The lack of suitable, affordable housing is often a major barrier to successful employment of persons with disabilities. Still, various public and subsidized housing programs available to persons with disabilities can sometimes help to overcome this barrier. In addition, a number of rent-based work incentives allow families and individuals entering the workforce to retain more of their income. This chapter will provide a brief summary of the major federally sponsored programs that should be available in all states, with an emphasis on those policies most applicable to persons with disabilities. The reader should keep in mind: a) this is only an overview of the federal programs and their regulations; and b) this overview is based on federal regulations published as of November 21, 2005. State-subsidized housing programs also exist and may offer additional benefits, although they are not covered in this chapter.

The three main types of federal housing assistance programs sponsored by the Department of Housing and Urban Development (HUD) are public housing, tenant-based Section 8 and the project-based housing subsidy programs.

Public housing is owned and operated by local public housing authorities according to state legislation. Housing units take many forms from high-rise apartment buildings to detached single-family dwellings, and may be located at one site or scattered over several sites.

The Section 8 program was established in 1974 as the government’s primary rental housing assistance program. It is generally administered by a state or local public housing agency (PHA). HUD pays rental subsidies so that eligible families can afford safe, decent and sanitary housing. These Section 8 subsidies take the form of tenant-based or project-based assistance. Tenant-based subsidies allow recipients to rent housing in the private market and move with the tenant. The tenant-based subsidies were merged into the Housing Choice Voucher Program.

Project-based subsidies are attached to specific units in privately owned and operated buildings. Because the subsidy is attached to the unit, rental assistance generally ends for the tenant when the tenant moves except in the Section 8 Project-Based Voucher program. A single building may receive housing assistance under several federal housing subsidy programs. However, current project owners receiving Section 8 Project-Based assistance may not participate in the Project-Based Voucher Program.
HUD’s programs are continually affected by the passage of federal legislation. The *Quality Housing and Work Responsibility Act of 1998* created rent-based work incentives for public housing tenants with new or increased employment income. In April 2000, new regulations expanded these benefits to people with disabilities receiving housing benefits through the HOME Investment Partnerships Program, the Housing Opportunities for People with AIDS program (HOPWA), the Supportive Housing program (24 CFR part 583) and the Housing Choice Voucher program. Effective advocacy may require that you closely examine rent increases linked to increased earned income to confirm that the earned income disregards are being properly implemented in your area.

In this chapter we will provide an overview of the provisions of the federal regulations as they apply to public housing, the Housing Choice Voucher Program, Section 8 project-based assistance, Section 8 Project-Based Vouchers, the HOPWA program, the Supportive Housing program and the Homeownership program. We will also provide comprehensive guidelines for assisting individuals with disabilities to determine how increased earned income impacts on housing costs.

**ELIGIBILITY FOR FEDERALLY SUBSIDIZED HOUSING**

Eligibility for public and subsidized housing is based upon citizenship, income and a family’s prior tenant and criminal history if any. Non-citizens with eligible immigration status may qualify for a housing subsidy, if they are otherwise eligible.

HUD uses three terms to describe income eligibility: “extremely low-income,” “very low-income” and “low-income.”

- **An extremely low-income family** is a family whose income does not exceed 30 percent of the median income of an area as determined by HUD.
- **A very low-income family** is a family whose income does not exceed 50 percent of the area’s median.
- **Low-income families** have an income that is no greater than 80 percent of the area’s median income.

Public housing applicants must be low-income families. However, 40 percent of public housing units newly rented each year must be occupied by extremely low-income households. Housing Choice Voucher applicants must be very low-income families. In addition, 75 percent of new admissions in the Housing Choice Voucher program and the Project-Based Voucher Program must be extremely low-income families. Other Section 8 project-based programs must target 40 percent of all annual project admissions to extremely low-income families.
Median income and the various corresponding income limits vary significantly from area to area. The following are examples for FY2005 for a one person family in the public housing or Section 8 housing programs:

<table>
<thead>
<tr>
<th>Location</th>
<th>Extremely Low-Income (30% of Median)</th>
<th>Very Low-Income (50% of Median)</th>
<th>Low-Income (80% of Median)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo-Niagara Falls, NY</td>
<td>$11,950</td>
<td>$19,950</td>
<td>$31,900</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>$15,850</td>
<td>$26,400</td>
<td>$40,600</td>
</tr>
<tr>
<td>Nassau-Suffolk, NY</td>
<td>$18,650</td>
<td>$31,100</td>
<td>$43,250</td>
</tr>
</tbody>
</table>

Annual income does include net income from family assets. Income, such as interest, may be imputed if the asset is not in an income bearing account.

Your local PHA can provide information about median income and income limits for your area. This information is also available from the HUD website at [www.huduser.org](http://www.huduser.org).

**Total Tenant Payment**

Federal housing subsidy program rents are income-based. Eligibility and assistance levels are calculated according to a family’s income. In general, families who receive federal housing assistance pay the higher of the following amounts as rent:

- Thirty percent of the family’s monthly adjusted income, or
- Ten percent of the family’s monthly income, or
- If the family is receiving welfare assistance payments, the amount of that assistance that is specifically designated for housing.

The amount that the tenant family is required to pay, based upon the above criteria, is called the **total tenant payment**.

If the cost of utilities (except telephone) is not included in the family rent, a utility allowance equal to a PHA or HUD estimate of the monthly cost of a reasonable consumption of such utilities is established.

For Section 8 programs other than the Section 8 Housing Choice Voucher Program, tenant rent is the total tenant payment minus any utility allowance. Participants in the Section 8 Housing Choice Voucher Program may pay up to 40% of their gross adjusted income for rent.
Minimum Rent

PHAs and housing authorities are required to establish minimum rents for tenants with little or no income. Public housing, Section 8 moderate rehabilitation programs and Section 8 tenant-based and project-based voucher programs may set the minimum rent at an amount between zero and $50. Other Section 8 programs must set a minimum rent of $25.

Housing providers are required to adopt hardship exemptions if a family is unable to pay the minimum rent because of financial hardship. The financial hardship exemption includes situations where:

- A family has lost eligibility or is waiting for an eligibility determination for a Federal, State, or local assistance program
- A family would be evicted because it is unable to pay the minimum rent (this exemption does not apply to any other form of rent)
- Family income has decreased due to changed circumstances (e.g., serious medical problem, family member with income leaving the household)
- A death has occurred in the family

If a family requests a financial hardship exemption, the minimum rent requirement must be suspended beginning the month after family’s request. Housing providers may not evict the family during the 90 day period beginning the month following the family’s request for a hardship exemption.

