

## **Exhibit 2-1 Qualify as a Family**

### **HUD Regulation – 24 CFR 982.201**

(a) When applicant is eligible: In general. The PHA may admit only eligible families to the program. To be eligible, an applicant must be a “family;” must be income-eligible in accordance with paragraph (b) of this section and ...

### **1. Definition of Family**

#### **HUD Regulation – 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.

#### **HUD Regulation – 24 CFR 982.4**

Family. A person or group of persons, as determined by the PHA consistent with 24 CFR 5.403, approved to reside in a unit with assistance under the program.

#### **AHFC Policy**

AHFC also includes the following in its definition of family. A group of persons residing together. This includes:

1. A student temporarily away at college or boarding school.
2. A child who will live in the household at least 50 percent of the time per a custodial agreement.
3. Unborn children of pregnant women. These persons are counted when determining whether a family meets the income limit and for purposes of subsidy.

4. Two or more previously unrelated disabled/elderly persons who choose to live together due to financial, not familial status. This encourages those individuals who are interested in sharing or pooling their resources to do so.

### **1.A Applicant**

#### **HUD Regulation – 24 CFR 5.403**

Applicant means a person or a family that has applied for housing assistance.

### **1.B Moving to Work Family Definitions**

#### **AHFC Policy**

AHFC has created three groups of families under its Moving to Work Activity 2014-1 Reasonable Rent and Family Self-Sufficiency Initiative approved by the AHFC Board of Directors on February 27, 2013 with Resolution 2013-11.

#### **1.B.1. Classic Program**

All adult family members are either elderly (age 62 or older) or persons with a disability (see Definitions below). This family includes:

1. Disabled or elderly adults with custody of minors (under the age of 18).
2. Disabled or elderly adults with dependent full-time students.
3. Disabled or elderly adults with a live-in aide.

#### **1.B.2. Step Program**

This is any family that does not meet the definition of a Classic Program family.

#### **1.B.3. Set Aside Programs**

These are families subject to certain Moving to Work rent calculations, but these families use traditional family member definitions.

### **1.C Continued Occupancy**

For purposes of continued occupancy, the term family also includes the remaining member of a participant family with the capacity to execute a lease. See Last Remaining Family Member below.

## **2. Individual Member Definitions**

The following definitions are derived from the HUD definitions. See the Income Determination and Verification chapter for verification procedures for individual categories.

## 2.A Adult

Any person who is:

- 18 years of age or older;
- A 16 or 17 year old minor legally emancipated or married

## 2.B Co-Head of Household

This is 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.

## 2.C Disabled Family

### HUD Regulation – 24 CFR 5.403

Disabled family means 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.

## 2.D Person with Disabilities

### HUD Regulation – 24 CFR 5.403

Person with disabilities:

- (1) Means a person who:
  - (i) Has a disability, as defined in 42 U.S.C. 423;
  - (ii) Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:
    - (A) Is expected to be of long-continued and indefinite duration;
    - (B) Substantially impedes his or her ability to live independently, and
    - (C) Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or
  - (iii) Has a developmental disability as defined in 42 U.S.C. 6001.
- (2) Does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome;
- (3) For purposes of qualifying for low-income housing, does not include a person whose disability is based solely on any drug or alcohol dependence; and
- (4) Means “individual with handicaps”, as defined in § 8.3 of this title, for purposes of reasonable accommodation and program accessibility for persons with disabilities.

## 2.E Displaced Family

### HUD Regulation – 24 CFR 5.403

Displaced family means a family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief.

## 2.F Elderly Family

### HUD Regulation – 24 CFR 5.403

Elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 62 years of age. It may include two or more persons who are at least 62 years of age living together, or one or more persons who are at least 62 years of age living with one or more live-in aides.

## 2.G Elderly Person

### HUD Regulation – 24 CFR 5.100

Elderly Person means an individual who is at least 62 years of age.

## 2.H Full-Time Student

### HUD Regulation – 24 CFR 5.603

Full-time student. A person who is attending school or vocational training on a full-time basis.

### AHFC Policy

1. For the purpose of family eligibility for the Classic program, a full-time student is defined as an adult dependent under the age of 24 who is enrolled as a student at an institution of higher education, meets the school's definition of full-time enrollment, and lives with an elderly/disabled family. AHFC will continue to disregard any income earned by this individual while full-time student status is maintained.
2. Under 24 CFR 5.612, adult students may be ineligible for assistance. See the Student Rule exhibit.

## 2.I Head of Household

The adult member of the household who is designated by the family as the head, is wholly or partly responsible for paying the rent, and has the legal capacity to enter into a lease under state/local law. Emancipated minors who qualify under state law can be recognized as the head of household.

