

PART 1

DEFINITIONS

1. **ACC or Annual Contributions Contract:** A written agreement between HUD and a Housing Authority to provide annual contributions to the HA for participation in the HUD-assisted housing program.

2. **Adjusted Income:** Annual Income Less:
 - A. \$480 for each Dependent;

 - B. \$400 for any Elderly Family;

 - C. For any family that is not an elderly family but has a handicapped or disabled member other than the head-of-household or spouse/co-head, handicapped assistance expenses in excess of three (3) percent of Annual Income but this allowance may not exceed the employment income received by family members who are 18 years of age or older as a result of the assistance to the handicapped or disabled person;

 - D. For any Elderly Family:
 1. That has no handicap assistance expenses, an allowance for medical expenses equal to the amount by which the medical expenses exceed three (3) percent of annual income;

 2. That has handicap assistance expenses greater than or equal to three (3) percent of annual income, an allowance for handicapped assistance expenses computed as defined in Paragraph C, of this Section, plus an allowance for medical expenses that is equal to the family's medical expenses;

 3. That has handicapped assistance expenses that are less than three (3) percent of annual income, an allowance for combined handicapped assistance expenses and medical expenses that is equal to the amount by which the sum of these expenses exceeds three (3) percent of annual income;

 - E. Child Care Expenses.

3. **Annual Income:**
 - A. Annual income means all amounts, monetary or not, which: (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member; or (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and (3) Which are not specifically excluded in paragraph (c) of this section. (4) Annual income also means

amounts derived (during the 12-month period) from assets to which any member of the family has access.

B. Annual Income includes, but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. 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 by Family;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. All allowances for depreciation is permitted only as defined in Paragraph (B)(2), of this Section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the Family. Where the Family has Net Family Assets in excess of \$5,000, 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;
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 amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay, except as defined in Paragraph (C)(3), of this Section;
6. 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:
 - (a) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (b) 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 standard of need by applying a percentage, the amount

calculated under this paragraph 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 and gifts received from persons not residing in the dwelling; and
8. All regular pay, special pay and allowances of a member of the Armed Forces, except as defined in Paragraph (C)(7), of this Policy.

C. Annual Income does not include the following:

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 persons 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, except as defined in Paragraph (B)(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 #13 of this Section;
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 in the Armed Forces who is exposed to hostile fire;
8.
 - (a) Amounts received under training programs funded by HUD;
 - (b) Amounts set aside for use under a Plan to Attain Self-Sufficiency (PASS); or
 - (c) 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;
 - (d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a public housing

resident for performing a service for the HRA, on a part-time basis, that enhances the quality of life in Public Housing. 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; or

- (e) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) 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 the period during which the family member participates in the employment training program;
- 9. Temporary, nonrecurring or sporadic income (including gifts);
 - 10. Reparation payments 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);
 - 12. Adoption assistance payments in excess of \$480 per adopted child;
 - 13. The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act (42 U.S.C. 1437t), or any comparable Federal, State, or local law during the exclusion period. For purposes of this paragraph, 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 resident participates in a program described in this section, plus 18 months from the date the resident begins the first job acquired by the resident after completion of such program that is not funded by public housing assistance under the U.S. Housing Act of 1937.

If the family member is terminated from employment without good cause the exclusion period shall end.

- (c) Earning and Benefits means the incremental earnings and benefits resulting from a qualifying employment training program or subsequent job;
 - 14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum.
 - 15. Amounts received by the family in the form of refunds or rebates under state or local law for property tax paid on the dwelling unit;
 - 16. 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; or
 - 17. 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 any program to which the exclusions set forth in 24 CFR 5.609(c) apply. The last list of Federally-Mandated Exclusions was published in the Federal Register on 8/3/93, 58 FR 41287-41288. This list excludes payments received under programs funded in whole or in part under the Job Training Partnership Act; payments to volunteers under the Domestic Volunteer Services Act of 1973; amounts of scholarships funded under Title IV of the Higher Education Act of 1965; and payments received from programs funded under Title V of the Older Americans Act of 1965-Payments received from AmeriCorps are also excluded (11/15/94 memorandum from General Counsel).
- D. In addition to the exclusions from annual income covered in paragraph (c) of this Section, a PHA may adopt additional exclusions for earned income pursuant to an established written policy.
- 1. In establishing such a policy, a PHA must adopt one or more of the following types of earned income exclusions, including variations thereof:
 - (i) Exclude all or part of the family's earned income;
 - (ii) Apply the exclusion only to new sources of earned income or only to increases in earned income;
 - (iii) Apply the exclusion to the earned income of the head, the spouse, or any other family member age 18 or older;
 - (iv) Apply the exclusion only to the earned income of persons other than the primary earner;
 - (v) Apply the exclusion to applicants, newly admitted families, existing tenants, or persons joining the family;

- (vi) Make the exclusion graduated, so that more earned income is excluded at first and less earned income is excluded after a period of time;
 - (vii) Exclude any or all of the costs that are incurred in order to go to work but are not compensated, such as the cost of special tools, equipment, or clothing;
 - (viii) Exclude any or all of the costs that result from earning income, such as social security taxes or other items that are withheld in payroll deductions;
 - (ix) Exclude any portion of the earned income that is not available to meet the family's own needs, such as amounts that are paid to someone outside the family for alimony or child support; and
 - (x) Exclude any portion of the earned income that is necessary to replace benefits lost because a family member becomes employed, such as amounts that the family pays for medical costs or to obtain medical insurance.
2. Any amounts that are excluded from annual income under this paragraph (d) may not also be deducted in determining adjusted income, as defined in Statute 5.611.
 3. Housing agencies do not need HUD approval to adopt optional earned income exclusions.
 4. In the calculation of Performance Funding System operating subsidy eligibility, housing agencies will have to absorb any loss in rental income that results from the adoption of any of the optional earned income exclusions discussed in paragraph (d)(1) of this section, including any variations of the listed options.

