CHAPTER 8 - Definition of Terms

8-1  Definition of Terms

50058 Form

The HUD form that housing authorities are required to complete for each assisted household in public housing to record information used in the certification and recertification process and, at the option of the housing authority, for interim reexaminations.

1937 Housing Act

The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (24 CFR 5.100)

Adjusted Income

“Adjusted Income” means "Annual Income," less allowances specified below and anticipated during the twelve-month period for which Annual Income is estimated:

a.  $480 for each dependent of the family residing in the household as defined in "Annual Income, Part a, subpart 5";

b.  $400 for any Elderly Family; (Refer to definition “Elderly Family”)

c.  Handicap assistance expenses in excess of three percent (3%) of annual income for any family that is not an Elderly Family but has a member who is handicapped or disabled other than the Head of Household or spouse. This amount may not exceed the earnings of the family member 18 years or older, who is employed as a result of said assistance;

d.  Medical expenses in excess of three percent (3%) of Annual Income when not compensated for nor covered by insurance, including payments made for Medicare or other medical premiums; also, handicapped assistance expenses as computed in Paragraph c, above, for any Elderly Family;

e.  A deduction of amount paid by the family for the care of children under 13 years of age where such care is necessary to enable a family member to be gainfully employed or to further his or her education. The amount deducted shall not exceed the amount of income received by the family member and shall reflect reasonable charges for child care;

f.  Additional adjustment for earned income (income exclusions), up to a maximum period of 24 months, should one or more of the following occur:

   (1)  The resident obtains a new source of earned income (i.e., new employment and/or an increase in earned income from a current employer, fifty per cent (50%) of mandatory payroll deductions (i.e., Social Security, federal and state income tax, etc.) is excluded in the first year and reduced to 25% in the second year.
(2) Direct cost of going to work, such as, cost of special tools, equipment, or uniform(s) is paid for by the employee and not compensated by the employer;

(3) A family member becomes employed but loses benefits, in which case any portion of the earned income necessary to replace the lost benefits would be excluded. This would include amounts the family paid for medical costs or to obtain medical insurance.

Adult

A household member who is 18 years or older, or who is the Head of Household, or spouse, or co-head.

Allowances

Amounts deducted from the household's annual income in determining adjusted annual income (the income amount used in the rent calculation). Allowances are given for elderly families, dependents, medical expenses for elderly families, disability expenses, and child care expenses for children under 13 years of age. Other allowance can be given at the discretion of the housing authority.

Annual Contributions Contract (ACC)

The written contract between HUD and a housing authority under which HUD agrees to provide funding for a program under the 1937 Act, and the housing authority agrees to comply with HUD requirements for the program. (24 CFR 5.403)

Annual Income

"Annual Income represents income before deductions from all sources of (1) the Head of Household and spouse (even if temporarily absent) and (2) each additional member of the household residing in the household who is at least eighteen years of age, including all net income derived from assets anticipated to be received during the twelve months following admission or re-examination of household income and exclusive of income which is temporary, non-recurring, or sporadic, as defined in Section 8-34 of this Chapter. In making this estimate, due consideration should be given to the previous 12 months' income of the recipient. Arbitrary assumptions or imputation of income shall be avoided. Annual Income shall include that portion of the income of the Head of Household or spouse temporarily absent, which, in the determination of HACK, is (or should be) available to meet the family's needs.

a. Annual Income includes, but is not limited to, the following:

(1) The full amount, before any payroll deduction, of wages and salaries, including compensation for overtime and other compensation for personal services (such as commissions, fees, tips, meals, and bonuses);
(2) Net Income from operation of a business or profession. (Expenditures for business expansion or amortization for capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine net income from a business.) Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation of the business;

(3) Interest, dividends, and other net income of any kind from real or personal property. (For this purpose, expenditures for amortization of capital indebtedness and an allowance for depreciation of capital assets shall not be deducted to determine the net income from real or personal property.) Where the Family has Net Family Assets in excess of $5,000.00, 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 HUD. On contracts for sale of real estate, deeds of trust or mortgages held by the applicant or tenant, only the interest portion of the monthly or annual payments received by the applicant or tenant is included as income;