## 2.J Household

### HUD Regulation – 24 CFR 5.100

Household, for purposes of 24 CFR part 5, subpart I, and parts, 960, 966, 882, and 982, means the family and PHA-approved live-in aide.

## 2.K Live-In Aide

### HUD Regulation – 24 CFR 5.403

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.

### AHFC Policy

These persons are not considered part of the family's household when calculating income, but will count towards the subsidy standard. See the Live-In Aide exhibit for documentation and verification procedures.

## 2.L Minor or Youth

This is an individual who is under the age of 18.

## 2.M Near-Elderly Family

### HUD Regulation – 24 CFR 5.403

Near-elderly family means a family whose head (including co-head), spouse, or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides..

## 2.N Spouse

This is the husband or wife of the Head of Household who is equally responsible for the lease with the Head of Household. For proper application of the Noncitizens Rule, the definition of spouse is: the marriage partner who, in order to dissolve the relationship, would require a divorce. It includes the partner in a common law marriage, but does not apply to boyfriends, girlfriends, significant others, or co-heads.

## 3. Changing Household Members

Changes to family composition must be reported, in writing, to AHFC within **ten (10) business days** of the change. See the Interim Examination Process for any required

changes to a family's annual income or Step/Classic classification as a result of changes to household members.

### **3.A Addition of Family Members**

With the exception of members added due to birth or adoption, the addition of family members requires the pre-approval of the landlord and AHFC. An EIV report will be pulled for the family within 120 days of the effective date for an addition of a family member.

#### **3.A.1. Adults**

Adults wishing to be added to a family must meet all of AHFC's screening criteria before they can be added to the household.

#### **3.A.2. Minors**

Families wishing to add minors (household member under 18 years of age) to a household must provide the appropriate verification as stated in the Income Determination and Verification chapter.

### **3.B Removal of Family Members**

To remove a family member, AHFC must receive verification of the family member's intent to leave or departure from the household.

### **3.C Returning Family Member**

Adults or children that have been removed from a family that request to be added back to the family must meet all of AHFC's screening criteria before they can be added to the household.

## **4. Family Breakup or Split**

### **HUD Regulation – 24 CFR 982.315**

(a)

(1) The PHA has discretion to determine which members of an assisted family continue to receive assistance in the program if the family breaks up. The PHA administrative plan must state PHA policies on how to decide who remains in the program if the family breaks up.

(2) If the family break-up results from an occurrence of domestic violence, dating violence, or stalking as provided in 24 CFR part 5, subpart L, the PHA must ensure that the victim retains assistance.

(b) The factors to be considered in making this decision under the PHA policy may include:

(1) Whether the assistance should remain with family members remaining in the original assisted unit.

(2) The interest of minor children or of ill, elderly, or disabled family members.

(3) Whether family members are forced to leave the unit as a result of actual or threatened domestic violence, dating violence, or stalking.

(4) Whether any of the family members are receiving protection as victims of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and whether the abuser is still in the household.

(5) Other factors specified by the PHA.

(c) If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement or judicial decree, the PHA is bound by the court's determination of which family members continue to receive assistance in the program.

#### **AHFC Policy**

AHFC will determine, on a case-by-case basis, which member of an assisted family continues to receive the rental assistance if the family breaks up. AHFC will provide a decision in writing to the family members who are breaking up. See the Violence Against Women Act exhibit for VAWA protections.

#### **4.A Family Breakup**

In addition to the factors listed above, AHFC will consider the following:

- To whom the rental assistance was initially issued.
- Other factors or mitigating circumstances presented to AHFC.

#### **4.B Family Splits**

- If a current Step household divides into two households and both will continue to receive assistance, both new households will continue with the current Step Program schedule.
- If other adults (who are not head, spouse, or co-head) in an assisted household wish to establish a new, separate household, they must submit an application and go through the waiting list process.

### **5. Last Remaining Family Member**

If the head of household dies or leaves the unit permanently, the remaining family members qualify as a family if there is at least one individual (not a live-in aide) of legal age and capacity to execute the lease living in the family.

### **5.A Minor Children Only**

AHFC may allow an adult, who is not a current member of the family, to be a new head of household after the death or departure of the original head of household when the only family members remaining in the unit are minors. The new head of household must pass AHFC's screening criteria.

### **5.B Court-Appointed Guardian**

In cases where the remaining family members are orphaned children, a court-appointed guardian may be considered the last remaining adult family member if that person otherwise passes the screening requirements.

## **6. Grievance Process**

All decisions regarding the removal or addition of family members are given to the family in writing. If the family disagrees with an AHFC decision, they may request to participate in AHFC's grievance process.

- For applicant families, this is the Informal Review.
- For participant families, this is the Informal Hearing.

## **Numbered Memo**

19-03 Rent Reform Policy Updates