

CHAPTER 2
ELIGIBILITY FOR ADMISSION
[24 CFR Part 5, Subparts B, D & E; Part 982, Subpart E]

INTRODUCTION

This Chapter defines both HUD and the HA's criteria for admission and denial of admission to the program. The policy of this HA is to strive for objectivity and consistency in applying these criteria to evaluate the eligibility of families who apply. The HA staff will review all information provided by the family carefully and without regard to factors other than those defined in this Chapter. Families will be provided the opportunity to explain their circumstances, to furnish additional information, if needed, and to receive an explanation of the basis for any decision made by the HA pertaining to their eligibility.

A. ELIGIBILITY FACTORS [982.201(B)]

The HA accepts applications only from families whose head or spouse is at least 18 years of age or emancipated minors under the law of the Commonwealth of Virginia.

To be eligible for participation, an applicant must meet HUD's criteria, as well as any permissible additional criteria established by the HA.

The HUD eligibility criteria are:

- ❑ An applicant must represent a family of one or more persons.
- ❑ An applicant must meet income eligibility requirements based on family size and provide verification of all applicable income;
- ❑ Eligibility for federal housing assistance is limited to U.S. citizens and applicants who have eligible alien status. For household members claiming citizenship or eligible alien status, a declaration for every household member (or on the behalf of a minor child) is required by regulation. In the case where one or more person within a household is not a U.S. citizen or eligible alien, assistance will be prorated based upon the number of family members who are citizens or eligible aliens.

Reasons for denial of admission are addressed in the "Denial or Termination of Assistance" chapter. These reasons for denial constitute additional admission criteria.

- ❑ The Family's initial eligibility for placement on the waiting list will be made in accordance with the eligibility factors (listed within Chapter 2);
- ❑ Families self-declare their eligibility for placement on the Waiting List;
- ❑ Evidence of Citizenship/Eligible Immigrant Status will not be verified until the family is selected from the waiting list for final eligibility processing for issuance of a Voucher, unless the HA determines that such eligibility is in question, whether or not the family is at or near the top of the waiting list. *Page. 2-3, Section E.*

B. FAMILY COMPOSITION [24 CFR 982.201]

- ❑ The applicant must qualify as a Family. A Family may be a single person or a group of persons living together as a household unit.

Head of Household: The head of household is the **adult** member of the household who is designated by the family as head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under State/local law, as identified by the family at time of application. Unless otherwise specified, the head of household will be the first-named adult on the Waiting List application. **Emancipated minors who qualify under Virginia State law will be recognized as head of household.**

Spouse of Head: Spouse means the husband or wife of the head. For proper application of the Non-citizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would have to be divorced. The term "spouse" does not apply to boyfriends, girlfriends, significant others, or co-heads.

Co-Head: An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a spouse or co-head, but not both. A co-head never qualifies as a dependent.

Live-in Attendants: A Family may include a live-in aide provided that such live-in aide is determined by the HA to be essential to the care and well being of an elderly person, a near-elderly person, or a person with disabilities, is not obligated for the support of the person(s), and would not be living in the unit except to provide care for the person(s). *A live-in aide is treated differently than family members:*

CHAPTER 2

- a) *Income of the live-in aide will not be counted for purposes of determining eligibility or level of benefits.*
- b) *Live-in aides are not subject to Non-Citizen Rule requirements.*
- c) *Live-in aides may not be considered as a member of the tenant family.*

Relatives are not automatically excluded from being live-in aides, but they must meet all of the elements in the live-in aide definition described above. **A Live in Aide may only reside in the unit with the approval of the HA.** Written verification will be required from a reliable, knowledgeable professional, such as a doctor, social worker, or case worker. The verification provider must certify that a live-in aide is needed for the care of the family member who is elderly, near-elderly (50-61) or disabled. Verification must include the hours the care will be provided. [24 CFR 982.316]

At any time, the HA may refuse to approve a particular person as a live-in aide or may withdraw such approval if:

- The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
- The person commits drug-related criminal activity or violent criminal activity; or
- The person currently owes rent or other amounts to the HA or to another HA in connection with Section 8 or public housing assistance under the 1937 Act.