(4) The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability, or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment. See (c-13);

(5) Payments in lieu of earnings, such as unemployment and disability compensation, Worker's Compensation, and severance pay;

(6) Welfare assistance payments; If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

i. The amount of the allowance or grant, exclusive of the amount specifically designated for shelter or utilities, plus

ii. The maximum amount the welfare assistance agency could, in fact, allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the amount calculated under this paragraph B (6) (b) shall be the amount resulting from one application of the percentage.

(7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing in the dwelling;

(8) 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
Household, spouse, or other household member whose dependents are residing in
the unit;

(9) Payments to the Head of Household for support of a minor or payments nominally
to a minor for his support but controlled for his benefit by the Head of Household
or a resident household member other than the Head, who is responsible for his
or her support;

(10) Any earned income tax credit to the extent it exceeds income tax liability.

(11) Income of persons who "live in" to provide care for a sick or incapacitated family
member(s) (see Chapter 8) shall be included if his or her income is available to
the family and if the person is expected to contribute towards the family's support.
In such cases, only part of the income which is over and above wages paid by the
family shall be included. If these wages are deducted by the family as an unusual
medical expense, then the entire amount of the "live-in" caretaker shall be
included. Conversely, if the "live-in" attendant who would otherwise not live in
the unit is not expected to and does not, therefore, contribute to the family's
support, his or her income should not be counted. However, the Head of
Household must then submit a doctor's certificate, or such other certification as
may be deemed necessary, stating that this employment is necessary to the care
and well-being of the sick or incapacitated family member or to enable another
family member to seek or to obtain employment outside the home. If the family
pays out-of-pocket for the care provided, such payment may be deducted as
unusual medical expenses.

(12) If it is not feasible to anticipate a level of income over a 12-month period, the
income anticipated for a shorter period may be annualized, subject to a
redetermination at the end of the shorter period.

b. **Annual Income does not include:**

(1) Income from employment of children (including foster children) under the age of
18 years;

(2) Payments received for the care of foster children or foster adults (usually
individuals with disabilities, unrelated to the tenant family, who are unable to live
alone);

(3) Lump-sum additions to Family Assets, such as inheritances, insurance payments
(including payments under health and accident insurance and worker's
compensation), capital gains, and settlement for personal or property losses {see
Paragraph (a)(5) of this section};

(4) Amounts received by the Family that are specifically for, or in reimbursement of,
the cost of medical expenses for any family member;
(5) Income of a Live-in Aide, as defined in Section 215.1;

(6) The full amount of student financial assistance paid directly to the student or to the educational institution;

(7) The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;

(8) Any of the following:

(I) Amounts received under training programs funded by HUD;

(ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);

(iii) Amounts received by a participant in other publicly-assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;

(iv) A resident services stipend which is a modest amount (not to exceed $200 per month) received by a resident for performing a service for the owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, and Resident Initiatives' coordination. No Resident may receive more than one such stipend during the same period of time;

(v) Compensation from State or local employment training programs and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for a limited period as determined in advance;

(9) Temporary, non-recurring, or sporadic income (including gifts);

(10) Reparation payments for all initial determinations and re-examinations of income carried out on or after April 23, 1993, and paid by a foreign government, pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of $480 for each full-time student 18 years old or older (excluding the Head of Household and spouse);
For family members who enrolled in certain training programs prior to 10/01/99, the earnings and benefits resulting from the participation if the program provides employment training and supportive services in accordance with the Family Support Act of 1988, Section 22 of the 1937 Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this exclusion the following definitions apply:

a. Comparable Federal, State or local law means a program providing employment training and supportive services that:
   I. Is authorized by a Federal, State or local law;
   II. Is funded by the Federal, State or local government;
   III. Is operated or administered by a public agency; and
   IV. Has as its objective to assist participants in acquiring employment skills.

b. Exclusion period means the period during which the family member participates in a program described in this section, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the family member is terminated from employment with good cause, the exclusion period shall end.

c. Earnings and benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job.