The PHA or housing authority must determine whether there is a qualifying financial hardship and whether the hardship is temporary or long term.
- If there is no qualifying hardship, the minimum rent will be reinstated and the tenant must pay the minimum rent due for the suspended period.
- In public housing, if the qualifying hardship is determined to be temporary, the housing authority must reinstate the minimum rent from the beginning of the suspension period and enter into a reasonable repayment agreement with the family for the amount of back minimum rent owed.
- In all Section 8 programs, if the qualifying hardship is determined to be temporary, the PHA may not impose the minimum rent for the 90 day period following the date of the family’s request for the exemption. At the end of 90 days, the minimum rent will be reinstated from the beginning of the suspension period and the PHA will enter into reasonable repayment agreement with the family for the amount of back minimum rent owed.
- If the qualifying hardship is determined to be long term, the family will be exempted from minimum rent requirements for as long as the hardship continues.
Each applicant for assistance must meet the housing authority’s or the PHA’s definition of family. Within guidelines provided by HUD, PHAs and housing authorities have discretion in defining what constitutes a family. Programs serving a specific population may have additional requirements.

Generally speaking, a family is either a single person or a group of persons and includes:

- A household with or without children. A child who is temporarily away from home due to placement in foster care should be considered a member of the family.

- A disabled family, which means a family whose head, co-head, spouse, or sole member is a person with a disability; or two or more persons with disabilities; or one or more persons with disabilities with one or more live-in aides.

A person with a disability is a person who:

- has a disability as defined in Section 223 of the Social Security Act, or

- is determined by HUD regulations to have a physical, mental or emotional impairment that:

  a)  is expected to be of long, continued, and indefinite duration;

  b)  substantially impedes his or her ability to live independently; and

  c)  is of such a nature that such ability could be improved by more suitable housing conditions, or

- has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

- the definition of a person with disabilities does not exclude persons who have the disease arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

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

- for purposes of reasonable accommodations and program accessibility for a person with disabilities, the definition of “individual with handicaps” found in Title 24 of Code of Federal Regulations Section 8.3 is used.
- An elderly family, which is defined as a family whose head, co-head, spouse, or sole member is at least 62 years of age; or two or more persons, each of whom are at least 62, living together; or one or more persons who are at least 62 living with one or more live-in aides.

- A displaced family, which is a family in which each member or the sole member is a person displaced by governmental action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized by federal disaster relief laws.

- A remaining member of a tenant family is a family member of an assisted tenant family who remains in the unit when other members of the family have left the unit.

- A single person who is not an elderly or displaced person, a person with disabilities, or the remaining member of a tenant family.

**Section 504 Requirements**

Section 504 of the Rehabilitation Act of 1973 (as amended) prohibits discrimination solely on the basis of disability in any program or activity receiving financial assistance. The rule requires that recipients of federal funds ensure that individuals with a disability receive equal opportunity to participate in programs and services. Public housing authorities and PHAs are considered recipients under the act (private owners are not, but must comply with other fair housing requirements). To ensure that individuals with disabilities have an opportunity to participate in subsidized programs, housing authorities and PHAs must make their admission process accessible. TDD, TTY or other equally effective communication systems must be provided. The cost of an interpreter for a hearing-impaired person, copies of legal documents, and informational materials in Braille or on tape must be available upon request.

**Federal Preference Rules**

The Quality Housing and Work Responsibility Act permanently repealed federal preference requirements. Under the prior rule, preferences were granted to those applicants who were involuntarily displaced, paid more than 50 percent of household income for rent or were residing in substandard housing. These preferences allowed qualified applicants to move up on the waiting list, thereby reducing their wait for financially assisted housing. Under the new law, public housing authorities and PHAs are required to give a certain percentage of available units to extremely low-income families. In addition, PHAs and housing authorities are required to give families with a member who has a disability a preference for any available accessible units. To minimize displacement of in-place families, new Section 8 Project-Based Voucher regulations give such families an absolute selection preference for the project based voucher program. Admission is based upon program eligibility. PHAs also have substantial discretion to adopt local preferences. This would allow subsidized housing providers to give individuals with disabilities broader access to affordable housing through a disability-related preference. It also gives housing providers the opportunity to reward tenants who are currently working or who are transitioning into the workforce.
The United States Housing Act of 1937 established the federal *Public Housing* program, which is owned and operated by local public housing authorities according to state legislation. Housing units take many forms from high-rise apartment buildings to detached single-family dwellings, and may be located at one site or scattered over several sites.

Federal law requires that public housing be accessible to individuals with disabilities making it an attractive option for low-income families that include a member with a disability. Local public housing authorities may make policies that provide single individuals with a disability preferential treatment over other single individuals, or that provide families that include a member with a disability with an admission preference. Housing authorities may not base such a preference on a specific type of disability.

Public housing may also be attractive to families who have a poor rent payment history due to financial circumstance and who plan to return to work. While such a rental history might otherwise preclude admission to public housing, a family member’s willingness to increase family income by entering the workforce, or by enrolling in a training or employment program may be considered by the housing authority.

1. **Eligibility Requirements**

   Public housing developments are specifically designated for low-income individuals and families. An applicant’s family income may not exceed 80 percent of the median income of the county or metropolitan area where the housing development is located. Your local housing authority can provide income limits for your community. Income limits are also available at [www.huduser.org](http://www.huduser.org).

2. **Computing Income for Public Housing Tenants**

   Rent in public housing is income-based. Traditionally, an increase in a public housing family’s income caused by the transition from disability benefits to work was offset in part by an increase in the family’s monthly rental obligation. The Quality Housing and Work Responsibility Act changed this in 1998 by mandating income disregards for new or increased income. Local housing authorities have some latitude in drafting income computation and income reporting requirements that can significantly affect the amount of rent owed by individuals as they move into the work force. Because public housing authorities can exercise discretion in setting local requirements, it is important to check with your housing authority to verify its policies. You may also ask for the Public Housing Authority’s Plan, which must be made available to the public.
Chapter 14
Benefits Planning, Assistance and Outreach

a. Annual Income and Income Exclusions
Because rent is based upon income, the way in which income is calculated and defined greatly impacts upon a family’s monthly rental payment. Under federal regulations governing housing authorities, annual income is broadly defined as all amounts, monetary or not, which go to any family member (including temporarily absent family heads or spouse), unless an amount is excluded by law. HUD has clarified that “welfare assistance,” for purposes of income calculation, includes TANF payments but only to the extent that such payments qualify as “assistance” under 45 CFR 260.31 and are not excluded under 24 CFR 5.609(c). Annual income also includes amounts derived during the year from assets belonging to any family member.

Many mandatory income exclusions are specifically designed to encourage individuals to seek further education and job training by eliminating increased rents associated with a move into the labor market.

The mandatory income exclusions include:

- Income from employment of children (including foster children) under the age of 18 years
- Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone)
- 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
- Amounts received specifically for or in reimbursement of the cost of medical expenses for any family member
- Income of a live-in aide
- The full amount of student financial assistance paid directly to the student or to the educational institution
- Special payments to a family member serving in the Armed Forces who is exposed to hostile fire
- Amounts received under training programs funded by HUD
- Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits because they are set aside for use under a Plan for Achieving Self-Support (PASS)
- Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (i.e., special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program
- Amounts received under a resident service stipend (not to exceed $200 per month)
• Incremental earnings and benefits received by any family member from participation in qualifying State or local employment training programs

• Earnings in excess of $480 for each full-time student 18 years old or older (excluding the head of household and spouse)

• Deferred periodic amounts from SSI and Social Security benefits that are received in a lump-sum amount or in prospective monthly amounts

Example: Joan is a single individual who was recently awarded retroactive SSI benefits totaling $20,000. Joan’s total monthly benefit will be $603 and her first retroactive check is for $7,236 (monthly benefit rate of $603 x 12 months). Six months after receiving her first retroactive check, Joan receives a second check for $7,236. Joan continues to receive retroactive lump sums until the $20,000 is paid in full. Joan’s monthly $603 payment is counted as income. The retroactive payments she receives are not.

