or district policies."

You may find differences in how one state interprets and applies the law over another state, but the underlying law is the same.

Trawling

In the south we have seen boats with more arms sticking of them than a bad Halloween costume.

Michael Boyink Portfolio

616-298-4606
mike@boyink.com

These are “trawlers”:

Trawling is a method of fishing that involves pulling a fishing net through the water behind one or more boats. The net that is used for trawling is called a trawl. -Wikipedia

Trawling fishermen know what they are after. Shrimp. Tuna. Cod.

But the nets? They grab everything that’s too big to get through the holes in the netting.

The first thing trawlers do when they haul up their nets is spill out the contents so they can sort their catch.

Bycatch

All the stuff they don’t want is called “bycatch”. Bycatch is either sorted into different bins and sold or discarded.

Many families that live in RVs fulltime are simply the bycatch of the government and school system’s efforts to deal with homelessness in America.

We swim the same waters. We kinda look the same. We get caught up in the definitions created to find people who are truly homeless.

It can take a discerning fisherman to sort it all out and decide who goes where - that’s why the law also provides for state and local-level liaisons to work with the school system.

Diane agrees:

"McKinney-Vento does not apply to everyone living in an RV. It is really a case-by-case determination."

Thanks Diane!

Thanks to Diane Nilan for being our “GPS” and helping us navigate this issue.
