

# Part One: Eligibility For Admission

## I. Overview

Only families and individuals who meet program eligibility requirements can live in public housing. The following factors determine whether an applicant is eligible:

Refer to:  
24CFR  
§5.403

### A. Family Status Requirement: “Family” includes but is not limited to:

1. A family with or without children (the temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size);
2. An elderly family (62 years or older);
3. A near-elderly family (50-61 years old);
4. A disabled family (is one in which the head, spouse, or co-head is a person with disabilities);
5. A displaced family;
6. An extended family, meaning a household which includes grandparents, grandchildren, cousins, nieces, nephews, aunts and uncles or other family members who are not immediate family;
7. The remaining member of a tenant family; and
8. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.

### B. Adult Head of Household: The head of household must be age eighteen or older.

#### (1) Spouse, Co-Head and other Adult

- (a) The term “spouse does not apply to friends, roommates, or significant others who are not marriage partners.
- (b) A minor who is emancipated under state law may be designated as a spouse.
- (c) A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the

family fulfills all of its responsibilities under the program, but who it not a spouse. A family can have only one co-head.

- (d) Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not considered other adults.

**(2) Dependent**

- (a) A dependent is a family member who is under 18 years of age or a person of any age who is a person with a disability or a full-time student, except that the following persons can never be dependents: the head of household, spouse, co-head, foster children/adults and live-in aides.
- (b) Dependents that are subject to a joint custody arrangement will be considered a member of the family, if they live with the applicant or resident family 50% or more of the time.
- (c) When more than one applicant or assisted family (regardless of program) are claiming the same dependents as family members, the family with primary custody at the time of the initial examination or reexamination will be able to claim the dependents. If there is a dispute about which family should claim the, the PHA will make the determination based on available documents such as court orders or an IRS return showing which family has claimed the child for income tax purposes.

**(3) Foster Children and Foster Adults**

- (a) Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction.

**(4) Live-In Aide**

- (a) Live-in aide means a person who reside with one or more elderly, person, or near-elderly person, or person with disabilities, and who: (1) is determined to be essential to the care and well-being of the person, (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.

- (5) **Absent Family Members:** Generally an individual who is or is expected to be absent from the public housing unit for 180 consecutive days or less is considered temporarily absent and continues to be considered a family member. Generally an individual who is or is expected to be absent from the public housing unit for more than 180 consecutive days is considered permanently absent and no longer a family member.

(a) Absent Students: When someone who has been considered a family member attends school away from home, the person will continue to be considered a family member unless information becomes available to the PHA indicating that the student has

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established a separate household or the family declares that the student has established a separate household.

**(b) Absences Due to Placement in Foster Care:** If a child has been placed in foster care, the PHA will verify with the appropriate agency whether and when the child is expected to be returned to the house. Unless the agency confirms that the child has been permanently removed from the home, the child will be counted as a family member

**(c) Absent Head, Spouse, or Co-Head:** An employed head, spouse or co-head absent from the unit more than 180 consecutive days due to employment will continue to be considered a family member.

**(d) Individuals Confined for Medical Reasons:** An individual confined to a nursing home or hospital on a permanent basis is not considered a family member.

**(e) Return of Permanently Absent Family Members:** The family must request PHA approval for the return of any adult family members that the PHA has determined to be permanently absent. The individual is subject to the eligibility and screening requirements.

**(f) Extended Vacation:** If a tenant is planning on leaving their unit for more than one calendar week they will inform the office. If the tenant is planning on leaving their unit for more than 30 days they must provide a current phone number and address of where to reach them. They also must provide an emergency contact in case something is wrong in the unit and the tenant is not close enough to respond. The unit must be left clean and not wasteful of utilities when a tenant leaves for a period of time.

**C. Economic and Non-Economic Requirements:** The applicant family or individual must meet the PHA's economic and non-economic eligibility requirements, as detailed in Sections III -V of this Part 1.

**D. Social Security Number Requirement:** The applicant must provide the Social Security Number (SSN) and valid Social Security card (or other acceptable documentation) for all family members unless one of the exceptions stated in HUD regulations applies.

**§5.216;**

Citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury. The documentation must be disclosed in the tenant file.