The incremental earnings due to employment during the 12-month period following date of hire shall be excluded. This exclusion (paragraph 11) will not apply for any family who concurrently is eligible for exclusion #12. 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.

c. Families who are or were, within six (6) months, assisted under a State Temporary Aid for Needy Families program.

(While HUD regulations allow for the housing authority to offer an escrow account in lieu of having a portion of their income excluded under this paragraph, it is the policy of this housing authority to provide the exclusion in all cases).
(14) Adoption assistance payments in excess of $480 per adopted child;

(15) Deferred periodic payments of Supplemental Security Income and Social Security benefits that are received in a lump-sum payment;

(16) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;

(17) 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;

(18) 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 Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s). The following types of income are subject to such exclusion:

(a) Relocation payments made under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value for the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;

(c) Payments to volunteers under the Domestic Volunteer Service Act of 1973;

(d) Income derived from certain sub-marginal land of the United States that is held in trust for certain Indian tribes;

(e) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program;

(f) Payments received from the Job Training Partnership Act and other applicable federal programs.

**Applicant (Applicant Family)**

A person or family that has applied for admission to a program but is not yet a participant in the program. (24 CFR 5.403).

**As Paid States**

States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.
Assets

The value of equity in savings, checking, IRA and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles are not counted as assets. (Also see “net family income received from assets held by family members. If assets total more than $5,000, income from the assets is “imputed" and the greater of actual asset income and imputed asset income. (See “imputed asset income" below.)

Ceiling Rent

Ceiling rents shall be the maximum amount of the rent payable by a resident family for their applicable unit size. Ceiling rents are determined by multiplying 30% by the 95th percentile of the average income for tenants currently residing in HACK public housing units by bedroom size. Ceiling rents will be allowable for any residents for a cumulative maximum of 60 months, after which time rent will again be based on the TTP, less the utility allowance.

Certification

The examination of a household's income, expenses, and family composition to determine the family's eligibility for program participation and to calculate the family's share of rent.

Child

A member of the family, other than the Head of Household or spouse, who is under 18 years of age.

Child Care Expense

Amount s anticipated to be paid by the family for the care of children under 13 years of age during the period for which annual income is computed, but only where such is necessary to enable a family member to be gainfully employed or to further his/her education. The amount deducted shall reflect a reasonable charges for child care, the amount deducted shall not exceed the amount of income received from such employment. When the deduction is to facilitate further education, the amount must not exceed a sum reasonable expected to cover class time and travel time to and from classes.

Citizen

A citizen or national of the United States of America.
**Community Service**

The performance of voluntary work or duties that are a public benefit and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self-responsibility in the community. Community service is not employment and may not include political activities.

**Consent Form**

Any consent form approved by HUD to be signed by assistance applicants and participants for the purpose of obtaining information from employers and SWICAs, return information from the Social Security Administration, and return information for unearned income from the Internal Revenue Service. The consent forms may authorize the collection of other information from assistance applicants or participant to determine the eligibility or level of benefits (24 CFR 2.14)

**Covered Families**

Families who receive welfare assistance or other public assistance benefits ("welfare benefits") from a State or other public agency ("welfare agency") under a program for which Federal, State, or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for such assistance.

**Decent, Safe, and Sanitary**

Housing is decent, safe, and sanitary if it satisfies the applicable housing quality standards, Department

The Department of Housing and Urban Development (24 CFR 5.100)

**Dependent**

"Dependent" means a member of the family household (excluding foster children), other than a Head of Household or spouse, who is under 18 years of age or who is a disabled or handicapped person or who is a full-time student. (An unborn child shall not count as a dependent.)