• Amounts paid by a State agency to a family with a developmentally disabled member living in the home to offset the cost of services and equipment needed to keep the disabled family member at home

• Amounts received by participants in publicly assisted training programs for job-related expenses (such as special equipment, clothing, transportation, child care, etc.)

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

• Adoption assistance payments in excess of $480 per adopted child

• Refunds or rebates for property taxes on the dwelling unit

In addition, public housing programs (but not Section 8 programs) may exercise broad discretion in adopting additional exclusions for earned income. These income exclusions may include amounts necessary to replace benefits lost due to employment (e.g., medical insurance or other medical costs), amounts paid to individuals outside the family (e.g., child support or alimony), or costs incurred in order to go to work (e.g., the cost of special tools, equipment or clothing).

b. Annual Income Adjustments

The annual income of public housing tenant families is further adjusted by the following mandatory income deductions:

• $480 for each dependent

• $400 for elderly families

• $400 for disabled families [defined as families whose head, spouse or sole member is a person with disabilities, or a family with two or more people with disabilities living together, or one or more persons with disabilities living with a live-in aide(s)
• Unreimbursed medical expenses of elderly or disabled families, and
• Unreimbursed reasonable attendant care and auxiliary apparatus expenses for a family member with a disability to the extent necessary to enable any family member to be employed; however, this deduction may not exceed the earned income received by family members 18 years of age and older, who are able to work because of such attendant care or auxiliary apparatus. (Auxiliary apparatus include wheelchairs, ramps, adaptations to vehicles or special equipment to allow a blind person to read or type, but only if these items are directly related to enabling the individual with a disability or other family member to work.)

Example: Gary uses a specially equipped van to get to work each day. The annual payments on the van (in excess of what the payments on a car without special equipment would be) total $500. Gary and his family also have $1,000 in medical expenses. The family’s annual income is $20,000. Gary earns $4,000 at his job. Three percent of the family’s annual income is $600. The family’s combined disability and medical expenses exceed three percent of income and may be deducted. Gary’s family is entitled to a $900 deduction for their combined medical expenses that represents the amount by which the sum of both the disability and medical expenses ($500 + $1,000 = $1,500) exceeds three percent of annual income ($1,500 (expenses) - $600 (three percent of income) = $900 deduction).

Public housing authorities may authorize additional deductions from annual income. Other HUD programs must calculate additional deductions only as permitted by applicable program regulations.

c. Self-Sufficiency Incentives: Earned Income Disallowance (Disregards)

Under the Quality Housing and Work Responsibility Act, specific families are entitled to a disregard or disallowance of incremental earnings as an incentive to economic self-sufficiency. The purpose of this disregard is to limit a family’s rental liability when household income increases due to a return to the workforce or an increase in work hours.

Public housing authorities are required to disregard 100 percent of any increased employment income for a period of 12 months from the date that a member of an eligible family is first employed or from the date that the family’s income increases. In addition, for the second period of 12 months following employment or increased income, the PHA is required to exclude 50 percent of any increase in employment-related income. The disallowance of increased income is limited to a lifetime 48-month period.
Example: Roberta receives SSI payments totaling $603 per month. Pursuant to her lease agreement, Roberta is not obligated to report increased income until her annual recertification in December. In July 2006 Roberta begins to work earning $1,085 per month and her SSI check is reduced to $103 per month. Without the earned income disregard, Roberta’s rent would have increased in January 2007. However, because in January Roberta benefited from not having to report her increased income for six months, she is entitled only to six more months of the 100 percent disregard. Beginning in July 2007 and for 12 months thereafter, Roberta’s rent will be calculated based upon a 50 percent disregard.

The following tenant families are eligible for the earned income disregard:

- Families whose income increases as a result of employment of a family member who was previously unemployed (defined as earning no more than would be received for working 10 hours per week for 50 weeks at the established minimum wage in the 12 months previous to employment) for one or more years.

For example, this provision may apply to the income of minors who turn 18.

Example: Jose lives with his wife Rosa and their 17-year-old son Michael who is no longer in school. Jose works 20 hours each week as a janitor, Rosa receives SSI, and Michael works bussing tables. When Michael turns 18, his earnings will no longer qualify for an income exclusion. His family will, however, be entitled to an earned income disregard for the increase in household income attributable to Michael’s earnings.

- Families whose annual income increases due to increased earnings by a family member during participation in a self-sufficiency or other job training program.

Substance abuse or mental health treatment programs may be considered self-sufficiency or job training programs. Similarly, enrollment in a community college (despite the fact that the tenant is not enrolled in a special vocational program) may be considered job training as long as the studies pursued are designed to ready the tenant for work.

Example: Robert receives $603 each month in SSI. He transfers from a day treatment program to a supported employment program sponsored by a mental health rehabilitation program, where he begins to earn $685 each month. Robert’s SSI benefits are reduced to $303. However, his total monthly income increases to $988 ($303 + $685). Because Robert’s monthly income increased by $385 ($988 current income minus $603 prior SSI income), he is entitled to an earned income disregard for the additional $385 he receives each month.
• Families with an annual income increase due to new employment or increased earnings during, or within six months after the receipt of TANF-funded assistance (including one-time payments, wage subsidies and transportation assistance totaling at least $500 over a six-month period)

**Example:** Joan works 15 hours per week and earns $450 each month. She also receives $420 each month in SSI benefits. When Joan’s car breaks down TANF pays a $600 repair bill on her behalf so she can continue to travel to work. Three months later, when Joan’s hours double, Joan is entitled to an earned income disregard for the increase in her monthly income.

d. Individual Savings Accounts

As an alternative to earned income disregards, housing authorities may also offer **Individual Savings Accounts** for those tenant families who pay an income-based rent. At the option of the tenant family, the housing authority will deposit the total amount that would have been calculated as increased tenant rent resulting from the increased employment income into an interest-bearing savings account. The tenant family may only withdraw the monies deposited in the account for:

- Purchasing a home
- Paying the education costs of a family member
- Moving from public or assisted housing
- Paying other expenses approved by the housing authority that promote economic self-sufficiency

If the family moves from public housing, the housing authority must pay the family any balance in the account, minus any amounts owed to the housing authority.

e. Income Examination Requirements

Federally subsidized housing programs generally use one of two models of income reporting. The first requires the tenant family to report mid-year increases in income as they occur. This reporting model may act as a disincentive to employment for tenants who are faced with immediate rental increases upon entry into the job market. The second model eliminates the family’s obligation to report mid-year income increases, giving newly employed individuals the opportunity to become more financially stable before facing a rent increase.
Since public housing authorities have the option of not requiring tenants to report increases in income between regular annual income re-certifications, tenants should check with their local public housing authority to determine whether an interim reporting requirement exists.

f. Rent Computation Options

Once a year, the public housing authority must offer tenant families a choice of paying either a flat rent or an income-based rent. Families have an opportunity to choose the rent option they consider to be most financially beneficial. The flat rent for a rental unit is based on its actual market value in the private market. The purpose of the flat rent option is to eliminate the disincentive of constantly increasing income-based rent for those families experiencing success in the job market. For families who choose the flat rent option, housing authorities may require income re-certification as infrequently as every three years (rather than annually). Annual re-certification of family composition remains mandatory.

