

Chapter 3

4/1/2024

6/8/2015

3-I.B. Families and Household [24 CFR 5.403; FR Notice 2/3/12; Notice PIH 2014-20 and FR Notice 2/14/23]

The terms *family* and *household* have different meanings in the HCV program

10/16/2012

12/18/2012

3-I.B.i. Family (See 24 CFR 5.100; *FR Vol. 77 No. 23 2/3/12* and Chapter 2.)

Family

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To be eligible for admission, an applicant must qualify as a family. *Family* as defined by HUD, includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status, a single person, who may be an elderly person, displaced person, disabled person, near-elderly person, or any other single person; an otherwise eligible youth who has attained at least 18 years of age and not more than 24 years of age and who has left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act (42 U.S.C. 675(5)(H)), and is homeless or is at risk of becoming homeless at age 16 or older; or a group of persons residing together.

Such group includes, but is not limited to, 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), an elderly family, a near-elderly family, a disabled family, a displaced family, and the remaining member of a tenant family. The PHA has the discretion to determine if any other group of persons qualifies as a family.

Gender Identity means actual or perceived gender characteristics.

Sexual orientation means homosexuality, heterosexuality, or bisexuality.

PHA Policy

A family also includes two or more individuals who are not related by blood, marriage, adoption, or other operation of law but who either can demonstrate that they have lived together previously or certify that each individual's income and other resources will be available to meet the needs of the family.

Each family must identify the individuals to be included in the family at the time of application and must notify the PHA if the family's composition changes.

3-I.B.ii. Household

Household

Household is a broader term that includes additional people who, with the PHA's permission, live in an assisted unit, such as live-in aides, foster children, and foster adults.

3-II.B.vi. Timeframe for Determination of Citizenship Status

[See 24CFR 5.508(g) & (h)]

PHA Policy- Time Frame for Determination of Citizenship Status

The PHA will verify the citizenship status of applicants at the time other eligibility factors are determined.

3-II.C. Social Security Numbers

3/17/2020

10/16/2012

12/18/2012

(See 24CFR 5.216 AND 5.218 *FR Vol. 74 No. 248 12/29/09*) (See Notice PIH 2018-24)

Assistance cannot be provided to a family until all SSN documentation requirements are met. A detailed discussion of acceptable documentation is provided in Chapter 7. (See Chapter 7 Section 7-II.B.)
Note these requirements do not apply to non-citizens who do not contend eligible immigration status.

12/18/2012

See *Application and Instruction for a Social Security Card*

7/20/2016

If a child under age 6 has been added to an applicant family within 6 months prior to voucher issuance, an otherwise eligible family may be admitted to the program and must disclose and document the child's SSN within 90 days of the effective date of the initial HAP contract.

3-II.D. Family Consent to Release of Information (See 24CFR 5.230.20, HCV GB, pg. 5-13)

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HUD requires that each adult family member, and the head of household, spouse or co-head, regardless of age, to sign form HUD-9886, Authorization for the Release of Information/Privacy Act Notice, the form HUD-52675 Debts Owed to Public Housing Agencies and Terminations and other consent forms as needed to collect information relevant to the family's eligibility and level of assistance. Chapter 7 provides detailed information concerning the consent forms and verification requirements. The consent form remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent.

The PHA must deny admission to the program if any member of the applicant family fails to sign and submit consent forms which allow the PHA to obtain information that the PHA has determined is necessary in administration of the public housing program [24 CFR 960.259(a) and (b) and 24 CFR 5.232(a)].

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The consent remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to revoke consent.

However, this does not apply if the applicant or participant, or any member of their family, revokes their consent with respect to the ability of the PHA to access financial records from financial institutions, unless the PHA establishes a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance [24 CFR 5.232(c)].

PHA Policy

The PHA has established a policy that the family's revocation of consent to allow the PHA to access records from financial institutions will result in denial of admission.

Debts Owed to PHAs and Terminations

All adult household members must sign the form HUD-52675 Debts Owed to Public Housing and Terminations. Prior to admission to the program, the PHA must search for each adult family member in the Debts Owed to PHAs and Terminations module.

If a current or former tenant disputes the information in the module, the tenant should contact the PHA directly in writing to dispute the information and provide any documentation that supports the dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record from EIV. Former tenants may dispute debt and termination information for a period of up to three years from the end of participation date in the program.

PHA Policy

The PHA will require each adult household member to sign the form HUD-52675 once at the eligibility determination. Any new members added to the household after admission will be required to sign the form HUD-52675 prior to being added to the household.

The PHA will search the Debts Owed to PHAs and Terminations module as part of the eligibility determination for new households and as part of the screening process for any household members added after the household is admitted to the program. If any information on debts or terminations is returned by the search, the PHA will determine if this information warrants a denial in accordance with the policies in Part III of this chapter.