Split Households Prior to Voucher Issuance

When a family on the waiting list splits into two otherwise eligible families due to divorce or legal separation, and the new families both claim the same placement on the waiting list, and there is no court determination, the HA will make the decision taking into consideration the following factors:

- ✓ Which family member applied as head of household;
- ✓ Which family unit retains the children or any disabled or elderly members;
- ✓ Outcome of any civil or criminal court cases related to split;
- ✓ Recommendations of social service agencies or qualified professionals such as children's protective services.

Documentation of these factors is the responsibility of the applicant families. If either or both of the families do not provide the documentation, they may be denied placement on the waiting list for failure to supply information requested by the HA.

In cases where domestic violence played a role, the standard used for verification will be the same as that required for the "domestic violence" preference. The HA will require evidence that the family has been displaced as a result of fleeing violence in the home. Families are also eligible for this preference if there is proof that the family is currently living in a situation where they are being subjected to or victimized by violence in the home (See "Establishing Preferences and Maintaining the Waiting List" chapter).

Multiple Families in the Same Household

When families apply which consist of two families living together, (such as a mother and father, and a daughter with her own husband or children), if they apply as a family unit, they will be treated as a family unit.

Joint Custody of Children

When both parents are on the Waiting List and both are trying to claim the child, the parent whose address is listed in the school records will be allowed to claim the school-age child as a dependent.

C. INCOME LIMITATIONS [24 CFR 982.201(b), 982.353]

To be eligible for assistance, an applicant must have an Annual Income at the time of admission that does not exceed the current HUD Section 8 income 50% Area Median Income (AMI) Limits based on the applicable "family" size.

To be income eligible the applicant must be a family in the very low income category or 50% or less AMI. The HA will not admit families whose income exceeds 50 percent of the area median income except those families included in 24 CFR 982.201(b). To be income eligible the family may be under the low-income limit in any of the following categories [24 CFR 982.201(b)]:

- a) A very low income family;
- b) A low-income family that is continuously assisted under the 1937 Housing Act. An applicant is continuously assisted if the family has received assistance under any 1937 Housing Act program within **120 calendar** days of voucher issuance. Programs include any housing federally assisted under the 1937 Housing Act;
- c) A low-income family physically displaced by rental rehabilitation activity under 24 CFR part 511;
- d) A low-income non-purchasing family residing in a HOPE 1 or HOPE 2 project;
- e) A low-income non-purchasing family residing in a project subject to a home-ownership program under 24 CFR 248.173;
- f) A low-income family or moderate income family that is displaced as a result of the prepayment of a mortgage or

CHAPTER 2

voluntary termination of a mortgage insurance contract under 24 CFR 248.165;

- g) A low-income family that qualifies for Voucher assistance as a non-purchasing family residing in a project subject to a resident home ownership program.

Portability: For initial lease-up at admission, families who receive approval from the HA to exercise portability must be within the applicable income limit for the jurisdiction of the receiving HA in which they want to live.

D. MANDATORY SOCIAL SECURITY NUMBERS [24 CFR 5.216, 5.218]

Families are required to provide verification of Social Security Numbers for all family members age 6 and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.

Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.

Persons who have not been issued a Social Security Number must sign a certification that they have never been issued a Social Security Number.

Persons who disclose their Social Security Number but cannot provide verification must sign a certification and provide verification within 60 days. Elderly persons must provide verification within 120 days.

E. CITIZENSHIP/ELIGIBLE IMMIGRATION STATUS [24 CFR Part 5, Subpart E]

In order to receive assistance, a family member must be a U.S. citizen or eligible immigrant. Individuals who are neither, may elect not to contend their status. Eligible immigrants are persons who are in one of the immigrant categories as specified by HUD. For the Citizenship/Eligible Immigration requirement, the status of each member of the family is considered individually before the family's status is defined.