To assist the family in making an informed choice regarding its rent calculation options, the housing authority must tell the family the actual amount of income-based rent and the amount of the flat rent associated with the family’s rental unit each year when the opportunity to elect arises. The housing authority must also advise the family of its policy for changing from flat rent to income-based rent due to hardship.

A family that is paying a flat rent may request a change to payment of income-based rent if the family is unable to pay the flat rent because of financial hardship. The request may be made at any time; the family is not required to wait until such time as the annual option is represented. If the housing authority determines that the tenant family is unable to pay the flat rent, it must immediately allow the requested change to the income-based rent. This requirement is designed to assist families who experience either a reduction in income associated with loss of employment or earnings, or an increase in expenses for reasons including greater medical, child care or transportation costs.

g. Restriction on Eviction of Family Based on Income

As of November 26, 2004, HUD issued a final rule giving public housing agencies the authority to evict over-income tenants in order to make their units available for income-eligible applicants. This authority is discretionary. Formerly, PHAs were prohibited from evicting tenants based on income unless the PHA determined that there was decent, safe and sanitary housing of a suitable size available at a rent less than or equal to the tenant’s current rent. See 24 CFR 960.261.
The *Family Self-Sufficiency (FSS)* program is a special work incentive program designed to promote employment and to increase savings for families receiving Section 8 tenant-based assistance or living in public housing. PHAs and housing authorities that received HUD funds for additional units between 1993 and 1998 are required to maintain FSS programs.

FSS program participants enter into a service plan and a contract that measure the family’s progress in achieving self-sufficiency. Self-sufficiency is defined as independence from public housing subsidies and welfare cash assistance. The head of the family is required to agree to seek and maintain suitable employment through the term of the FSS contract. Successful completion of the FSS program occurs when all the family’s agreed upon self-sufficiency objectives are met or when 30 percent of the family’s adjusted monthly income equals or exceeds the fair market rent for the family’s unit.

The two main components of an FSS program are case management and the FSS escrow account. Each family in the FSS program is provided with a case manager. Participating families are provided with opportunities for education, job training, and counseling, together with services such as childcare and transportation assistance.

As an additional incentive to FSS program participation, housing authorities and PHAs deposit funds into an FSS escrow account for each participating family. This provides a participating family with reimbursement for some or all of the rental increases associated with increased income as long as the family complies with program rules. The amount of the contribution depends on the family’s original income level. FSS account contributions must be made at least annually.

- Very low-income families receive the lesser of: (1) 30 percent of monthly adjusted income minus the family rent at the time of the effective date of the contract of FSS participation, or (2) the current family rent minus the family rent at the time of the effective date of the contract of FSS participation.

**Example:** The Smith family’s monthly-adjusted income at the time of the effective date of their FSS contract was $750 and their rent was $225. Through participation in the FSS program, the family’s monthly-adjusted income increases to $850. The housing authority deposits $30 (30 percent of $850 = $255 - $225 rent) into the family’s FSS account each month.

- Low-income families receive the contribution as calculated for very low-income families (see above), but may not exceed the amount computed for 50 percent of median income.
- Families who are not low-income are not entitled to an FSS account contribution.
When a family successfully completes the FSS program, it will be given the full amount in its escrow account. The family will receive no funds if the program is not successfully completed. There is no limit to the amount that a family may accumulate in its FSS account. The housing authority stops contributing to the account once the FSS contract of participation is completed or terminated.

A housing authority or PHA may elect to disburse funds from the FSS account if a participating family has fulfilled its interim goals and needs a portion of the FSS account funds to pay for education, work-related expenses, or for other purposes related to the goals of the family’s FSS contract.

Further information on the FSS may be found on the Center on Budget and Policy Priorities website at [www.cbpp.org](http://www.cbpp.org).

### SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

Tenant-based Section 8 rental assistance has been merged into one program called the **Housing Choice Voucher Program**. The Housing Choice Voucher Program helps very low-income, elderly and disabled families afford safe and sanitary housing in the private market.

Housing Choice Vouchers are administered by public housing agencies generally referred to as PHAs. Sometimes the PHA is also the local Public Housing Authority. The PHA pays a housing subsidy directly to the private landlord on the participating family’s behalf. The family is responsible for paying the difference between the actual rent charged by the landlord and the housing subsidy paid by the PHA. The PHA inspects the unit initially and at least once a year thereafter to ensure that it meets housing quality standards. Some PHAs allow voucher payments to be applied to a mortgage rather than rent payments, giving participating families the opportunity to become homeowners.

1. **Eligibility Requirements**

   As in public housing, eligibility for the Housing Choice Voucher Program is based upon total annual gross income and family size. In general, a family’s income may not exceed 50 percent of the median income of the county or metropolitan area where the family lives.

   However, because PHAs are required to use at least 75 percent of their newly available vouchers for extremely low-income households with income at or below 30 percent of the median income, as a practical matter many higher income applicants are not assisted. Your local PHA can provide you with income limits for your area. Because demand for Section 8 assistance exceeds available resources, PHAs often maintain waiting lists. PHAs may establish local preferences to determine how applicants are selected from its list. These may include preferences for working families and for families with a member who has a disability.
After the PHA has selected an applicant family from the waiting list and has determined its eligibility, the family will receive a Housing Choice Voucher. This voucher authorizes the family to search for suitable housing; it also requires the family to find a rental unit and submit a request for tenancy approval within a specified period of time. The voucher must provide the family with an initial period of at least 60 days to find housing.

The PHA may grant extensions of search time and may determine the length of an extension as well as the circumstances under which it may be granted. The PHA has no limit on the number of extensions that it can approve. PHAs must approve an additional search term if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose requested.

2. Computing Income in the Housing Choice Voucher Program

   a. Annual Income and Income Exclusions

      The federal regulations that establish the criteria for calculating annual income and income exclusions in public housing apply to Section 8 housing as well. See “Annual Income and Income Exclusions” in the Public Housing section above.

   b. Income Adjustments

      The federal regulations regarding mandatory income adjustments in public housing apply to Section 8 tenant-based subsidies as well. See “Income Adjustments” in the Public Housing section above.

   c. Earned Income Disallowance (Disregard)

      The Self-Sufficiency Incentives or Earned Income Disregard mandate was expanded from public housing tenants to individuals with disabilities in the Housing Choice Voucher Program in April 2001. The HUD regulations provide for a specific earned income disallowance for individuals with disabilities. These incentives mirror the provisions for the mandatory earned income disallowance in public housing. HUD’s current regulations make the income disregard available to any household member with a disability instead of only the head of household as previously provided. Also, the disregard is available only to program participants, not to applicants.

