

Guidance for Substandard Housing Determination (Unsheltered) to Identify Students as Eligible for McKinney-Vento Services

The McKinney-Vento Act provides rights and services to children and youth who are experiencing homelessness.

Students are considered eligible if their individual situations meet the McKinney-Vento definition of homelessness, which means “individuals who lack a fixed, regular, and adequate nighttime residence.”

This specifically includes students who are sharing the housing of others due to loss of housing, economic hardship, or a similar reason; staying in motels, trailer parks, or campgrounds due to the lack of an adequate alternative; staying in shelters or transitional housing; or sleeping in cars, parks, abandoned buildings, substandard housing, or similar settings. The definition also applies to immigrant, migratory, and refugee children, as well as those seeking asylum, including unaccompanied youth, if they also are experiencing any of these housing situations.

One of the categories of eligibility is substandard housing.

Substandard housing is housing that poses a serious risk to the health, safety, or physical well-being of occupants.

McKinney-Vento liaisons should consider multiple factors when determining if a family's or an unaccompanied youth's situation meets the criteria of homelessness due to substandard housing. These factors¹ include:

¹ Adapted from the [Code of Federal Regulations](#) on Substandard Housing from the United States Department of Housing and Urban Development (HUD).



Note: Only one indicator needs to exist to qualify for McKinney-Vento eligibility.

- Is the setting dilapidated? According to the U.S. Department of Housing and Urban Development (HUD), dilapidated is defined as:
 - The unit does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family;
 - The unit has one or more critical defects, a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect or lack of repair or from serious damage to the structure; or
 - The unit has been declared unfit for habitation by an agency or unit of government.

What “dilapidated” may look like:

- Does the living setting lack any of the following:
 - Water (including no hot running water, or no cold running water)?
 - Electricity (or does it have inadequate or unsafe electrical service)?
 - Heat (and is the source of heat safe [no risk of fire] and adequate [heats the entire home])?
- Is the setting infested with:
 - Vermin (including rodents and insects)?
 - Mold?
- Does the living setting lack basic functional parts such as:
 - Working kitchen (separate from bathroom; includes a sink, refrigerator, stove or oven; has space for storage, preparation and serving of food)?
 - Working indoor plumbing (flushing toilet, bathtub or shower, bathroom sink)?
 - Adequate weather protection (and windows are in good repair)?
- Does the roof leak?
- Does each room have proper ventilation?
- Do any sleeping rooms lack a window or door providing access to the outside?
- Do any exterior entrance doors lack a security lock?
- Are there other structural hazards or fire hazards?
- Are there other local building codes that are not met?

- Is the home overcrowded (more than five unrelated persons living in a single-family dwelling, or more than two family members for each bedroom in the home)?

Signs that a student may be living in substandard housing or otherwise living unsheltered include if the student frequently:

- has lice or bed bug bites
- has a lack of personal hygiene
- wears unclean clothing
- is hungry
- is tired
- is late for school
- is absent from school
- struggles with depression, drug and alcohol use, or other discipline issues

Keep in mind that the above signs alone are not enough to determine whether a student is experiencing homelessness.

Many of these signs or indicators overlap with other concerns for the student's well-being, so it is important to have a conversation with the family or the student (if unaccompanied) to get a better sense of their living situation.

Cultural choice or circumstance supported by cultural norms?

“What about families who, because of their culture, choose to live in substandard housing?”

When identifying students experiencing homelessness, it is important to differentiate between *cultural choice* and *circumstances supported by cultural norms*.

Cultural choice is when a family makes the intentional decision to live in a situation because it is inherently a part of their cultural values and identity, even though they have other options.

In these cases, multiple generations and or the extended family may choose to live together in a substandard situation for reasons other than housing or resource needs. If this arrangement provides children and youth with a fixed, adequate and regular nighttime residence, the students would not be considered eligible for McKinney-Vento services.

However, this is very different from a family living in substandard housing due to economic hardship and a lack of adequate alternatives. In these circumstances, which may be supported by cultural norms, the family is eligible for McKinney-Vento services.

Circumstances supported by cultural norms can create challenges to identifying eligible students in these situations. Some cultures value generosity and hospitality so highly that overcrowding is considered the norm. Eventually overcrowding can lead to substandard housing, which also becomes normalized if these housing conditions are reflected widely through a community. Families may not self-refer based on substandard housing if they have normalized their living conditions.

It is critical that school staff making eligibility determinations based on substandard housing look at each student's living situation individually. Staff need to have intentional conversations with the family to determine whether the living situation is a cultural choice distinct from economic hardship, or a circumstance the family would like to change.

Additional Resources:

https://www.hud.gov/program_offices/healthy_homes/healthyhomes