**E. Penalties for Failure to Disclose Social Security Number and/or Provide Required Documentation.**

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1. Unless one of the exceptions stated in HUD regulations applies, the PHA must deny the eligibility of an applicant if he or she (including each member of the household who is required to disclose his/her SSN) does not disclose a SSN and/or provide the required documentation for the SSN.
2. However, if the family is otherwise eligible for admission to public housing, the family may maintain its position on the waiting list for not more than 60 days after it is found to meet all other eligibility requirements.

**F. United States Citizenship Status Requirements:**

1. An applicant who is a citizen must sign a declaration of U.S. citizenship. (Family members who declare citizenship or national status will not be required to provide additional documentations unless the PHA receives information indicating that an individual's declaration may not be accurate.)  
§5.500  
§5.508  
§5.508
2. Applicants who are age 62 or older who are non-citizens must sign a declaration of eligible immigration status and submit a proof-of-age document. (In addition to providing a signed declaration, those declaring eligible noncitizen status must sign a verification consent form and cooperate with PHA efforts to verify their immigration status. The documentation required for establishing eligible noncitizen status varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, the person's age, and the date on which the family began receiving HUD-funded assistance.)
3. Other non-citizen applicants must sign a declaration of eligible immigration status, a signed verification consent form, and U.S. Immigration and Nationalization Service forms to establish their eligibility for public housing. (The PHA is not able to provide assistance to non-eligible immigrants).
4. Ineligible Noncitizens that do not wish to contend their immigration status are required to have their names listed on a non-contending family members listing, signed by the head, spouse, or co-head, indicating their ineligible immigration status. The PHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S to the United States Citizenship and Immigration Services (USCIS).

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Providing housing assistance to noncitizen students is prohibited (24 CFR 5.522). This prohibition extends to the noncitizen spouse of the noncitizen student as well as to minor children who accompany or follow to join the noncitizen student. Such prohibition does not extend to the citizen spouse of a noncitizen student or to the children of the citizen spouse and noncitizen student. Such a family is eligible for prorated assistance as a mixed family.

- 5. Mixed Families are eligible for admission as long as at least one member is a citizen, national, or eligible noncitizen. Families that include eligible and ineligible individuals are considered mixed families. Such families will be given notice that this assistance will be prorated, and that they may request a hearing if they contest this determination.

**G. Income Limits:** The applicant family or individual must meet income requirements. §5.609

- 1. The family’s annual income anticipated for the next twelve months must be at or below the current income limit set for low income families. This income limit is based upon 80% of the median income for the area.
- 2. The PHA examines the current family income and projects it forward for the next twelve months to calculate anticipated annual income. A period of less than twelve months may be used if the family’s source of income is temporary or unusual, and which will not likely recur in the next twelve months. No deductions or allowances are subtracted from the total annual income in determining the family’s eligibility for the program. §5.609
- 3. The income limit restrictions do not apply to a family already living in public housing. The family will not be required to move out if their income exceeds the current income limit.

**II. The Waiting List** §960.206

**A. Overview:**

- 1. Households must complete an application to participate in the public housing program.
- 2. The PHA makes an initial eligibility determination based upon information in the household’s application.

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3. Eligible applicants are then put on a waiting list for admission that uses the date and time of application and preference factors to determine priority of placement.

**B. When Applications Are Taken:** Applications for public housing are taken at all times unless, in the judgment of the PHA, it should close the waiting list because it has a sufficient number of applicants it can serve in a reasonable period of time.

**C. Updating the Waiting List:** No less than annually, the PHA will update the waiting list and remove the names of those applicants who are no longer interested in public housing, who no longer qualify, or who cannot be reached by mail. The PHA will establish a schedule for updating the waiting list according to bedroom size. New applicants will be advised of the updated schedule.

**D. Reinstatement to Waiting List after Cancellation during List Updates:** After the PHA cancels an application because the applicant could not be reached by mail when the list is updated, the applicant can be reinstated to the same place on the waiting list only if he or she contacts the PHA in writing within 60 days after the cancellation date. Applicants who contact the PHA more than 60 days but less than one year after the cancellation date will be reinstated but to a lower position on the list. Their new "date of application" will be the date they contacted the PHA in writing and requested reinstatement.

