

Chapter 4

PROJECT ELIGIBILITY

Program eligibility determines whether applicants are eligible for assistance, while project eligibility establishes whether applicants are eligible to reside in the specific project to which they have applied. Project eligibility may be affected by:

- Whether some or all of the units in the project are designated for specific family types
- Project-specific occupancy standards (See Section 4-C)
- Whether some or all of the units in the project are layered with other programs and therefore may have different requirements

Definitions

A. Family Status – All households must have a Head of Household, or coheads of household. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status [Notice H 2015-06].

1. An elderly family, which is:
 - a. A family whose head, spouse, or co-head is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides; or
2. A near-elderly family, which is:
 - a. 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;
 - b. Two or more persons who are at least 50 years of age but below the age of 62 and living together; or
 - c. 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 aide.
3. A disabled family, which is:
 - a. A family whose head, spouse, co-head or sole member is a person with a disability;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
 - d. For purposes of qualifying for low-income housing, HUD does not include a person whose disability is based solely on any drug or alcohol dependence.
4. The remaining member of a tenant family.

4-A. PROJECT-SPECIFIC REQUIREMENTS [HUD Handbook 4350.3, REV-1, CHG-4, Chapter 3, Section 2]

The O/A is required to define if the property is designated for a special population, such as elderly or disabled.

O/A Policy

The O/A does designated this property as elderly (62 or older) or persons with disabilities as defined by HUD.

4-B. INCOME ELIGIBILITY [24 CFR 5.653; HUD Handbook 4350.3, REV-1, CHG-4, Section 3-6, Figure 3-3]

Income Limits

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the PBRA program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county. Income limits are determined by HUD program type.

Types of Low-Income Families

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income eligible, the household's annual income does not exceed applicable program income limits, a copy of which will be available upon request.

RAD Requirements [Notice H 2019-09]

Pursuant to RAD statute, at conversion, current households are not subject income eligibility provisions. In order to facilitate the right to return to the assisted property, this also applies to current public housing residents at the converting project that will reside in non-RAD PBRA units placed in a project that contains RAD PBRA units. RAD PBRA properties will use the low-income limit to determine eligibility for new admissions to the property.

4-C. OCCUPANCY STANDARDS [HUD Handbook 4350.3, REV-1, CHG-4, Section 3-23]

In selecting a family to occupy a particular unit, the O/A may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 5.655(b)(4)]. HUD does not specify the number of persons who may live in units of various sizes. Although the O/A does determine the size of unit the family qualifies for under the occupancy standards, the O/A does not determine who shares a bedroom/sleeping room. Occupancy standards will be applied in a manner consistent with fair housing requirements. Applicants will be housed in a unit size appropriate for their household.

Live-in aides and foster children and adults are considered members of the household, not the family. While the income and assets of these household members are excluded when determining initial eligibility, all members of the household, including foster children and adults and any live-in aides, are considered for purposes of unit size. HUD defines a foster adult as a member of the household who is 18 years or older and meets the definition of a foster adult under state law. State-level agencies define who is considered a foster adult/child, so the classification may vary from state to state. In general, a foster adult is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

HUD defines a foster child as a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

In accordance with HUD Handbook 4350.3, REV-1, CHG 4, household members include, but are not limited to the following:

- All full-time family members
- All anticipated children, defined as the following:
 - Children expected to be born to a pregnant woman
 - Children in the process of being adopted by an adult family member
 - Children whose custody is being obtained
 - Foster children who will reside in the unit
 - Children who are temporarily in a foster home who will return to the family
 - Children in joint custody arrangements who are present in the household 50 percent or more of the time
- Children who are away at school and who live at home during recesses
- Live-in aides
- Foster adults living in the unit

O/A Policy

The O/A will reference the following standards in determining the appropriate unit bedroom size for a family:

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0 BR	1	1
1 BR	1	2
2 BR	2	4
3 BR	3	6
4 BR	4	8
5 BR	5	10
6 BR	6	12

RAD Requirements [Notice H 2019-09]

If at the time of conversion, an eligible family assisted under the HAP contract is occupying a unit that is larger than appropriate because of the family’s composition, the family will be permitted to continue to occupy the unit until an appropriate-sized unit becomes available in the project. When an appropriate-sized unit becomes available, the family living in the under-occupied unit must move to the appropriate-sized unit within 30 days.