**Disability Assistance Expenses**

Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source. (24 CFR 5.603(d))
**Disabled Family**

A family whose head, spouse, or sole member is a person with disabilities; two or more persons with disabilities living together; or one or more persons with disabilities living with one or more live-in aides. (24 CFR 5.403(b)) (Also see “person with disabilities”)

**Disabled Person**

"Disabled Person" means a person who has a disability as defined in Section 223 of the Social Security Act. The term 'disabled person' is thereby defined as: (a.) inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not fewer than 12 months, or (b.) in the case of an individual who has attained the age of 55 and is blind (within the meaning of "blindness," as defined in Section 416 (I)(1) of this title), inability by reason of such blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which he has previously engaged with some regularity and over a substantial period of time as in Section 102(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.5.

**Displaced Family (Involuntary)**

"Displaced Family" is a person or a family who through no fault of their own have been involuntarily displaced by a 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. Involuntarily displaced families also include:

a. Families in witness protection programs.

b. Families who are victims of hate crimes for racial or religious reasons.

**Drug Related Criminal Activity**

Drug trafficking or the illegal use, or possession for personal use, of a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C.802).

**Economic Self-Sufficiency Program**

Any program designed to encourage, assist, train or facilitate the economic independence of HUD-assisted families or to provide work for such families. These programs include programs for job training, employment counseling, work placement, basic skills training, education, English proficiency, workfare, financial or household management, apprenticeship, and any program necessary to ready a participant for work (including a substance abuse or mental health treatment program), or other work activities.
**Educational Institution**

An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

**Elderly Family**

"Elderly Family" is a family whose Head of Household or spouse or whose sole member is at least 62 years of age or Disabled, as defined in this Chapter, or Handicapped, as defined in this Chapter, and which may include two or more Elderly, Disabled, or Handicapped persons living together or one or more such persons living with another person who is determined to be essential to his or her well-being.

**Elderly Person**

A person who is at least 62 years of age.

**Eligible Alien**

A person lawfully admitted for residence to the United States.

**Evidence of Citizenship or Eligible Immigration Status**

Such documents must be submitted to evidence citizenship or eligible immigration status.

**Extremely Low-income Families**

Those families whose income do not exceed 30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30% of the median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

**Family**

“Family" is defined as: (1) a group of two or more persons who live or will live together regularly (including members temporarily absent and foster children), whose incomes(s) and resources are available for use in meeting the living expenses of the household, who are related by blood, marriage, adoption, or operation of the law, or who have evidenced and established a stable family relationship (HACK reserves the right to determine that such a sound relationship does, in fact exist' (2) a single person 62 years of age or over’ (3) a single disabled person,’ (4) a single Handicapped person; (5) a single person who is displaced; or (6) the remaining member of a tenant family. A group of unrelated persons living together and not having attained retirement age note above does not constitute a family. Boarders or lodgers may not be included in the family.
(1) **Single-temporary.** This definition of a "family" does not exclude a person living alone during the temporary absence of a family member who will live regularly as part of the family.

   a. **Live-In Caretaker.** A person necessarily residing with a family by reason of employment by or for the family to: (1) permit the employment of a family member, or (2) for the health and welfare of a sick or incapacitated family member. The caretaker need not be considered as a member of the family for the purpose of determining Annual Income or establishing rent, as provided in this Chapter under 8-2 (11).

      Under no circumstances will such a person, acting as a caretaker of children or of a sick or incapacitated person(s) in the household, be permitted to reside with family longer than necessary, as certified by responsible sources, or solely for the convenience of the resident or HACK employees.

(2) When considering child custody to meet eligibility as a family, an adult must have custody of a child for at least six months of the year for the child to be considered a family member.

   In joint custody cases, two adults cannot both claim the same children for eligibility purposes as separate families.

**Family Self-Sufficiency**

The Family Self-Sufficiency Program (FSSP) provides assistance to families who wish to participate to achieve self-sufficiency. The Housing Authority is responsible for locating supportive services to enable the family to achieve that goal.