**E. Reinstatement to Waiting List after Cancellation during the Eligibility Determination Process.**

1. **Cancellation Due to Missed Appointments:** The PHA will remove an applicant from the waiting list (that is, cancel the application) if he or she fails to attend a scheduled appointment. The applicant will be reinstated to the same place on the waiting list only if he or she contacts the PHA in writing within 10 calendar days from the date of the missed appointment.
  - a. If an applicant does not contact the PHA within those 10 calendar days, the PHA will cancel the application. Applicants who contact the PHA more than 10 calendar days but less than six months after the cancellation date will be reinstated but to a lower position on the list. Their "new date of application" will be the date they contacted the PHA in writing and requested reinstatement. The PHA will not reinstate an application more than six months after the date of cancellation. The applicant may

reapply if the waiting list is open.

- b. If an applicant contacts the PHA within that 10 calendar days and the PHA schedules a new appointment, and then the applicant fails to attend the second appointment, the PHA will not reinstate the application. In that event the applicant may reapply after six months if the waiting list is open.

## **2. Cancellation for Failure to Provide Required**

**Documentation:** The PHA will remove an applicant from the waiting list (that is, cancel the application) if the applicant fails to provide documentation required to determine program eligibility. Before canceling the application, the PHA will mail the applicant a notice listing what information is required and stating that the application will be cancelled in 10 calendar days if the applicant does not provide the information before then. If the applicant does not provide the required information within the time allowed, the PHA will send a second letter stating that the application has been cancelled. The second letter will explain that the application can be reinstated to the same place on the waiting list only if the applicant provides the information within 10 calendar days from the date of the second letter. If the applicant fails to provide the documentation required to determine program eligibility within the additional time allowed, the PHA will not reinstate the application. In that event the applicant may reapply after six months if the waiting list is open.

3. **Voluntary Cancellation:** The PHA will cancel an application at the request of an applicant, either before or during the eligibility determination process. After a voluntary cancellation, applicants will be reinstated to their previous place on the list only if they contact the PHA in writing within 60 days from the date of cancellation. Applicants who contact the PHA more than 60 days but less than six months after the date of cancellation will be reinstated but to a lower position on the list, with their new “date of application” being the date they contacted the PHA and requested reinstatement.

**See also Part 1, Sections V.A.4. Restricting Reapplication/Readmission.**

- F. **Closing and Opening the Waiting List:** Before suspending or resuming taking applications, the PHA will issue a public announcement. The announcement will be published in local newspapers at least two weeks before the waiting list is closed or opened.

**G. Household Splits; Lease-On:**

1. If one or more members of a household currently living in public housing wish to move into a separate unit, they must apply, be placed on the public housing waiting list according to their date of application, and meet the same eligibility requirements as other applicants. The PHA may approve a transfer in accordance with Part 7, Section III. E.
2. If one or more persons not living in public housing want to be added to a lease and become members of a household currently living in public housing (“lease-on”), they must apply and meet the same eligibility requirements as other applicants. If the lease-on applicants are determined to be eligible and they can move into the household without exceeding the PHA’s occupancy standards, they may be admitted without regard to their position on the public housing waiting list. See Part 7, Section III.F.5. Transfers to Comply With Occupancy Standards. See also Part 6. VII. Adding Members to a Household (Lease-On)

- a. **Housing History for Lease-On.** When an adult who is not a member of a current resident’s household applies to be added to the household’s lease (lease-on), the PHA will request the same length of verifiable housing history as for any other applicant. The PHA may, in its discretion, approve the lease-on based on a shorter housing history under the following conditions:
  - i. The applicant’s available, verifiable housing history must be satisfactory.
  - ii. The household’s current resident(s) must have been a tenant or tenants in good standing for at least six (6) months.
  - iii. The person applying to be added to the lease must not have been living in a PHA unit as an unauthorized person.
  - iv. All adult members of the household, including the person applying to be added to the lease, must sign a lease addendum agreeing that the PHA may terminate the entire household’s lease if the person who is added to the lease commits any criminal activity or other serious violation of the lease during the six (6) months after the lease-on is approved.

- v. Neither the person added to the household by leasing on, nor other members of the household, will be approved to transfer to another PHA unit (a household split) until after six (6) months from the effective date of the lease-on.
  - vi. If the other member(s) of the household move out within twelve months after the effective date of the lease-on the person added to the household by leasing on will be allowed to stay as long as he/she is in good standing. A new lease will be drawn up in their name only, starting a new 12 month lease term.
3. Marriage does not automatically result in the spouse being added to the lease. A spouse will be subject to the same economic and non-economic requirements for admission as other lease-on applicants.
  4. Live-in aides/care attendants must meet non-economic screening standards.

