

## CHAPTER 1 - CONDITIONS GOVERNING ELIGIBILITY

This Chapter sets forth the basic criteria for eligibility for admission to, or continued occupancy of, HUD-assisted housing.

### 1.1 ELIGIBILITY FOR ADMISSION

Applications will be accepted for admission to low-income public housing units for submission to a central applications pool for those applicants meeting eligibility requirements:

- A. Who qualify as a family (see Chapter 8) or as an eligible single person with or without a live-in caretaker or personal care attendant;
- B. Whose annual income for eligibility (see Chapter 8) does not exceed the applicable income limit for admission for low-income (80% of the median income for the area, as determined by HUD with adjustments for smaller and larger families) or very low-income households (50% of the median income for the area, as determined by HUD with adjustments for smaller and larger families). Not with-standing the above, effective April 1, 1999, forty percent of the families admitted to low-income public housing shall have a maximum annual income from all sources which does not exceed the applicable income limit for admission for extremely low income (30% of the median income for the area, as determined by HUD with adjustments for smaller and larger families) as set forth in Appendix 1;
  1. Dwelling units available for initial occupancy before October 1, 1981 and leased on or after that date shall be available for Lower Income Applicants. All units available after October 1, 1981, are available for Very Low-Income Applicants only. A list of the locations of units available for occupancy before October 1, 1981 is included as Appendix 6;
- C. Who does not have ownership in real property and whose assets are not in excess of \$100,000;
- D. Who meet the resident selection and occupancy standards requirements set forth in Chapters 2 and 3;
- E. Who qualify for Local Preference(s), as listed below:
  1. Involuntary displacement by natural disaster declared or otherwise formally recognized pursuant to Federal Disaster Relief laws, government action, or an abusive situation, as described in Chapter 2; Victims of hate crimes and/or Witnesses to crimes referred by a

law enforcement agency or District Attorney;

2. Veteran or Servicemen Households will be given priority within each preference category. Veterans no longer on active duty must have been discharged under the following conditions; honorable discharge, discharge under honorable conditions or general discharge.
- F. Whose conduct in present or prior housing has been such that admission to the program would not prove detrimental to the development or its residents, or his/her environment (see Chapter 2);
  - G. That have legal capacity to enter into and uphold the public housing lease; at least 18 years of age, or emancipated according to law;
  - H. Who have the ability to manage a household and comply with the lease, according to the determination of HACK;
  - I. Who have not been convicted for drug-related or violent criminal activity, or those who do not have a pattern of alcohol abuse within 3 years prior to application, or those who have evidence of rehabilitation. An applicant must have any outstanding warrants for drug-related charges or violent crimes satisfied to be determined eligible;
  - J. Who are willing to provide Social Security numbers for all members of the household 6 years of age and older or certify to the non-existence of a Social Security Number for the member(s);
  - K. Who have certified that all household members are a United States citizen, national, or eligible non-citizen with eligible immigration status under one of the categories set forth in Section 214 of the Housing and Community Development Act of 1980 (Sec 42 U.S.C. 1436(a)).
  - L. Who have not committed fraud in any housing assistance program within the last 3 years and have satisfied any restitution agreement;
  - M. Who are not current abuser(s) of illegal substances nor alcohol, except as provided in CFR 24 Section 982.553.
  - N. Who fully and accurately disclose criminal history

## **1.2 ELIGIBILITY FOR CONTINUED OCCUPANCY**

To be eligible for continued occupancy Residents must:

- A. Qualify as a Family, as defined herein in Chapter 8, or as the remaining member of a resident household;
  - B. Conform to the occupancy standards, as set forth in Chapter 3;
  - C. Be an eligible single person;
  - D. Not engage in conduct that proves detrimental to the development, its residents, or their environment. (See Chapter 2);
  - E. Meet citizen or eligible non-citizen criteria;
  - F. Not be illegally using a controlled substance nor abusing alcohol when such abuse interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
  - G. Have a household income lower than 120% of the applicable Area Median Income for their household size. There are two exceptions: (1) the family has a valid contract for participation in the Family Self Sufficiency Program; or (2) the family currently receives the earned income disallowance provided by 42 U.S.C 1437 a (d) and 24 CFR 960.255.
- 1-2(A)** The same standards of tenant suitability that are used for applicants will apply to any person or family in occupancy who wishes to move additional members into their unit. HACK will determine that person meets the standards prior to adding the new person's name to the family's lease.
- 1-2(B) HACK** shall not commence eviction proceedings nor refuse to renew a lease, based on the income of the tenant household unless; (a) it has identified, for possible rental by the household, a unit of decent, safe, and sanitary housing of suitable size and accessibility available at a rent not exceeding the Tenant Rent as defined and calculated in accordance with Part 913 of the Code of Federal Regulations, (b) household income is at least 120% of the Area Median income in two consecutive reexaminations, and the exceptions stated above do not apply; or (c) it is required to do so by law.