

Chapter 3

3.0 ELIGIBILITY FOR ADMISSION

3.1 INTRODUCTION

There are five eligibility requirements for admission to the Section 8 HCV Program – The household must: qualify as a family, have income within the income limits, meet citizenship/eligible immigrant criteria, provide documentation of Social Security Numbers, and sign consent authorization documents. In addition to the eligibility criteria, families must also meet IHFA’s other screening criteria in order to be admitted to the Section 8 HCV Program.

3.2 ELIGIBILITY CRITERIA

A. Family status.

1. To be eligible for assistance, an applicant must qualify as a family. A family includes, but is not limited to, the following regardless of actual or perceived sexual orientation, gender identity, or marital status:
 - a) A **family with a child or children**. Such a family is defined as a group of people related by blood, marriage, adoption, or other operation of law that lives together in a family relationship.
 - i. Children temporarily absent from the home due to placement in foster care are considered family members. (See section 6.0)
 - ii. Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size, but are not considered family members for determining income limit.
 - iii. Foster children will be considered as family members (but not as dependents for the purpose of receiving the \$480 dependent allowance) when considering income limits for program eligibility and bedroom size. Income received for the care of foster children is not included in the household income.
 - b) An **elderly family**, which is:
 - i. A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age;
 - ii. Two or more persons who are at least 62 years of age living together;
or

- iii. One or more persons who are at least 62 years of age living with one or more live-in aids.
- c) A **disabled family**, which is:
 - i. A family whose head (including co-head), spouse, or sole member is a person with a disability. It may include two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.
- d) A **remaining member of a participant family**.
- e) A **single person** who is not elderly, a person with disabilities, or the remaining member of a participant family.
- f) **Two or more persons** who share residency and can demonstrate an established familial relationship, and whose income and resources are jointly available to meet the family's needs.

B. Income eligibility

1. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 HCV program, be a family that is:
 - a. An extremely low-income (30% of Area Median Income) or a very low-income family (50% of Area Median Income);
 - b. A low-income family continuously assisted under the 1937 Housing Act;

An applicant is continuously assisted under the 1937 Housing Act if the family is already receiving assistance under any 1937 Housing Act program when the family is admitted to the voucher program. An applicant who has experienced a brief interruption between assistance under another 1937 Housing Act program and admission to the voucher program of six (6) months or less will be considered continuously assisted.
 - c. A low-income family that meets additional eligibility criteria specified by IHFA;
 - d. A low-income family that is a non-purchasing participant in a HOPE 1 or HOPE 2 project or a property subject to a resident homeownership program under 24 CRR 248.173;

- e. A low-income family 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;
 - f. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing homeownership) or HOPE 2 (HOPE for homeownership of multifamily units) project.
2. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease.
- a. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within IHFA's jurisdiction. The applicable income limit for admission to the program is the income limit for the area in which the family is initially assisted in the program. The family may only use the voucher to rent a unit in an area where the family is income eligible at admission to the program.
 - b. Families who are moving into IHFA's jurisdiction under portability and have the status of applicant rather than of participant at their initial housing authority must meet the income limit for the area where they were initially assisted under the program.
 - c. Families who are moving into IHFA's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for IHFA's program.
 - d. Income limit restrictions do not apply to families transferring units within IHFA Section 8 Program.

C. Citizenship/Eligible Immigrant status

To be eligible each member of the family must be a citizen, national, or a non-citizen who has eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (see 42 U.S.C. 143a(a)).

Family eligibility for assistance:

- 1. A family shall not be eligible for assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
- 2. Despite ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance (See Section 11.8(F) for

calculating rents under the non-citizen rule). **For families admitted after June 19, 1995, pro-rated assistance is the only type of assistance available.**

A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of assistance. **Families admitted after June 19, 1995, with no eligible family members are not eligible for assistance.**

D. Student Eligibility

Section 327 of Public Law 109-115 established restriction on the eligibility of certain students (both part- and full-time) who are enrolled in institutes of higher education. For the purposes of student eligibility, the definition of student is all students enrolled either full-time or part-time at an institute of higher education. The new law does not exempt part-time students.

For the purposes of student eligibility restrictions, the definition of parents includes biological or adoptive parents, stepparents (as long as they are currently married to the biological or adoptive parent), and guardians (e.g., grandparents, aunt/uncle, godparents, etc).

For the purposes of student eligibility restrictions, the definition of a veteran is a person who served in the active military, naval, or air service and who was discharged or released from such service under conditions other than dishonorable.

Assistance will not be provided to an individual who:

1. Is enrolled as a Student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1985 (20U.S.C. 1002));
2. Is under 24 years of age;
3. Is not a veteran;
4. Is unmarried;
5. Does not have a dependent child; and
6. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under Section 8.

All qualifying factors will be verified.

A two part eligibility test will be given in the event that a student does not meet the qualifications listed above. Both parts of the test must be passed in order to receive assistance.

1. Determination must be made whether the student is income eligible; and
2. Determination must be made whether the parents (individually or jointly) are income eligible.