- a) **Mixed Families:** A family is eligible for assistance as long as at least one member is a citizen or eligible immigrant. Families that include eligible and ineligible individuals are called "mixed." Such applicant families will be given notice that their assistance will be pro-rated and that they may request a hearing if they contest this determination.
- b) **All members ineligible:** Applicant families that include no eligible members are ineligible for assistance. Such families will be denied admission and offered an opportunity for a hearing.
- c) **Non-citizen students:** Defined by HUD in the non-citizen regulations. Not eligible for assistance.

Appeals: For this eligibility requirement only, the applicant is entitled to a hearing exactly like those provided for participants.

Verification of Status Before Admission

The HA will not provide assistance to families prior to the verification of eligibility for the individual or at least one member of the family pursuant to this section.

F. OTHER CRITERIA FOR ADMISSIONS [24 CFR 982.552(b)]

The HA will apply the following criteria, in addition to the HUD eligibility criteria, as grounds for denial of admission to the program:

- a) The family must not have violated any family obligation during a previous participation in the Section 8 program for five years prior to final eligibility determination.
- b) The HA may make an exception, if the family member who violated the family obligation is not a current member of the household on the application.
- c) The family must pay any outstanding debt owed the HA or another HA as a result of prior participation in any federal housing program within 180 days of original HA notice to repay.
- d) The family must be in good standing regarding any current payment agreement made with another HA for a previous debt incurred, before this HA will allow participation in its Section 8 program.
- e) The HA may check criminal history for all adults in the household to determine whether any member of the family has violated any of the prohibited behaviors as referenced in the section on One-Strike policy in the "Denial or Termination of Assistance" chapter.
- f) If any applicant deliberately misrepresents the information on which eligibility or tenant rent is established, the HA may deny assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum).

CHAPTER 2

G. TENANT SCREENING [24 CFR 982.307]

The HA will take into consideration any of the criteria for admission described in the “Denial or Termination of Assistance,” Chapter 2-4, I. Ineligible Families.

The HA will not screen family behavior or suitability for tenancy. The HA will not be liable or responsible to the owner or other persons for the family’s behavior or the family’s conduct in tenancy.

The owner is responsible for screening and selection of the family to occupy the owner’s unit. At or before HA approval of the tenancy, the HA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

The owner is responsible for screening families based on their tenancy histories, including such factors as:[24 CFR 982.307(a)(3)]

- ✓ Payment of rent and utility bills
- ✓ Caring for a unit and premises
- ✓ Respecting the rights of other residents to the peaceful enjoyment of their housing
- ✓ Drug-related criminal activity or other criminal activity that is a threat to the health, safety or property of others; and
- ✓ Compliance with other essential conditions of tenancy.

The HA will advise families how to file a complaint if they have been discriminated against by an owner. The HA will advise the family to make a Fair Housing complaint. The HA may also report the owner to HUD (Fair Housing/Equal Opportunity) or the local Fair Housing Organization.

H. CHANGES IN ELIGIBILITY PRIOR TO EFFECTIVE DATE OF THE CONTRACT

Changes that occur during the period between issuance of a voucher and lease up may affect the family's eligibility or share of the rental payment.

I. INELIGIBLE FAMILIES

Families who are determined to be ineligible will be notified in writing of the reason for denial and given an opportunity to request an informal review, or an informal hearing if they were denied due to non-citizen status. See "Complaints and Appeals" chapter for additional information about reviews and hearings. *See Chapter 4-5, N. Dispute Resolution for the HA's policy policy.*

J. PROHIBITED ADMISSIONS CRITERIA [982.202(b)]

- Admission to the program may not be based on where the family lives before admission to the program with the exception of use of portability. Admission to the program may not use marital status, education, or participation in other public assistance programs as a basis for admissions in addition to protections noted in fair housing regulations.