

**IA. . ELIGIBILITY FOR PARTICIPATION**

Eligibility for participation in the Section 8 Program is based upon family composition, having income within the income limits, meeting citizenship/eligible immigrant criteria, providing documentation of social security numbers, and signing consent authorization documents. Additionally, families must also meet HACK screening criteria in order to be admitted to the Section 8 Program. To qualify, an applicant must:

1. Be a family as defined below:
  - A. A family with or without children. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship.
    1. Children temporarily absent from the home due to placement in foster care are considered family members.
    2. 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.
  - B. An elderly family, which is:
    1. A family whose head, spouse, or sole member is a person who is at least 62 years of age;
    2. Two or more persons who are at least 62 years of age living together; or
    3. One or more persons who are at least 62 years of age living with one or more live-in aides.
  - C. A near-elderly family, which is:
    1. A family whose head, spouse, or sole member is a person who is at least 50 years of age but below the age of 62;
    2. Two or more persons who are at least 50 years of age but below the age of 62 living together; or
    3. 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.

- D. A disabled family, which is:
1. A family whose head, spouse, or sole member is a person with disabilities;
  2. Two or more persons with disabilities living together; or
  3. One or more persons with disabilities living with one or more live-in aides.
- E. A displaced family is a family in which each member, or whose sole member, has been displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.
- F. A remaining member of a tenant family.
- G. A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a tenant family.
2. Qualify for Assistance by Income Eligibility Criteria
- A. To be eligible to receive assistance a family shall, at the time the family initially receives assistance under the Section 8 program, be a low-income family that qualifies under one of the following:
1. A very low-income family;
  2. A low-income family continuously assisted under the 1937 Housing Act;
  3. A low-income family that meets additional eligibility criteria specified by the Housing Authority;
  4. A low-income family that is a non-purchasing tenant in a HOPE 1 or HOPE 2 project or a property subject to a resident home ownership program under 24 CPR 248.173;
  5. A low-income family or a 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; or
  6. A low-income family that qualifies for voucher assistance as a non-purchasing family residing in a HOPE 1 (HOPE for public housing home ownership) or HOPE 2 (HOPE for home ownership of multifamily units) project. 24 CPR 248.173

- B. Income limits apply only at admission and are not applicable for continued occupancy; however, as income rises the assistance will decrease. The applicable income limit for issuance of a voucher is the highest income limit for the family size for areas within the housing authority'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.
  - C. Families who are moving into HACK's jurisdiction under portability 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.
  - D. Families who are moving into HACK's jurisdiction under portability and are already program participants at their initial housing authority do not have to meet the income eligibility requirement for HACK's program.
  - E. Income limit restrictions do not apply to families transferring units within HACK's Section 8 Program.
3. Meet Citizenship/Eligible Immigrant Status
- A. To be eligible, at least one 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. 1436a(a)).
  - B. A family shall not be eligible for full assistance unless every member of the family residing in the unit is determined to have eligible status, with the exception noted below.
    - 1. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of three types of assistance. (See Chapter 9 for calculating rents under the non-citizen rule).
    - 2. A family without any eligible members and receiving assistance on June 19, 1995 may be eligible for temporary deferral of termination of assistance.
4. Provide Social Security Number Documentation
- A. To be eligible, all family members 6 years of age and older must provide a Social Security Number or certify that they do not have one.

## 5. Sign Required Consent Forms

- A. In order to be eligible each member of the family who is at least 18 years of age, and each family head and spouse regardless of age, shall sign one or more consent forms.
- B. The consent form must contain, at a minimum, the following:
  1. A provision authorizing HUD and HACK to obtain from State Wage Information Collection Agencies (SWICAs) any information or materials  
-necessary to complete or verify the application for participation or for eligibility for continued occupancy;
  2. A provision authorizing HUD or HACK to verify with previous or current employers income information pertinent to the family's eligibility for or level of assistance;
  3. A provision authorizing HUD to request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to a family's eligibility or level of benefits;
  4. A provision authorizing HACK to obtain information regarding the criminal background of applicant family members over the age of 18 years; and
  5. 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.
6. Have satisfied, or made satisfactory arrangements for any and all liabilities, unpaid rent, damages or other charges resulting from having been a former tenant in an Federal, State or local-assisted housing program.
7. Not have engaged in drug-related criminal activity or violent criminal activity; The HACK determines eligibility for participation and will also conduct criminal background checks on all adult household members, including live-in aides. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. If the individual has lived outside the local area, HACK may contact law enforcement agencies where the individual had lived, HACK may request a check through the FBI's National Crime Information Center (NCIC) at any time. HACK ~~will~~ **may** deny assistance to a family because of drug-related criminal activity or violent criminal activity by family members.

HACK will check with the State sex offender registration program and will ban for life any individual who is registered as a life time sex offender. Additional screening is the responsibility of the owner. Upon the request of a prospective owner, HACK will provide any factual information they have relevant to a voucher holder's history of, or ability to, comply with material standard lease terms or any history of drug trafficking.

For those individuals who qualify for the involuntary displacement or homeless preferences listed in Chapter 2 of the Administration plan only the following criminal activity will be taken into consideration:

- Any household member has been convicted of the manufacture of methamphetamine on the premises of federally assisted housing.
- Any household member is subject to a lifetime sex offender registration requirement.

8. Not have committed fraud in any housing-assistance program.
9. Abide by program rules, regulations and guidelines and, as head of household, ensure that household members also abide by them.
10. Not be a:
  - a. member, officer or employee of HACK, or
  - b. member of the governing body of any locality in which HACK has jurisdiction, or
  - c. public official of any locality where HACK has jurisdiction, who exercises any responsibilities or functions with respect to the Section 8 Program. HACK may
    - submit a request for a waiver of the conflict-of-interest provision to the HUD Field Office for a specific applicant if it has determined a waiver is merited. HACK will execute a HAP Contract until HUD makes a decision. HACK requests will be accompanied by a statement that includes:
      - (1) A complete statement of the facts in the case;
      - (2) An analysis of the conflict-of-interest contract provision, and an indication of the reasons why these requirements should be waived,
      - (3) An analysis of State law and a statement whether the waiver, if granted, would be consistent with State law. Where appropriate, an opinion would be obtained from the State Attorney General;
      - (4) An analysis of local ordinances, if applicable. This analysis will be made by the local governing body or HACK;

- (5) An opinion by the Area Office Director of the Office of Public Housing as to whether there would be an appearance of impropriety if the waiver were granted;
- (6) A statement regarding alternative existing housing that is available for lease under the Section 8 Program, or the likelihood that other assisted housing will be constructed or rehabilitated if the waiver were denied.
- (7) If the case involves a public official or member of the governing body, an explanation of the duties of the public official or member of the governing body under State or local law should be included with specific reference to any responsibilities that involve the Section 8 program. Also, where relevant, a discussion of how the city and county governments interrelate should be included.
- (8) If the case involves employment of a tenant by HACK or housing assistance for an employee of HACK who is an eligible recipient, there should be an explanation of the responsibilities and duties of the job involved. If the employee is in a policy or decision-making position, a statement should be included concerning the employee's responsibilities with respect to a Section 8 program.
- (9) If the case involves an investment by the member, officer or employee of HACK, the nature of the investment should be described, and any disclosure and/or divestiture plans specified.