      The self-sufficiency incentives, i.e., the income disallowance for individuals with disabilities in the Housing Choice Voucher Program include:

      • an initial 12 month exclusion of all increased income
      • a second cumulative 12 month exclusion of 50 percent of increased income
      • a lifetime limit of 48 months for such exclusions.
See “Self-Sufficiency Incentives or “ Earned Income/Disallowance” in the Public Housing section above for further explanation of these disregards.

d. Individual Savings Accounts

Individual Savings Accounts, as an alternative to earned income disregards, are not available to Section 8 tenants.

e. The Family Self-Sufficiency Program


f. Income Examination Requirements

As in public housing, PHAs have the option not to require that increases in family income be reported between annual income re-examinations (see “Income Examination Requirements” in the Public Housing section above for further discussion). Your local PHA can provide more information on its income reporting requirements. A family may, at any time, request a redetermination of their rental obligation based on changes in income.

PHAs must conduct income re-examinations on at least an annual basis. In the event that a tenant family’s income increases to the point where the tenant’s share of the rent equals the amount of rent due to the owner, the PHA will cease payments to the owner. This does not affect the tenant family’s right to continued occupancy. The owner and tenant may decide to negotiate a new lease agreement when Section 8 subsidies terminate. If not, the existing lease remains in effect. To recommence Section 8 subsidy payments, the tenant family must advise the PHA of any decrease in income or increase in rent. The PHA will reinstate subsidy payments on the tenant family’s behalf as long as less than 180 days have elapsed since the date of the last subsidy payment. If more than 180 days have elapsed, the family must reapply to receive further assistance, and may even be placed on a waiting list if the PHA’s administrative plan so provides.

g. Rent Computation

The amount of housing assistance a family will receive in the Housing Choice Voucher Program is based both upon the family’s size and income and also upon a PHA determined payment standard. The payment standard is the amount generally needed to rent a moderately priced dwelling unit in the local housing market. The payment standard is the maximum monthly subsidy payment a PHA may make on a tenant’s behalf. PHAs have some leeway in setting the payment standard. Once set, the standard generally applies to all program participants with one exception. The PHA must provide a higher payment standard to a family with a member with a disability to enable that family to find housing suitable to its needs.
Program recipients may select housing with a rent above the payment standard. The PHA will pay a monthly housing assistance payment to the landlord that is the lower of either:

- the payment standard for the family minus the total tenant payment; or

- the gross rent minus the total tenant payment
  (See the section on “Calculating Rent Payments in Federally Subsidized Housing” for an explanation of “total tenant payment.”)

If the unit rent is greater than the payment standard, the family is required to pay the excess amount in addition to their calculated share of the rent. However, when a family initially moves into a unit where the rent exceeds the payment standard, the family may not pay more than 40 percent of its adjusted monthly income for rent. In addition, Housing Choice Voucher recipients may not pay an amount for rent that exceeds the payment standard, except as described above. Advocates for individuals with disabilities should be sure that because a family is able to afford to pay more than 30 percent of income for rent, they are not required to do so by the PHA. The increased payment standard should be provided to the family who needs such a payment as a reasonable accommodation in order to rent suitable housing.

**Example:** In Jonesville, the payment standard for a three-bedroom unit is $500. When the Maxwell family initially rents their apartment the rent is $400. The Maxwells’ adjusted monthly income is $900. Their share of the rent is $300 (30 percent of $900). The PHA pays $100. After 2 years, a new owner takes over the property, makes substantial improvements and increases the rent to $550. The PHA pays $200 and the Maxwells pay $350 (representing 30 percent of their adjusted income plus the additional amount in excess of the payment standard). Two years later, the rent is again increased this time to $650. The Maxwells’ adjusted monthly income has also increased and is now $2,000. However, because their share of the rent would exceed the payment standard (30 percent of $2,000 is $600), the Maxwells’ are advised by their PHA that they must relocate to continue to take advantage of their Section 8 subsidy.
Payment standards vary significantly from area to area. The following are examples of Fair Market Rents for one-bedroom units for 2006, and the lower and upper limits of the payment standard that can be set by the local PHA. Market rents for other areas are available at www.huduser.org.

<table>
<thead>
<tr>
<th>Location</th>
<th>Fair Market Rent (1 bedroom)</th>
<th>Payment Standard Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffalo-Niagara, NY</td>
<td>$523</td>
<td>$471 to $575</td>
</tr>
<tr>
<td>Chicago, IL</td>
<td>$802</td>
<td>$722 to $882</td>
</tr>
<tr>
<td>Nassau-Suffolk, NY</td>
<td>$1,084</td>
<td>$976 to $1,192</td>
</tr>
</tbody>
</table>

A PHA may be required to establish a higher payment standard when necessary to rent an accessible unit for a family that includes an individual with a disability.

**SECTION 8 PROJECT-BASED ASSISTANCE (Other than the Project-Based Voucher Program)**

Section 8 project-based subsidies provide housing assistance to low-income families while they are residing in subsidized units. Because the housing subsidy is connected to the unit, Section 8 assistance generally ends when the family moves. See exception below for Section 8 Project-Based Vouchers.

1. Just as in the Housing Choice Voucher (Section 8) tenant-based program, very low-income or low-income families are eligible for Section 8 project-based subsidies, provided that they are citizens or non-citizens with eligible immigration status. In any fiscal year, 40 percent of all new project admissions vouchers must go to very low-income families.

**Project Owners’ Preferences**

Subject to income-eligibility criteria, owners participating in Section 8 project-based assistance (other than moderate rehabilitation and the project-based certificate or voucher programs) may adopt particular preferences for selecting applicants for admission. However, these owners must adopt a written tenant selection plan, must inform all applicants about available preferences, and must give applicants an opportunity to show that they qualify for an available preference. Such preferences may include:

- residency preference (admission of persons residing in a specific geographic region) which must be in accordance with non-discrimination and equal opportunity requirements;

- preference for working families where the head, spouse, or sole member is employed; however, an applicant shall be given the benefit of this preference if the head and spouse, or sole member, is age 62 or older, or is a person with disabilities; no preference may be based on the amount of earned income.
• preference for families that include a person with disabilities but no preference may be given to persons with a specific disability;

• preference for families that include victims of domestic violence;

• preference for single persons who are elderly, displaced, homeless or persons with disabilities over other single persons

2. Computing Income for Section 8 Project-Based Voucher Program Tenants

a. Annual Income and Income Exclusions

The federal regulations that establish the criteria for calculating annual income and income exclusions in public housing apply to the Section 8 Project-Based Voucher program as well. See “Annual Income and Income Exclusions” in the Public Housing section above.

b. Income Adjustments

The federal regulations that establish the criteria for mandatory income adjustments in public housing apply to Section 8 Project-Based Voucher program as well. See the section on Income Adjustments in the Public Housing section above. Note that Public Housing Authorities may adopt deductions in addition to the mandatory deductions listed but housing providers in the Section 8 program may not do so.

c. Earned Income Disregards

The earned income disregards for persons with disabilities extended to the Section 8 Housing Choice program do not apply to Section 8 project-based housing. See the additional information below regarding the PBV program.

d. Individual Savings Accounts

Individual Savings Accounts as described in the Public Housing section are not available to project-based Section 8 tenants.

e. Income Examination Requirements

The Section 8 project-based housing providers must conduct an annual re-examination of family income and composition. Additionally, the housing provider may adopt policies prescribing when and where a family should report changes in income or family composition. At any time, the housing provider may conduct an interim re-examination, or a family may request an interim determination of income.