**Family of Veteran or Serviceman**

A family is a "Family of a Veteran or Serviceman" when:

   a. The Veteran or Serviceman is (1) either the Head of Household or is related to the Head of Household by blood, marriage, or adoption; or (2) is deceased and was the Head of Household (provided the spouse has not remarried), or (3) is deceased and was related to the Head of Household by blood, marriage, or adoption, and was a family member at the time of death.

   b. The Veteran or Serviceman, unless deceased, is living with the family or is only temporarily absent, unless he or she was: (1) formerly the Head of Household and
permanently absent due to hospitalization, separation, or desertion, or is divorced; provided the family contains one or more persons for whose support he or she is legally responsible, and the spouse has not remarried; or (2) not the Head of Household but is permanently hospitalized; provided, that he or she was a family member at the time of hospitalization and that there remains in the family at least two or more persons to whom he or she is related by blood, marriage, or adoption.

**Full-time Student**

"Full-time Student" is a person who is carrying a subject load which is considered full time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certification program, as well as an institution offering a college degree.

**Gross Income**

"Gross Income" represents Annual Income, as defined in Paragraph 21 of this Chapter.

**HA**

A housing authority - either a public housing agency or an Indian housing authority or both.

**Handicapped Assistance Program**

Reasonable expenses anticipated during the period when Annual Income is computed for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member necessary to enable a family member (including the Handicapped or Disabled member) to be employed, provided that the expenses are neither paid to a member of the Family nor reimbursed by an outside source. Expenses may include alterations to vehicles.

**Handicapped Person**

"Handicapped Person" is a person having a physical or mental impairment which: (1) is expected to be of long-continued or indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such disability could be improved by more suitable housing conditions.

**Head of Household**

The adult member of the family who is that member of the group who is legally and morally responsible for the household and designated for purposes of determining income eligibility and rent.
**Household Members**

All members of the household including members of the family, live-in aides, foster children, and foster adults. All household members are listed on the lease, and no one other than household members are listed on the lease.

**Housing Assistance Plan**

A housing plan that is submitted by a unit of general local government and approved by HUD as being acceptable under the standards of 24 CFR 570.

**HUD**
The Department of Housing and Urban Development.

**INS**
The U.S. Immigration and Naturalization Service.

**Imputed Income**

For households with net family assets of more than $5,000, the amount calculated by multiplying net family assets by a HUD-specified percentage. If imputed income is more than actual income from assets, the imputed amount is used as income from assets in determining annual income.

**Imputed Welfare Income**

The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income for purposes of determining rent.

**In-Kind Payments**

Contributions other than cash made to the family or to a family member in exchange for services provided or for the general support of the family (e.g., groceries provided on a weekly basis, baby sitting provided on a regular basis).

**Income Method**

A means of calculating a family's rent based on 10% of their monthly income, 30% of their adjusted monthly income, the welfare rent, or the minimum rent. Under the income method, rents may be capped by a ceiling rent. Under this method, the family's income is evaluated at least annually.

**Interim (Examination)**
A reexamination of a family income, expenses, and household composition conducted between the regular annual recertifications when a change in a household's circumstances warrants such a reexamination.

**Live-in Attendant**

A person who would otherwise not live in the unit and who is determined to be essential to the care and well-being of an elderly, disabled or handicapped tenant. A live-in attendant is not considered a family member and is not expected to contribute to the family. Their income is not counted, and they have no residual rights to occupancy if the family vacates the unit. The Housing Authority must be furnished with the name of any live-in attendant(s).

**Lower-Income Family**

A family whose annual income does not exceed 80% of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than the 80% of median income for the area on the basis of its finding that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.

**Medical Expenses**

Those medical expenses, including medical insurance premiums, that are anticipated during the period for which annual income is computed, and that are not covered by any insurance. (Medical expenses are allowed only for elderly, disabled, or handicapped households.) The amount allowable as a deduction is the amount that exceeds 3% of annual income if there is any amount of the 3% of annual income remaining after it has been deducted for handicap assistance.

Examples of medical expenses are dental expenses, transportation costs, prescription medicines, medical insurance premiums, eye glasses, hearing aids and batteries, the cost of a live-in resident assistant, monthly payments required on accumulated major medical bills, including that portion of the spouse's or child's nursing home care paid from tenant family income(s).