EIV Income Reports

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For each new admission, the PHA is required to review income information in EIV to confirm and validate family reported income within 120 days after the move-in information is transmitted to HUD. The PHA must print and maintain copies of the reports in the tenant file and resolve any discrepancies with the family.

Per alternative requirements listed in the Federal Register notice dated December 29, 2014, PHAs are no longer permitted to deny assistance to a family because the family previously failed to meet its obligations under the Family Self-Sufficiency (FSS) program [FR Notice 12/29/14].

PHA Policy- (For PHA Determined Reasons for Denial of Assistance Reasons #18-24)

“Abusive or violent behavior” towards PHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

“Threatening” refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

If any household member has engaged in any of the program violations as described in items #18-#24 within the last three years, the family will be denied consideration for admission.

Additionally, for items #19, #20, and #21 the family must repay the full amount of the debt before consideration for admission.

25. Failure to submit any information the PHA determines is necessary to the administration of the program and consent to PHA verification of that information. 24CFR 982.551.

26. PHA Policy – Failure to meet PHA deadlines for supplying information, including missed appointments, necessary for the administration of the program.

PHA Policy- Form of Assistance Denial.

Assistance denial can take the form of revocation of a voucher offer, revocation of a voucher, or disapproval of the Request for Tenancy Approval.

27. PHA Policy – Failure to Provide all Information in Writing

All information requested from an applicant family in response to a PHA deadline must in be in writing.

3-III.C.i. RESTRICTION ON ASSISTANCE BASED ON ASSETS [24 CFR 5.618]

7/1/2025

There are two circumstances under which a family is ineligible for the program based on asset ownership.

First, assistance may not be provided to any family if the family’s net assets exceed the HUD-published asset limitation amount (adjusted annually by HUD).

- This amount is listed in HUD’s current year Inflation-Adjusted Values tables
- \$100,000 for 2024, \$103,200 for 2025

Second, the family has real property that is suitable for occupancy by the family as a residence and the family has:

- A present ownership interest in the real property;
- A legal right to reside in the real property; and
- The effective legal authority to sell (based on state or local laws of the jurisdiction where the property is located) the real property.

The PHA does not have the discretion not to enforce or provide limited enforcement of the asset limitation at admission. However, the real property restriction does not apply in the following circumstances:

- Any property for which the family is receiving assistance for a manufactured home under 24 CFR 982.620 or under the HCV Homeownership program;
- Any property that is jointly owned by a member of the family and at least one non-household member who does not live with the family, if the non-household member resides at the jointly owned property;
- Any family that is offering the property for sale; or

- Any person who is a victim of domestic violence, dating violence, sexual assault, or stalking.
- When a family asks for an exception because a family member is a victim of domestic violence, dating violence, sexual assault, or stalking, the PHA must comply with all the confidentiality requirements under VAWA. The PHA must accept a self-certification from the family member, and the restrictions on requesting documentation under VAWA apply.

A property is considered *suitable for occupancy* unless the family demonstrates that it:

- Does not meet the disability-related needs for all members of the family (e.g., physical accessibility requirements, disability-related need for additional bedrooms, proximity to accessible transportation, etc.);
- Is not sufficient for the size of the family;

PHA Policy

The PHA defines not sufficient for the size of the family as being overcrowded based on the PHA's occupancy standards in Chapter 5.

- Is geographically located so as to be a hardship for the family (e.g., the distance or commuting time between the property and the family's place of work or school would be a hardship to the family, as determined by the PHA or owner);

PHA Policy

In general, the PHA defines a geographic hardship to include when a family members' work, school, health care provider, or other necessary service is located an unreasonable distance from the real property or there is a lack of adequate transportation options for the family to access work, school, health care, or other necessary services. The PHA will consider circumstantial details a family faces when determining whether a geographical hardship is present.

- Is not safe to reside in because of the physical condition of the property (e.g., property's physical condition poses a risk to the family's health and safety and the condition of the property cannot be easily remedied); or
- Is not a property that a family may reside in under the State or local laws of the jurisdiction where the property is located.

If a family meets one of the above exceptions, the real property is not automatically excluded from the calculation of net family assets. Unless the real property is specifically excluded from net family assets as described in 24 CFR 5.603 and Chapter 6 of this policy, it will be included in net family assets. If the value of that real property brings the net family assets above the HUD-published asset limitation amount, the family is out of compliance with the asset limitation.

See Chapter 7 for information on verifying net family assets for purposes of the asset limitation.

3-III.D. Screening

4/1/2024

3-III.D.i. Screening for Eligibility [See also 24 CFR 982.553 (a)(2)(i)]

PHA Policy- Screening for Eligibility

All applicants are required to disclose any criminal history, and, if warranted, the PHA will perform a criminal background check.

A criminal background check will be conducted prior to the issuance of a Housing Voucher.

If the results of the criminal background check indicate that there may be past criminal activity, the PHA will require a fingerprint card from the applicant which will be sent to the National Crime Information Center (NCIC).

All Applicants will be screened for sex offender registration.