If the tenant’s income increases to such an extent that the tenant’s share of the rent is equal to, or exceeds, the total rent owed to the owner, the tenant may remain in the unit but will be required to pay fair market rent for the unit.
SECTION 8 PROJECT-BASED VOUCHER (PBV) PROGRAM

Effective November 14, 2005, the final regulations for the PBV program allows a PHA the option of using a portion of its available tenant-based voucher funds for project-based vouchers. These Section 8 Project-Based Vouchers provide housing assistance to low-income families while they are residing in subsidized units. Because the housing subsidy is connected to the unit, Section 8 Project-Based Voucher assistance will end if the family moves before the first year of occupancy is complete. After one year, a family may opt to move with tenant-based assistance.

1. Eligibility Requirements

Just as in the Housing Choice Voucher (Section 8) tenant-based program, very low-income or low-income families are eligible for assistance under the Section 8 Project-Based Voucher program, provided that they are citizens or non-citizens with eligible immigration status. In any fiscal year, 75 percent of all new project-based vouchers must go to very low-income families. Generally, only 25 percent of the units in a building may be designed for Project-Based voucher assistance. However, buildings with units designed for families who are defined as elderly, disabled, or receiving supportive services may be exempted from this limit; these buildings may have more than 25 percent of the available units subsidized by project-based vouchers.

2. Computing Income for Section 8 Project-Based Voucher Program Tenants

a. Annual Income and Income Exclusions

The federal regulations that establish the criteria for calculating annual income and income exclusions in public housing apply to the Section 8 Project-Based Voucher program as well. See “Annual Income and Income Exclusions” in the Public Housing section above.

b. Income Adjustments

The federal regulations that establish the criteria for mandatory income adjustments in public housing apply to Section 8 Project-Based Voucher program well. See the section on Income Adjustments in the Public Housing section above. Note that Public Housing Authorities may adopt deductions in addition to the mandatory deductions listed but housing providers in the Section 8 program may not do so.

c. Earned Income Disregards

Since funding for the Project-Based Voucher program is allocated through the Housing Choice Voucher Program, it appears (but has not been confirmed in written policy by HUD) that tenants with Project-Based Vouchers will be entitled to claim the same earned income disregard as tenants with Housing Choice Voucher subsidies.
Individual Savings Accounts as described in the Public Housing section are not available to tenants with project-based vouchers.

d. Income Examination Requirements

The Section 8 project-based housing providers must conduct an annual re-examination of family income and composition. Additionally, the housing provider may adopt policies prescribing when and where a family should report changes in income or family composition. At any time, the housing provider may conduct an interim re-examination, or a family may request an interim determination of income.

If the tenant’s income increases to such an extent that the tenant’s share of the rent is equal to, or exceeds, the total rent owed to the owner, the tenant may remain in the unit but will be required to pay fair market rent for the unit. See Section 8 Housing Choice Voucher Program “Income Examination Requirements.”

e. Preferences

Any “in-place family” must be added to the waiting list for a voucher and given an absolute selection preference by the project owner. Such families shall be given priority for admission to the Project-Based Voucher Program.

Preference may also be given to disabled families, who need services offered at a particular project and who meet the following requirements:

- The families (or individuals) have disabilities, which significantly interfere with their ability to obtain and maintain themselves in housing;
- The families will not be able to obtain or maintain themselves in housing without appropriate supportive services; and
- Such services cannot be provided for these families in a non-segregated setting.

However, disabled families shall not be required to accept the particular services offered at the project. Also, the prohibition on granting preferences to persons with a specific disability still applies to the selection of tenants for the Project-Based Voucher subsidized units.

SECTION 811 SUPPORTIVE HOUSING FOR THE ELDERLY AND PERSONS WITH DISABILITIES

Section 202 and Section 811 Supportive Housing for the Elderly and for Persons with Disabilities offers rental assistance for housing projects serving these specific populations. Projects designed for elderly households often provide a range of services tailored to the needs of their residents, whereas projects for persons with disabilities ensure that residents are provided with necessary supportive services appropriate to their individual needs.
1. Eligibility Requirements

The Section 811 Supportive Housing program assists very low-income disabled households. Disabled households are defined as those composed of:

- One or more persons, at least one of whom is 18 years or older, and has a disability (See detailed definition of person with a disability in the HUD Occupancy Handbook 4350.3 p. 3-41 at www.HUDCLIPS.gov).
- Two or more persons with disabilities living together
- One or more persons with a disability living with a professionally certified aide
- The surviving member(s) of an eligible household

Section 811 Capital Advances help non-profit owners finance the development of rental housing with supportive services for people with disabilities. Services may vary, depending upon the target population, but could include items such as 24-hour staffing, in-unit call buttons or planned activities. Tenant acceptance of supportive services is not a condition of program eligibility.

2. Computing Income for Section 811 Tenants

a. Annual Income and Income Exclusions

The federal regulations that establish the criteria for annual income and income exclusions in public housing apply to Section 811 housing as well. See the “Annual Income and Income Exclusions” in the Public Housing section.

b. Income Adjustments

The federal regulations regarding mandatory income adjustments in public housing apply to Section 811 housing as well. See “Income Adjustments” in the Public Housing section above. Note that public housing authorities may adopt deductions in additional mandatory deductions listed while PHAs administering Section 811 housing may not do so.

c. Earned Income Disallowance

The Earned Income Disallowance or Self-Sufficiency Incentives are not available in the Section 811 Supportive Housing for the Elderly and Persons with Disabilities.
d. Individual Savings Accounts

Individual Savings Accounts as an alternative to Earned Income Disregards are not available in the Supportive Housing Program.

e. Income Examination Requirements

The owners of housing funded under this program must re-examine the income and composition of tenant households at least every 12 months. Appropriate adjustments in rent must be made in accordance with federal regulation. In addition, tenant households must comply with lease requirements regarding interim reporting of changes in income. In the event the owner receives information regarding a change in household income, the owner receives information regarding a change in household income the owner must consult with the household and make appropriate adjustments.

If a tenant’s household income increases, the household remains eligible for project rental subsidy assistance until such time as the household’s share of the rent equals or exceeds the total rent. At that time, the rental subsidy will be terminated. The termination of subsidy eligibility does not affect the tenant household’s other rights under the lease agreement. Project rental assistance payments may be resumed if, as a result of further changes in income, rent or other circumstances, the household again meets the income eligibility requirements for rental assistance, provided that the project rent assistance contract between the owner and HUD remains in effect.