**H. Lease-Ons; Adding Minors to a Household in Public Housing:**

The PHA may approve a head of household's request to add (lease-on) a minor to the household if the head of household or another adult household member proves that he or she has legal custody of the minor, by providing one of the following documents:

1. Birth certificate showing that the adult household member is the biological parent of the minor
2. Legal proof of adoption
3. Court order awarding custody
4. Written Delegation of Parental Authority, under Minnesota Statutes Section 524.5.211.

NOTE: A Delegation of Parental Authority, under the statute, is a temporary delegation of authority from a parent of a child to another adult, valid for up to one year. It should be reviewed annually and may be renewed.

**For List of Assets refer to HUD Guidebook and 24 CFR  
(Code of Federal Regulations)**

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### III. Calculating Annual Income

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**A. Annual Income:** Annual income is the anticipated total income from all sources listed in this section that are received by:

- The head of household and spouse (even if temporarily absent), and
  - Each additional member of the household who is age 18 or older and is not a full-time student.
1. Annual income will be anticipated for the twelve-month period following the effective date of initial determination of eligibility or the effective date of the reexamination of income. If it is not feasible to anticipate a level of income for a twelve-month period, the income anticipated for a shorter period may be **annualized**, subject to a reexamination at the end of the shorter period.
  2. Annual income includes, but is not limited to the following:
    - a. The full amount, before any payroll deductions, of **wages and salaries**, including commissions, tips, fees, bonuses, and compensation for overtime and other compensation for personal services.
    - b. Net income from operation of a **business or profession**.
      - (1) Expenditures for business expansion or amortization of capital indebtedness will not be used as deductions in determining net income.
      - (2) An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations.
      - (3) Any withdrawal of cash or assets from the operation of a business or profession shall be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
    - c. Interest, dividends, and other net income of any kind from assets whether real or personal property or instruments such as stocks, bonds, certificates of deposit.

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- (1) Expenditures for amortization of capital indebtedness shall not be used as a deduction in determining net income.
  - (2) An allowance for depreciation of real or personal property may be deducted from the interest, dividends or other net income derived from the property (straight line depreciation shall be used as provided in Internal Revenue Service regulations).
  - (3) Any withdrawal of cash or assets from an investment shall be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family.
  - (4) Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets, or a percentage of the value of such assets based on the current passbook savings rate as determined by the PHA in accordance with HUD guidelines.
  - (5) Actual income from assets shall be included as income if total assets are \$5,000 or less.
- d. The full amount of periodic payments received from **Social Security, annuities, insurance policies, retirement income, pensions, disability or death benefits**, and other similar types of periodic receipts.
  - e. Payments in lieu of earnings, such as **unemployment and disability compensation, Worker's Compensation and severance pay**. (*Note the exclusion of lump sums to income listed in the following Part 1. Section B 4.*)
  - f. **Welfare assistance:**
    - (1) If the amount of welfare is reduced because of an act of fraud by a family member or because of any family member's failure to comply with requirements to participate in an economic self-sufficiency program or work activity, the amount of rent required to be paid by the family will not be decreased. In such cases, the amount of income attributable to the family will include what the family would have received had they complied with the welfare requirements and/or had not committed an act of fraud.

- (2) If the amount of welfare assistance is reduced as a result of a lifetime time limit, the reduced amount is the amount that shall be counted as income.
- g. Periodic and determinable allowances, such as **alimony, child support payments, and regular contributions or gifts**, including amounts received from any person not residing in the dwelling.
- h. **All regular pay, special payments and allowances** (such as longevity, overseas duty, rental allowances, allowances for dependents, etc.), received by a **member of the Armed Forces** (whether or not living in the dwelling) who is head of the family, spouse, or other family member whose dependents are residing in the unit.
- i. Payments to the head of the household for **support of a minor**, or payments nominally to a minor for his support, but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support.
- j. **Relocation payments** made to displaced households made under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 or under 104(d) of the Housing and Community Development Act. The amount of income to be included will be based upon the number of months remaining in their 42 or 60 months entitlement since the date the family received its first replacement housing payment.