**Military or Naval Service of the United States**

"Military or Naval Service of the United States" means only the Army, Navy, Air Force, Marine Corps, and Coast Guard. Such service does not include: The Merchant Marine, Red Cross, nor any other organization not actually part of the Military or Naval Service of the United States.

**Mixed Family**

A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

**Mixed Population Development**
A public housing development, or portion of a development, that was reserved for elderly and disabled families at its inception (and has retained that character). If the development was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the development (or portion of development) to elderly families and disabled families. These developments were formerly known as elderly projects.

**Monthly Adjusted Income**

One twelfth (1/12th) of adjusted income. (24 CFR 5.603(d))

**National**

A person who owes permanent allegiance to the United States; for example, as a result of birth in a United States territory or possession.

**Near-Elderly Family**

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; two 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. (24 CFR 5.403(b))

**Net Household Assets**

"Net Household Assets" include the value of or equity in real property, savings, bonds, stocks, and other forms of capital investments. The value of personal property, such as furniture and automobiles, is to be disregarded in the Net Assets determination. When determining Net Household Assets, the value of any assets disposed of by an applicant or resident for less than fair market value (including a disposition in trust, but not in a foreclosure or bankruptcy sale) during the two years preceding the date of application for the program or re-examination, as applicable, in excess of the consideration received therefor should be included. In the case of a disposition as part of a divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or resident received important consideration not measurable in dollar terms.

**Non-Citizen**

A person who is neither a citizen nor national of the United States of America.

**Occupancy Standards**

The standards that a housing authority established for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

**Participant**
A family or individual that is assisted by the public housing program.

**Person with Disabilities**

A person who:

A. Has a disability as defined in 42 U.S.C. 423

B. Is determined, pursuant to HUD regulations, to have a physical, mental, or emotional impairment that:

   1. Is expected to be of long-continued and indefinite duration;
   2. Substantially impedes his or her ability to live independently; and
   3. Is of such a nature that the ability to live independently could be improved by more suitable housing conditions; or

C. Has a developmental disability as defined in 42 U.S.C. 6001

   This definition does not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

For purposes of qualifying for low-income housing, it does not include a person whose disability is based solely on any drug or alcohol dependence.

**PHA**

A housing authority that operates Public Housing.

**Previously Unemployed**

This includes a person who has earned, in the 12 months previous to employment, no more than would be received for 10 hours of work per week for 50 weeks at the established minimum wage.

**Proration of Assistance**

“Mixed families” with some members who are citizens or eligible aliens, and some who are not, will have assistance prorated on the basis of total number of family members divided by number of citizens or eligible aliens, based on a HUD formula.

**Public Housing**

Housing assisted under the 1937 Act, other than under Section 8. Public housing includes dwelling units in a mixed-finance project that are assisted by a PHA with capital or operating funds.
Public Housing Agency (PHA)

Any State, county, municipality, or other governmental entity or public body (or agency or instrumentally thereof) which is authorized to engage in or assist in the development or operation of low-income housing under the 1937 Housing Act. (24 CFR 5.100)

Remaining Member of a Tenant Family

“Remaining member of a tenant family” means an individual remaining in a unit when other member(s) of an assisted family have moved, unless this individual was an unrelated member of the former family who was necessary to care for the well-being of an elderly, disabled or handicapped head-of-household or spouse, and whose income was not counted for eligibility or TTP purposes.

Rent

“Rent” represents Total Tenant Payment, as defined in this Section.

Responsible Entity

The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the HA).

Self-Declaration

A type of verification statement by the tenant as to the amount and source of income, expenses, or family composition. Self-declaration is acceptable verification only when third-party verification or documentation cannot be obtained.

Serviceman

"Serviceman" is a person (man or woman) in the active military or Naval Service of the United States.

Single Person

“Single person” means a person living alone or intending to live alone during the temporary absence of a family member and who does not qualify as an elderly family or a displaced person as defined in this section, or as the remaining member of a tenant family.