**HOUSING OPPORTUNITIES FOR PEOPLE WITH AIDS (HOPWA)**

Since 1992, the HOPWA program housing authorities funded a broad range of housing assistance and supportive services for low-income persons with AIDS/HIV and their families. Housing assistance includes emergency shelter, and project or tenant-based rental assistance. Supportive services include housing information, education and short-term rent, mortgage, and utility payment assistance to prevent homelessness. Except for short-term supported housing, each HOPWA recipient must pay rent based on his or her family’s adjusted or monthly gross income. All housing assisted with HOPWA funds must meet regulatory housing quality standards.
1. Eligibility Requirements

Any low-income individual with acquired immunodeficiency syndrome (AIDS) or related diseases, including infection with the human immunodeficiency virus (HIV), and the individual’s family are eligible for housing assistance under this federal law.

“Family” pursuant to the HOPWA regulations is defined as a household composed of two or more related persons and includes one or more eligible persons living with another person or persons who are determined to be important to their care or well being.

Regardless of income, a person with AIDS or related diseases or the person’s family members are eligible for other programs funded under HOPWA including housing information services. Any person living near a community residence is eligible to participate in that residence’s outreach and educational programs regarding AIDS or related diseases.

2. Computing Income for HOPWA Tenants

a. Annual Income and Income Exclusions

The federal regulations that establish the criteria for annual income and income exclusions in public housing apply to HOPWA housing as well. See “Annual Income and Income Exclusions” in the Public Housing section above.

b. Income Adjustments

The federal regulations regarding mandatory income adjustments in public housing apply to HOPWA housing as well. See “Income Adjustments” in the Public Housing section above.

c. Mandatory Earned Income Disallowances (Disregards)

The Earned Income Disregard mandate was expanded from public housing tenants to persons in the HOPWA program in 2001. The HUD regulations provide for specific self-sufficiency incentives for individuals with disabilities. These incentives mirror the provisions for the mandatory earned income disregard in public housing.

The self-sufficiency incentives for individuals in the HOPWA program include:

• an initial 12 month exclusion of increased income
• a second 12 month cumulative exclusion of 50 percent of increased income
• a lifetime limit of 48 months for such exclusions
See “Earned Income Disregards” in the Public Housing section above for further explanation of these disregards.

d. Individual Savings Accounts

Individual Savings Accounts as an alternate to Earned Income Disregards are not available in the Supportive Housing Program.

e. Income Examination Requirements

Although HOPWA assistance takes many different forms, the general rule at this time requires reporting of increased income only at the annual re-certification.

f. Rent Computation

Rent for all programs except short-term assistance is calculated as the amount which is the higher of:

- 30 percent of the family’s monthly adjusted income; or
- 10 percent of the family’s monthly gross income; or
- a shelter allowance paid by a public agency as welfare assistance.

If grants are used to provide rental assistance, additional requirements must be met regarding fair market value and reasonable rent.

g. Notice and Effective Date of Rent Increases

In the event that a HOPWA tenant’s income exceeds 80 percent of the area’s median income, the tenant’s options under the current regulations are limited and depend on the form of subsidy received. Persons having a project-based subsidy may continue to live in their apartment and pay the fair market rent. They may re-apply for the subsidy if their income decreases in the future. However, persons having a tenant-based voucher will lose the voucher and, should they have a future need for housing, they will be placed on a waiting list for an available voucher. It is anticipated that new regulations not yet published will allow HOPWA tenants an exclusion for increased income for a limited period of time.
OTHER PROJECT-BASED SUBSIDY PROGRAMS

A number of federal housing programs provide an indirect subsidy to tenants by reducing rental costs for all who reside in a particular housing development. Many tenants benefit from the indirect project subsidy and from a direct subsidy, such as Section 8. Tenants who receive only the project subsidy pay rent according to a rent schedule approved by HUD or a state supervising authority.

Three such programs are described below:

Section 236 projects vary as to their income eligibility requirements but most projects have an additional subsidy (e.g., Section 8, Rent Supplement, Rental Assistance Payment) for some or all tenants to offset operating expenses and to assist lower income families. HUD establishes a basic rent (minimum or contract) rent for each unit as well as a market rent (maximum) rent. The tenant rent is the greater of the basic rent or 30 percent of the tenant’s adjusted monthly income but not more than the market rent. Re-certification is done annually, but regular excess income of $40 or more per month must be reported immediately. If the tenant’s income increases to such an extent that the tenant rent exceeds the market rent, the tenant may remain in the unit but will be required to pay a surcharge or fair market rent for the unit, depending on the amount of increased income.

The Rent Supplement Program provides an additional subsidy for some Section 236 project residents. The number of these subsidies for each project is limited to a certain percentage of the residents. An individual or family is eligible for this assistance if the applicant’s annual income does not exceed 80 percent of the median income for the area as determined by HUD, unless HUD establishes a higher or lower percentage due to unusually high or low-incomes or other local factors. Annual re-certification is required and regular increased income of $40 or more must be reported in order to adjust the total tenant payment. If the total tenant payment exceeds the gross rent, the rent supplement subsidy terminates. The tenant may remain in the unit under the current lease provided that the tenant pays the market rent approved by HUD. Should the tenant’s income decrease, the prior termination does not preclude resumption of the subsidy.

The Rental Assistance Program (RAP) offers subsidies to low-income families. The tenant’s share of the rent is income-dependent as in other Section 8 programs, and the minimum rent for project-based assistance is $25.

More information about project-based subsidy programs including the 221(d)(3) program can be found by reviewing the recently revised HUD Handbook 4350.3 Occupancy Requirements of Subsidized Multifamily Housing Programs available at www.hudclips.org.
Questions to Ask and Information to Gather

- Is the individual receiving housing assistance under a HUD administered program?
- If so, under which program are they receiving assistance?
- Which local housing authority, local PHA or other entity administers the program?
- What is the family composition and income?
- What is the current rent payment?
- Is the rent payment income based?
- If the individual is residing in public housing, are they paying a flat rent? (If so, then increased earnings will not impact rent payment.)
- Is the individual receiving assistance from an employment-training program?
- What is the PHA’s (or other administering entity’s) policy on frequency of income redeterminations, and tenant responsibility for reporting of increases in income?
- If the individual is receiving assistance under a section 8 voucher, what is the payment standard?
- Does the PHA allow any additional income adjustments beyond the standard ones?
- Consider obtaining a copy of the PHA’s annual plan (which is a public document).

What Work Incentives can be Used to Defer Counting of Income?

- Is the individual receiving assistance from any of the following programs: Public Housing; Housing Choice Voucher; Housing Opportunities for People with AIDS; HOME Investment Partnerships; Supportive Housing (for homeless person)?
- If so, were members of the household previously unemployed, or have they been participating in an employment training program, self-sufficiency program, or receiving TANF?
- If so, the earned income disallowance applies and the Public Housing Authority or PHA cannot count 100 percent of increased earnings for the next 12 months, and 50 percent for the subsequent 12 months.