49 CFR 24  
(Department of  
Transportation  
regulations) and  
HUD Handbook  
1378, Part 2-8

**B. Annual Income Does Not Include:**

- 1. **Non-recurring income**, defined as:
  - a. Sporadic and irregular gifts,
  - b. Amounts that are specifically received for, or in reimbursement of, the cost of medical expenses for any family member.
  - c. Certain non-recurring or sporadic income.
- 2. **Income from employment of minors (including foster children).**
- 3. **Income of certain care providers:**

- a. **Foster care:** Payments received for the care of foster children or foster adults.
  - b. **Care Attendant or Live-In Aide Income:** Income of a care attendant will not be counted in determining the family's income if the PHA determines that the care attendant is essential to the care and wellbeing of a family member.
  - c. **Care of a Disabled Family Member:** Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
4. **Lump-sum Additions:** Lump-sum additions to family assets; such as, but not necessarily limited to:
- a. Inheritances;
  - b. Insurance payments, including payments under health and accident insurance and worker's compensation;
  - c. Capital gains;
  - d. Settlements for personal or property losses;
5. **Deferred Periodic Payments** of Supplemental Security Income (SSI) and Social Security benefits that are received in a lump sum payment or in prospective monthly amounts.
6. **Scholarships:** The full amounts of student financial assistance paid directly to the student or to the educational institution.
7. **Hostile Fire Pay:** The special duty pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. **Income from Certain Training Programs:**
- a. Amounts received under training programs funded by HUD as determined by the program's guidelines.
  - b. Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan to

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Attain Self-Sufficiency (PASS);

- c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.). The payments must be made solely to allow participation in a specific program;
  - d. A resident service stipend, not to exceed \$200 per month, received by a resident for performing a service for the PHA, on a part-time basis, that enhances the quality of life in the development. Payment in excess of \$200 a month will cause the entire amount to be considered income. No resident may receive more than one such stipend during the same period of time;
  - e. Compensation from state or local employment training programs and training of a family member as resident management staff; this income is excluded only for a limited period as provided for in the program's guidelines.
  - f. Earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437 t) or any comparable federal, state, or local law during exclusion period.
9. **Certain earnings disregarded:** Effective October 1, 1999, the incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 9.) will not apply for any family who concurrently is eligible for exclusion in paragraph 8 above. Additionally, this exclusion is only available to the following families:
- a. Families whose income increases as a result of employment of a family member who was previously unemployed for one or more years.
  - b. Families whose income increases during the participation of a family member in any family self-sufficiency program or other job-training program.
  - c. Families who are or were, within six months, assisted under MFIP or another state TANF Program.

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- d. This provision applies when an eligible adult begins employment on or after October 1, 1999, while a resident of public housing.
  
- 10. **Further earnings disregarded:** In the case of a family who has qualified for the earned income exclusion in Part One, Section III.B.9 upon the expiration of the 12-month period described in that section, an additional rent benefit accrues to the family. If the family member's employment continues, then for the 12-month period following the 12-month period of disallowance, the rent increase due to the earned income will be capped at 50 percent of the rent increase the family would have otherwise received.
  
- 11. **Reparation payments:** For all initial determinations and re-examinations of income carried out on or after April 23, 1993, reparations paid by a foreign government pursuant to claims filed under the laws of the government by persons who were persecuted during the Nazi era.
  
- 12. **Earnings in excess of \$480 per year for each full-time student** 18 years of age or older (excluding the head of household or spouse).
  
- 13. **Adoption assistance payments** in excess of \$480 per year per adopted child.
  
- 14. **Refunds or rebates**, such as renters' credit, received by the family under state or local law for property taxes paid on the dwelling unit.
  
- 15. **Statutory exclusions:** Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the National Housing Act of 1937 or Section 236 of the National Housing and Community Development Act of 1974, including but not limited to the following:

Annual income does not include:

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- a. The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- b. Payments to volunteers under the domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);

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- c. Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));
- d. Income derived from certain sub marginal land of the United States that is held in trust for certain Indian Tribes (25 U.S.C. 459e);
- e. Payments or allowances made under the Department of Health and Human Services Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);
- g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540, 90 Stat. 2503-2504);
- h. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted land, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407-1408);
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);
- j. Payments received from programs funded under Title V of the Older Americans Act of 1985 (42 U.S.C. 3056(f));
- k. Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the *In Re Agent-product liability litigation*, M.D.L. No. 381 (E.D.N.Y.);
- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);
- m. The value of any child care provided or arranged (or any

amount received as payment for such care or reimbursements for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q).

