

## CHAPTER 3 ELIGIBILITY FOR ADMISSION

### 3.0 INTRODUCTION

This chapter defines the HA criteria for admission to the Housing Choice Voucher program. The policies in this chapter pertain to Moving to Work and non-Moving to Work families.

### 3.1 COMPOSITION OF APPLICANT FAMILIES

**24 CFR 5.403 “Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status: 1) A single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; or 2) A group of persons residing together, and such group includes, but is not limited to: (i) A family with or without children (a child who is temporarily away from the home because of placement in foster care is considered a member of the family); (ii) An elderly family; (iii) A near-elderly family; (iv) A disabled family; (v) A displaced family; and (vi) The remaining member of a tenant family. *Live-in aide* means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: (1) Is determined to be essential to the care and well-being of the persons; (2) Is not obligated for the support of the persons; and; (3) Would not be living in the unit except to provide the necessary supportive services.”**

**24 CFR 982.551 (h) (4): “If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or live-in aide, and defining when PHA consent may be given or denied.”**

#### **Policy:**

The Head of Household will list all family members at the time of registration on the Waiting List.

The HA will approve any additional family members in the following cases:

- The birth, adoption, or court-awarded custody\* of a child to any current family member.
- The addition of a non-biological minor child through designated custody\*\* to a current family member.
- The addition of a minor child by birth or adoption, who has been living elsewhere, to a current family member.

\* If the child is subject to a joint physical custody agreement, they must live with the participant family at least 183 days of the year (50% plus 1 day).

\*\* Designated custody is physical custody granted through notarized, written permission from the parent or legal guardian of the child.

The HA may approve any additional family members in the following cases:

- The addition of a Spouse, Registered Domestic Partner, Boyfriend or Girlfriend of the Head of Household;
- The addition of an elderly person or a person with a disability that is a parent, grandparent or adult child of the Head of Household, Spouse, Registered Domestic Partner, Boyfriend or Girlfriend of the Head of Household;

Household members may be added in the following cases:

- Foster child of the Head of Household, Spouse, Registered Domestic Partner, Boyfriend or Girlfriend of the Head of Household.
- Live-In Aides as an approved reasonable accommodation, after HA approval of the Live-In-Aide. (Live-In Aides must not have an ownership interest in the unit the family is living in.).

If the family member listed as Head of Household at the time of waiting list registration is no longer residing with the family at the time of intake eligibility, the HA may transfer Head of Household status to another family member in the following circumstances:

- Death or permanent confinement to a nursing or live-in-care facility of the listed Head of Household;
- Divorce or legal separation;
- If the remaining adult family member retains custody of minors or other dependents.

A registrant who is no longer interested in receiving housing assistance may not transfer their registration to anyone who is not part of their approved family composition at the time of verification of eligibility.

### 3.2 **JOINT CUSTODY OF DEPENDENTS**

**24 CFR 982.551 (n): “An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative federal, state or local housing assistance program.”**

#### **Policy:**

When an applicant lists as a family member the same dependent as a participant receiving Section 8 assistance, the HA will make the determination of which family may include the dependent in the family composition based on available documents such as court orders, an IRS tax return showing which family has claimed the child for income tax purposes, or

school records.

### 3.3 **INCOME ELIGIBILITY**

**24 CFR 982.201 (b) (1): “To be income-eligible, the applicant must be a family in any of the following categories:**

- (i) A ‘very low income’ family;**
- (ii) A low-income family that is continuously assisted under the 1937 Housing Act;**
- (iii) A low-income family that meets additional eligibility criteria specified in the PHA administrative plan;**
- (iv) A low-income family that qualified for voucher assistance as a non-purchasing family residing in a HOPE 1 or HOPE 2 project;**
- (v) A low-income or moderate-income family that is displaced as a result of the prepayment of the mortgage or voluntary termination of an insurance contract on eligible low-income housing as defined in 248.101 of this title;**
- (vi) A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a project subject to a resident homeownership program under 248.173 of this title.”**

**24 CFR 982.201 (d) (2): “The PHA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the voucher program will be considered to break continuity of assistance under the 1937 Housing Act.”**

**Policy:**

An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within 120 days of their intake appointment.

### 3.4 **FINAL DETERMINATION AND NOTIFICATION OF ELIGIBILITY**

**24 CFR 982.201 (f): “The HA must give an applicant prompt written notice of a decision denying admission to the program (including a decision that the applicant is not eligible or denying admission for other reasons).**

**Policy:**

Upon completion of the verification process, the HA will make a final determination of eligibility. This decision is based upon information provided by the family, verification information received by the HA and the current eligibility criteria in effect.

Once a determination of ineligibility is made, any later changes in income or family composition submitted by the family will not be used to re-determine eligibility.

The HA will give an applicant written notice of a decision denying admission to the program within 3 days of the determination of ineligibility. The notice will state the reason

for denial, that the applicant may request an informal review of the decision, and how to request the informal review.

If an informal review is requested, the HA will give the applicant a written notice within 30 days of the decision to uphold or overturn the denial and will include the reason(s) for the decision.