Single Room Occupancy Housing (SRO)
A unit for occupancy by a single eligible individual capable of independent living that contains no sanitary facilities or food preparation facilities, or contains either, but not both, types of facilities.

**Spouse**

Spouse refers to the marriage partner (either a husband or wife) of the Head of Household. Dissolution of such a union would necessitate divorce. The definition of spouse also includes the partner in a common law marriage but does not cover boyfriends, girlfriends, 'significant others,' nor "Co-Heads." A "Co-Head" is a term recognized by some HUD programs but not by Public and Indian Housing Programs.

**Temporary Assistance to Needy Families (TANF)**

The program that replaced the Assistance to Families with Dependent Children (AFDC) that provides financial assistance to needy families who meet program eligibility criteria. Benefits are limited to a specified time period.

**Temporary Deferral**

Continuing rental assistance for families who were receiving assistance on June 19, 1995, who are either not legally in this country, or a "mixed family" who is not eligible for continued assistance because either the head-of household or spouse in not legally in this country. The maximum deferral is eighteen months.

**Temporary, Non-Recurring, or Sporadic Income**

A. "Temporary, Non-Recurring or Sporadic Income" includes the following:

1. Casual, sporadic, irregular gifts, and amounts specifically received for or as reimbursement of the cost of illness or medical care.

2. Lump-sum additions to family assets, such as, but not necessarily limited to, inheritances and insurance payments, including payments under health and accident insurance, Worker's Compensation, capital gains, and settlements for personal or property losses. (If such sums are substantial, the family may be ineligible in accordance with net assets test for eligibility.)

3. Amounts of educational scholarships (or grants) paid directly to the student or to the educational institution and amounts paid by the United States government to a veteran for use in meeting the cost of tuition, fees, books, and supplies, to the extent that such amounts are so used. (Any such amounts not so used and any amounts available for subsistence are to be included in Annual Income.)
exclusion is applicable to all part-time students and to a full-time student who is the family Head of Household or spouse. Income from student loans (regardless of what such income is used for) is excluded in the computation of Annual Income.

(4) The Hazardous Duty Pay is the pay to a household member in the Armed Forces away from home and exposed to hostile fire.

**Tenant**

The person or family renting or occupying an assisted dwelling unit. (24 CFR 5.504(b))

**Tenant Rent**

"Tenant Rent" is the rent charged a resident for the use of the dwelling's accommodations and equipment (such as, ranges and refrigerators but not including furniture), services, and reasonable amounts of utilities determined in accordance with HACK's Schedule of Allowances for Utilities supplied by HACK. Tenant rent does not include charges for utility consumption in excess of HACK's Schedule of Allowances for Utility Consumption or other miscellaneous charges. Tenant rents equals total tenant payment less the utility allowance.

**Total Tenant Payment (TTP)**

"Total Tenant Payment" is Tenant Rent, plus HACK's estimate of the cost to the tenant of reasonable quantities of utilities, as determined in accordance with HACK's Schedule of Allowances for such utilities, where such utilities are purchased by the tenant and not included in the tenant rent. The minimum TTP will be $50.00.

**Utilities**

"Utilities" includes water, electricity, gas, other heating, refrigeration, cooking fuels, trash collection, and sewage services. Telephone service is not included as a utility.

**Utility Allowance**

If the cost of utilities (except telephone) for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD, of the monthly cost of a reasonable consumption of such utilities will be subtracted from the total tenant payment.

**Utility Reimbursement**

The amount, if any, by which the utility allowance for the unit, if applicable, exceeds the total tenant payment for the family occupying the unit.
**Very Low-Income Family**

"Very Low-Income Family" is defined as a family whose Annual Income does not exceed the applicable Very Low-Income limit set forth in Appendix I.

**Veteran**

"Veteran" is a person (man or woman) who has served in the active military or Naval Service of the United States at any time and who was discharged or released therefrom under conditions other than dishonorable. This includes persons with six (6) years of service in the National Guard or having been called to active duty and/or to a crisis situation (civil disturbance or natural disaster) while in the National Guard regardless of the number of years of service.