- n. Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95-433);
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));
- q. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spinal bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);
- r. Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and
- s. Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

**IV. Verifying Applicants’ Statements And Incomes**

**A. Overview:**

- 1. Applicants shall be required to furnish proof of their statements when requested by the PHA. See Section V. 24 CFR §5.233
- 2. All determinations will be fully documented in the files. §960.259(c)(1)
- 3. The PHA will utilize HUD’s online “Upfront Income Verification” and “Enterprise Income Verification” (UIV/EIV) systems to the greatest extent feasible to verify employment income and other eligibility information for all PIH 2010-19

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applicants and residents.

- A. Documentation from Applicant:** Applicants are required to submit documentation to the PHA to verify statements related to program eligibility.
- B. Applicant Releases:** Applicants are required to sign release forms that authorize necessary third party verifications that include, but are not limited to, income and assets. If sufficient verification for some or all income sources is obtained through HUD’s online UIV/EIV system or third party documentation provided by the applicant, the applicant will not be required to sign release forms for those income sources.
- C. Use of Confidential Information/Data Practices:** Information that is obtained directly from applicants, or from those persons authorized by the applicant, will be used or disclosed only for purposes relating directly to the administration of the Public Housing Program. All information that is “private data on individuals” under the Minnesota Government Data Practices Act (Minn. Stat. Sec. 13.01 and following) will be handled in compliance with that law. Information obtained from HUD’s online UIV/EIV systems will be used, stored and disposed of in compliance with HUD requirements.
- D. Family Composition and Residency:** Certification by applicants will normally be considered sufficient verification of family composition and residence as provided by the applicant’s signature on the application. However, the PHA reserves the right to request additional verification.
- E. Income:** All earned and unearned income must be verified at the time of admission through third parties.
  - 1. Written Third Party Verification. To the greatest extent feasible, income should be verified through acceptable documents that are generated by third parties, but are in the possession of and provided by the applicant.
  - 2. Verification Forms. If the applicant cannot provide acceptable third party documentation, the PHA may obtain the required verifications using forms sent to the third parties (employers, etc.).
  - 3. Oral Third Party Verification. If neither form of written verification can be obtained, the PHA may verify income information by contacting the income source(s) via telephone or in-person visit.

24 CFR §5.233  
§960.259(c)(1)  
PIH 2010-19

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4. **Tenant Declaration.** If none of the forms of third party verification listed above can be obtained, the PHA may at its discretion accept an affidavit or notarized statement by the applicant of reported income, Staff must document in the family's file the reason(s) why third party verification was not available.
5. Within 90 days after the applicant is admitted to public housing, the family's earned income must be verified through HUD's online UIV/EIV systems.

**G. Assets:** If the total value of reported assets is \$3000 or more, their value must be verified in the same manner as income (see above).

**H. No Income:** The absence of income will be verified through third parties where possible. Applicants reporting no income will be required to sign a statement certifying that they are receiving no income.

**I. Misrepresentation:** Any material misrepresentation on the part of an applicant revealed through the application process or otherwise, may result in a determination of ineligibility. The applicant shall be notified in writing of such determination by the PHA, and shall be given the opportunity to request an informal hearing of the matter.

## V. Non-Economic Qualifications For Admission

### A. Overview:

1. **Lease Compliance:** Applicants must be able to demonstrate the ability and willingness to comply with the terms of the PHA's lease either alone or with assistance at the time of their admission to public housing. The PHA will deny admission to any applicant whose habits and practices reasonably may be expected to have a detrimental effect on other tenants, on the development environment, or on the financial stability of the PHA's Public Housing Program. §960.203
2. **Information Sources:** The PHA will rely upon sources of information which may include, but are not limited to, PHA records, personal interviews with the applicant or tenant, home visits, credit checks, criminal and court records or police departments' records, references from previous and current landlords (or agents), employers, family, social §960.206

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workers, parole/probation officers, drug treatment centers and detoxification centers.