Making the Calculations for New Income Based Rent

If counting of income cannot be deferred:

- What is the family’s new projected annual gross income? (Be sure to account for changes in SSI and SSDI payments, and other benefits).
- Review the Annual Income Exclusions and deduct all that apply.
- Review the Annual Income Deductions, and deduct all that apply.
• Calculate the new rent payment based upon the higher of:
  – the family’s monthly adjusted income; or
  – the family’s monthly income; or
  – if the family is receiving payments for welfare assistance from a public agency, the amount of assistance designated for housing.
• Income based rent payments cannot exceed the actual rent for the unit.
• Determine the impact of employment on the individual’s or family’s disposable income - new income minus new housing costs vs. old income minus old housing costs.
  – If the individual is in public housing, should that individual switch to flat rent at the next election period?

Setting Aside Increased Rent

• Does the PHA or housing authority participate in the Family Self-Sufficiency (FSS) Program? Can the family enroll in the FSS program and have the increased rent payment be deposited in a FSS escrow account?

• If the individual is living in public housing, does the housing authority have the Individual Savings Account program? Could the increased rental payment be placed in an Individual Savings Account to benefit the individual or family?

Make Sure Individuals Are Aware of:

• All available income exclusions.
• All available income adjustments.
• All available income disregards.
• All available rent increase set-asides.
• The right to request re-examination of income at any time, and the importance of immediately reporting any decreases in income.
• The right to switch from flat rent to income-based rent at any time.
• The need to notify the PHA or other administering entity) when the period of income disallowance (the 100 percent disallowance for 12 months, and the 50 percent disallowance for an additional 12 months) has been interrupted.
The following are methods available to people with disabilities to exclude or disallow earnings so that they will not impact rent payments.

<table>
<thead>
<tr>
<th>Income Excluded/Disallowed</th>
<th>Type of Housing Assistance Applies To</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Total earnings from HUD training program</td>
<td>All</td>
</tr>
<tr>
<td>B. Increased earnings while in non-HUD training program</td>
<td>All</td>
</tr>
<tr>
<td>C. 100% of increased earnings for 12 months</td>
<td>A. Families in public housing</td>
</tr>
<tr>
<td>50% of increased earnings for subsequent 12 months (months 13 – 24)</td>
<td>B. Individuals with disabilities whose earnings increased, receiving assistance from:</td>
</tr>
<tr>
<td></td>
<td>• Housing Choice Voucher Program</td>
</tr>
<tr>
<td></td>
<td>• Housing Opportunities for People with AIDS</td>
</tr>
<tr>
<td></td>
<td>• Supportive Housing (for homeless persons)</td>
</tr>
<tr>
<td></td>
<td>• HOME Investment Partnerships</td>
</tr>
</tbody>
</table>

**Criteria to qualify**
- Previously unemployed for one or more years; or
- Increased income due to participation in self-sufficiency program or other job training program; or
- Increased earnings during or within six months of receiving TANF

**NOTE:** 48 month lifetime limit on period of exclusion from the first month of increased earnings.
The following are methods of setting aside rent increases due to increased income, for future use by the family. These methods, Individual Savings Accounts or the Family Self-Sufficiency Program, are not offered by every Public Housing Authority (PHA). Individuals should check with their PHA to see if either option is available.

<table>
<thead>
<tr>
<th>Program</th>
<th>Applicable to Individuals Assisted Through</th>
<th>Amount Set Aside</th>
<th>Program Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Savings Account (ISA)</td>
<td>Public Housing</td>
<td>• At the option of the tenant family, the PHA will deposit the total amount that would have been calculated as increased tenant rent resulting from increased income into an interest-bearing savings account.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• The ISA is an alternative to the 100% disallowance for 12 months, and 50% disallowance for an additional 12 months.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The tenant family may only withdraw with moneys deposited in the account for:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Purchasing a home</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Paying the education costs of a family member</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Moving from public or assisted housing</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>• Paying other expenses approved by the PHA that promote self-sufficiency</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>If the family moves from public or assisted housing, the PHA must pay the family any balance in the account, minus any amounts owed to the PHA.</td>
<td></td>
</tr>
</tbody>
</table>
### Family Self-Sufficiency Program

| • Public Housing | • The PHA will deposit the lesser of 30% of monthly adjusted income minus the family rent at the time of initial program participation or the current family rent minus the family rent at the time of the initial program participation, into an interest-bearing escrow account. |
| | • For low-income families, the contribution cannot exceed amount calculated for 50% of median income. |
| • Section 8 Housing Choice Voucher (Section 8 tenant based assistance) | | The tenant family must comply with a plan to increase their self-sufficiency. Upon successful completion of the plan, the family receives the entire amount in their escrow account, which they can use for any purpose. |
AIDS Housing of Washington
2014 East Madison, Suite 200
Seattle, WA
206-322-9444
www.aidshousing.org

US Department of Housing and Urban Development Project Contacts

- For the **HOME Investment Partnerships Program**, contact Mary Kolesar, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2470.

- For the **Housing Choice Voucher Program**, contact Carl Jurison, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-0477, ext. 4830.

- For the **Housing Opportunities for Persons with AIDS Program**, contact David Vos, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1934, ext. 4620.

- For the **Rent Supplement Program**, contact Gail Williamson, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-3000.

- For the **Rental Assistance Payment (RAP) Program**, contact Gail Williamson, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-3000.

- For the **Section 202 Supportive Housing Program for the Elderly** *(including Section 202 Direct Loans for Housing for the Elderly and Persons with Disabilities)*, contact Aretha Williams, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2866, ext. 2480.

- For **Housing Assistance Payment Program (Project-Based)**, contact Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-3000.

- For the **Section 811 Supportive Housing Program for Persons with Disabilities**, contact Frank Tolliver, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2866, ext. 3821.

- For the **Shelter Plus Care Program**, contact Brian Fitzmaurice, State Assistance Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1234, ext. 4080.
• For the **Supportive Housing Program (McKinney-Vento Act Homeless Assistance)**, contact Lisa Hill, Office of Special Needs Assistance Program, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-1234, ext. 5183.

• For all of the above telephone numbers, persons with hearing or speech-impairments may call 1-800-877-8339 (Federal Information Relay Service TTY). (Other than the “800” number, the telephone numbers are not toll-free numbers.)

**Center on Budget and Policy Priorities**
820 First St. NE, Suite 510
Washington, DC 20002
202-408-1080
Contact Will Ficher
[www.cbpp.org](http://www.cbpp.org)

**National Housing Law Project**
1012 14th Street NW, Suite 610
Washington, DC 20005
202-347-8775
[www.nhlp.org](http://www.nhlp.org)

**Office of HIV/AIDS Housing**
David Vos, Director
US Dept of Housing and Urban Development
451 7th Street, SW,
Washington, DC 20410
202-708-1934, ext. 4620; TTY 202-708-1455; 1-800-877-8339

**US Department of Housing and Urban Development**
[www.hud.gov](http://www.hud.gov)
[www.hud.gov/group/disabilities.cfm](http://www.hud.gov/group/disabilities.cfm)
[www.hudclips.org](http://www.hudclips.org)
[www.huduser.org](http://www.huduser.org)