IHFA will determine the income eligibility of the parents as follows:

If the student's parents are married and living together, IHFA will obtain a joint income declaration and certification of joint income from both parents.

If the student's parent is widowed or single, IHFA will obtain an income declaration and certification of income from that parent.

If the student's parents are divorced or separated, IHFA will obtain an income declaration and certification from each parent.

If the student has been living with one of his/her parents and has not had contact with or does not know where to contact his/her other parent, IHFA will require the student to submit a certification under penalty of perjury describing the circumstances and stating that the student does not receive financial assistance from the other parent. IHFA will then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact.

In determining the income eligibility of the student's parents, IHFA will use the income limits for the jurisdiction in which the parents live. As verification of a parent(s) income, IHFA will accept from a parent(s) a declaration and certification which includes a statement regarding penalty of perjury. IHFA retains the right to request and review supporting documentation at any time if it is determined that the declaration, certification, and eligibility of the parent(s) is in question. Supporting documentation includes, but is not limited to: Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefits statements, Temporary Assistance to Needy Families (TANF) award letter, Social Security Administration (SSA) award letter, other official and authentic documents from a Federal, State or local agency.

If it is determined that the student or their parents are not income eligible for the program, the student is ineligible to receive assistance under the Section 8 HCV program.

This income verification must be performed unless the student can document the absence of, or his or her independence from, parents. To be considered an independent student, a student must meet one or more of the following criteria:

1. Be at least 24 years of age by December 31 of the award year;
2. Be an orphan or a ward of the court through the age of 18;
3. Be a veteran of the US Armed Forces;
4. Have one or more legal dependents other than a spouse;
5. Be a graduate or professional student;
6. Be married;
7. Be an individual that was not claimed as a dependent by his/her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax forms; and
8. Provide a certification of the amount of financial assistance that will be provided by his/her parents. This certification must be signed by the individual providing the support and must be submitted even if no assistance is being provided.

This rule does not apply to students of higher education that reside in a Section 8 HCV assisted unit with their parents or in the households of parents who are applying for assistance.

E. Social Security Number Documentation

To be eligible, the complete and accurate Social Security Number (SSN) of all household members must be disclosed, with the exception of the following individuals:

1. Those individuals who do not contend to have eligible immigrations status (individuals who may be unlawfully present in the United States).
2. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid.
3. Existing program participants as of January 31, 2010, who are 62 years of age or older, and had not previously disclosed a valid SSN. This exception continues even if the individual moves to a new assisted unit.

Social Security Numbers will be verified with the following documents:

1. An original SSN card issued by the Social Security Administration:

2. An original Social Security Administration (SSA) document, which contains the name of the individual and the SSN of the individual, or:
3. An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

F. Signing Consent Forms

1. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse or co-head, regardless of age, shall sign one or more consent forms.
2. The consent form must contain, at a minimum, the following:
 - a. A provision authorizing HUD and IHFA to obtain from State Employment Office any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy.
 - b. A provision authorizing HUD or IHFA to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance.
 - c. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits.
 - d. A statement that the authorization to release the information requested by the consent form expires 15 months after the date the consent form is signed.
3. IHFA will require additional consent forms be signed by families to verify other pertinent information (i.e., daycare, medical expenses, family composition).

G. Criminal background checks and Suitability for Tenancy

IHFA determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aids. IHFA may deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members. This check will be made through state or local law enforcement, the state repository, or court records in those cases where the household member has lived in the local jurisdiction for the last three years. The Branch Office Supervisor must approve the need to access additional reports if the household member lived in a state outside the local jurisdiction more than three years ago, there is reason to believe criminal activity occurred in another state, or a more extensive criminal check is necessary. IHFA may use one of the following methods:

1. Contact law enforcement agencies where the individual lived,
2. Use a professional background screening service,
3. Request a check through the FBI's National Crime Information Center (NCIC), or
4. Use of the Dru Sjodin National Sex Offender Registry

IHFA will also conduct a search of the HUD Debts Owed to PHA's and Terminations module for adverse terminations and amounts due to a PHA.

IHFA will check with the State sex offender registration program and will deny assistance to any applicant who is registered as a lifetime sex offender.

Additional screening is the responsibility of the owner. Upon the written request of a prospective owner, IHFA will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms. IHFA may also provide any history of drug trafficking.

H. Cooperation with law enforcement and Health and Welfare fraud investigators

IHFA will release information about a participant/household member if required by a court order or other government requirements.

In the event there is reasonable suspicion, allegations of drug related or criminal activity, or an investigation, IHFA staff may identify to proper authorities the names and addresses of persons who are involved in such alleged activities or who are under police investigation, as well as such other information reasonably related to such activities or police investigations.

IHFA may also provide information to governmental agencies should a household member be suspected of defrauding or inappropriately using federal or state funds and the other agencies are either involved in such funding related to IHFA, or can assist IHFA in the investigation and/or prosecution of allegations of such fraud.

All applicants are informed of this policy and requested to sign an acknowledgment of this policy.

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