3. **Lack of Information and Applicant's Responsibility:** It is the applicant's responsibility to provide all requested non-economic eligibility information, and to ensure that all requested verifications of such information are received by the PHA. An application file lacking these verifications will be considered incomplete and cannot be approved.
  - a. **Housing history:** The PHA requires the applicant to provide addresses of all places where the applicant has lived in the last five (5) years, both to check for possible criminal history records in those jurisdictions, and to contact property owners and/or other credible sources who may verify that the applicant resided there, and who may provide evidence as to the applicant's ability and willingness to comply with the PHA's lease requirements.
  - b. **Application denied or suspended for lack of housing history:** An applicant who does not provide the required length of verifiable housing history will be denied admission. However, at the discretion of the PHA, the PHA may offer to suspend the application for a specific period of time that will depend on the facts and circumstances under consideration, to allow the applicant to increase the length of verifiable housing history. If the applicant declines to accept the suspension option, the PHA will deny the application. If the applicant agrees to the suspension, then when the suspension period ends, the PHA will resume determining the applicant's eligibility, which may mean re-verifying eligibility factors that were verified previously.
4. **Restricting Reapplication/Readmission:** For a period of one year from the date of any of the following actions the PHA will not accept public housing applications from or readmit a family or individual who:
  - a. has been denied admission to public housing;
  - b. has been evicted from PHA owned property for cause or non-payment of rent;
  - c. has voluntarily terminated their tenancy with the PHA to avoid eviction;
  - d. has been formally barred ("trespassed") from PHA

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property; and/or

- e. Has engaged in or threatened abusive or violent behavior toward PHA personnel.

Use of this restriction is subject to any mitigating circumstances that an applicant may present. (See Section C., Mitigating Circumstances.)

See also Part 1, Section 1.E.

**B. Basis for Denial of Admission:** A record or history of any of the following may be sufficient cause for the PHA to deny admission to the household:

1. **Inability or failure to provide required verifiable economic and non-economic eligibility information;**
2. **Inability to comply with the lease without supportive services from PHA staff** that would require an alteration in the fundamental nature of the public housing program;
3. **Non-payment** of rightful obligations, including rent and utilities;
4. **Disturbance** of neighbors;
5. **Destruction** of property;
6. **Poor living or housekeeping habits;**
7. Persons evicted from public housing, Indian housing, Section 23, or any Section 8 program because of drug-related criminal activity are ineligible for admission to public housing for a three-year period beginning on the date of such eviction.
8. A history of or current record of **criminal activity** involving crimes of **physical violence** to persons or property or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety or welfare of other tenants, neighbors or PHA employees. See also Section 15, below, Registered Sexual Offenders.
9. A history of (in the five years prior to the offence) or current record of **drug-related criminal activity** by the applicant, any member of the applicant's household, or a guest or other person under the applicant's control.

Housing  
Opportunity  
Program  
Extension Act of  
1996  
§960.205

1998 Housing  
Act §578

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For purposes of these Policies, **“criminal activity” includes**, but is not limited to, **intentional conduct that is forbidden by and punishable under Minnesota law**, even though such conduct may be neither reported to a law enforcement agency nor prosecuted. Such conduct includes, but is not limited to, acts of physical violence or the threat of such acts. Neither proof beyond a reasonable doubt nor conviction in a court of law is necessary to establish whether an applicant or resident has engaged in criminal activity that amounts to a violation of the terms of the dwelling lease.

10. A history of, or current **violation of, the terms and conditions of a lease or occupancy agreement.**
11. An applicant’s **misrepresentation of any information** related to eligibility, award of preference for admission, allowances, family composition or rent.
12. A history of, or current conduct by a household member apparently caused by **substance abuse of alcohol or drugs, which would be a violation of the terms of the dwelling lease**, and an indication that such conduct is likely to continue and adversely affect the residential development environment.
  - a. A determination by the PHA that an applicant is illegally using a controlled substance;
  - b. A determination by the PHA that there is reasonable cause to believe that an applicant abuses alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants;
  - c. A determination by the PHA that there is reasonable cause to believe that the applicant’s pattern of illegal use of a controlled substance or pattern of abuse of alcohol may interfere with the health, safety, or right to peaceful enjoyment of the premises by other tenants;
13. A committing of **fraud** by a household member in connection with **any federal housing assistance program.**
14. Any member of the household who currently **owes rent or other amounts to the PHA or to another PHA** in connection with the Public Housing or Section 8 Programs.
  - a. Prior to their re-admission to public housing, former public housing residents and Section 8 participants shall pay or make arrangements to pay all sums owed to the

1998 Housing  
Act §575-577

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PHA or another PHA. Payment agreements must be paid on time and in full for at least 6 months prior to an applicant being accepted.

- b. Payment Agreements may be executed with the applicants who are otherwise program eligible and who have demonstrated to the PHA’s satisfaction that they do not have the present ability to pay the entire amount. See also Part 2, Section IV of these Policies.

15. Registered Sex Offenders. The PHA must deny admission or terminate the lease of any resident who is subject to a lifetime registration requirement under any state’s **sex offender registration** program.

24 CFR Sec.  
960.204(a)(4)  
(5/24/2001  
Fed.Reg.)

16. Persons convicted of methamphetamine manufacture or production. The PHA must permanently deny admission of any household that includes a member who has been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of any federally assisted housing.

17. For a period of one year from the date of any of the following actions the PHA will not accept public housing applications from or readmit a family or individual who:

- a. Was denied admission to public housing;
- b. Was evicted from PHA owned property for cause or non-payment of rent;
- c. Voluntarily terminated tenancy with the PHA to avoid eviction;
- d. Was formally barred from entering one or more PHA properties under a “no trespass order”; and/or
- e. Engaged in or threatened abusive or violent behavior toward PHA personnel.

18. Victim of Domestic Violence. The PHA will not deny a qualified applicant admission solely because the applicant is a victim of domestic violence, dating violence or stalking. The PHA may require an applicant who is or claims to be a victim of domestic violence to provide a signed certification or other documentation. (See Appendix K, VAWA Policy)

19. The PHA may deny admission to an applicant who is or

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claims to be a victim of such domestic violence, dating violence or stalking if the applicant fails or refuses to provide a signed certification or other documentation as evidence of the domestic violence, dating violence or stalking within 14 business days after being asked to do so. (See Appendix K, VAWA Policy)

**C. Mitigating Circumstances:** In the event the PHA receives unfavorable information with respect to an applicant which will likely cause the PHA to deny them admission, consideration shall be given to the time, nature and extent of the applicant's or a household member's conduct, and to factors which might indicate a reasonable probability of favorable future conduct or financial prospects. §960.205(d)

1. Mitigating circumstances might include, but are not limited to:
  - a. Evidence of **successful rehabilitation**;
  - b. Evidence of the applicant family's participation in or willingness to **participate in social service or other appropriate counseling**;
  - c. Evidence of **successful modification** of previous disqualifying behavior.
2. The PHA's primary mission is to provide housing. The PHA is under no obligation to locate or provide services to public housing applicants or tenants. However, on a case-by-case basis, the PHA may consider admitting an applicant or continuing the tenancy of a resident who agrees to accept support services necessary to comply with the terms of the PHA Lease.
  - a. The necessary support services may be provided by an agency **established to provide such service or by an individual** willing to accept responsibility for providing the necessary service.
  - b. **Payment for services** is not the responsibility of the PHA.
  - c. The PHA has the **right to approve or reject** the agency or individual agreeing to provide the necessary support services.
  - d. Some, but not all, of the **lease compliant functions** an

agency or individual may assist an applicant or resident to perform are:

- (1) Rent and utility payments;
- (2) Cleaning/housekeeping;
- (3) Rule compliance; and
- (4) Avoiding disturbances.

**D. Reasonable Accommodation:** Applicants who are known to have a disability or handicap and have been determined eligible but who fail to meet the non-economic selection criteria will be offered an opportunity to have their cases examined to determine whether mitigating circumstances or reasonable accommodations will make it possible for them to be housed. The PHA is under no obligation to locate or provide social services or care attendants to any applicant or resident. (See Appendix G.)

## VI. Notice to Ineligible Families

**A. Notice to Applicants:** The PHA will give an applicant prompt written notice of a decision denying their eligibility.

**B. Informal Hearing:** The notice shall also state that applicants may request an informal hearing on the decision and shall describe how to obtain the informal hearing. Applicants may object if they believe the information the PHA received was erroneous or untimely. Informal hearings will be conducted by management. A decision of the informal hearing will be mailed to the applicant within 10 days of the informal hearing. If the decision is to uphold the denial the applicant will have the opportunity to request a formal hearing. That request must be in writing and presented to management no later than the date explained on the informal hearing decision letter. The formal hearing will be heard by an outside official (another HRA Director, EDA Director, etc.).

See Part 2, Section VIII for information about the required notice regarding ineligibility for a Local Preference.