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.

4. Child: A member of the family, other than the family head or spouse, who is under 18 years of age.
5. Child Care Expense: Amounts 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 care is necessary to enable a Family member to be gainfully employed or to further his/her education and only to the extent such amounts are not reimbursed. The amount deducted shall reflect reasonable charges for childcare, and, in the case of childcare necessary to permit employment, the amount deducted shall not exceed the amount of income received from such employment.

6. Citizen: A citizen (by birth or naturalization) or national of the United States.
7. Dependent: A member of the Family household (excluding foster children) other than the Family head or spouse/co-head, who is under 18 years of age or is a Disabled Person or Handicapped Person, or is a Full-time Student.
8. Disabled Person: A person under a disability as defined in Section 223 of the Social Security Act (42 U.S.C. 423), or who has a physical, mental or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his/her ability to live independently; and is of such a nature that ability to live independently could be improved by more suitable housing conditions or who has a developmental disability as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).
9. Displaced Person: 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 under Federal disaster relief laws.
10. Drug-Related Criminal Activity. The illegal manufacture, sale, distribution use, or possession with intent to manufacture, sell, distribute or use, of a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).
11. Elderly Family: A Family whose head or spouse/co-head (or sole member) is an Elderly, Disabled or Handicapped Person. It may include two (2) or more Elderly, Disabled or Handicapped Persons living together, or one or more of these persons living with one or more Live-in Aides.
12. Elderly Person: A person who is at least 62 years of age.
13. EO Plan: The Equal Opportunity Housing Plan (EO) plan establishes (f-frt policies for implementing civil rights requirements.
14. Evidence of Citizenship or Eligible Immigration Status: The documents, which must be submitted to evidence citizenship or eligible immigration status.
15. Family: A Family may be: (1) A single person or a group of persons; (2) a family with a child or children; (3) a group of persons consisting of two or more elderly persons or disabled persons living together, or one or more elderly or disabled persons living with one or more live-in aides. A child who is temporarily away from the home because of placement in foster care is considered a member of the family.
16. Family Unit Size: The appropriate number of bedrooms for a family. Family unit size is determined by the Housing Authority under the Housing Authority occupancy standards.
17. Federal Preference: A preference under Federal law for admission of applicant families that are any of the following: (a) Involuntarily displaced; (b) Living in substandard housing (including families that are homeless or living in a shelter for the homeless); or (c) Paying more than 50 percent of family income for rent.

18. Flat Rent: Rent determined by the LCHA determining the average rent being advertised in the local LaCrosse Tribune based on bedroom size. This is done annually on or about Oct. 1st.
19. Full-Time Student: A person who is carrying a subject load that 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 certificate program, as well as an institution offering a college degree. **Student Law** (Section 327(a) of Title III of Public Law 109-115 (119 Stat. 2936), as amended July 27, 2006, and 24 CFR 5.612) Student Eligibility Requirements – No assistance shall be provided under section 8 of the 1927 Act to any individual who: is enrolled as a student at an institution of higher education, as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); is under 24 years of age; is not a veteran of the U.S. military; is unmarried; does not have a dependent child; is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the U.S. Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E) and was not receiving assistance under such section 8 as of 11/30/05; and is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 Act. For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child, is not disabled and was receiving section 8 assistance as of 11/30/05, and who is seeking section 8 assistance, section 327(a) of the Act sets up a two-part income eligibility test. Both parts of this test must be affirmatively met. That is, both the student and the student's parents (individually or jointly) must be income eligible for the student to receive section 8 assistance. If it is determined that the parents are not income eligible, the student is ineligible to receive section 8 assistance. Existing students are not grandfathered in. This law applies to both part-time and full-time students.
20. Handicapped Assistance Expenses: Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Handicapped or Disabled Family member and that are 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.
21. Handicapped Person: A person having a physical or mental impairment that; (a) is expected to be of long-continued and indefinite duration; (b) substantially impedes his/her ability to live independently; and (c) is of such nature that such ability could be improved by more suitable housing conditions.
22. Head of Household: The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.
23. INS: The U.S. Immigration and Naturalization Service. Only U.S. citizens or eligible noncitizens may receive assistance under Section 8, Section 236, Rent Supplement, Rental Assistance Payment (RAP), and Section 202/8 programs. All applicants must disclose social security numbers for all family members at least 6 years of age and older and provide proof of the numbers reported.
24. Live-In Aide: A person who resides with an elderly, disabled, or handicapped person(s) and who; (a) is determined by the Housing Authority to be essential to the care and well being of the

person(s); (b) is not obligated for support of the person(s); and (c) would not be living in the unit except to provide necessary supportive services.

25. Local Preference: A preference used by the Housing Authority to select among applicant families without regard to their Federal preference status.
26. Local Preference Limit: The local preference limit is used to select among applicants without regard to their Federal preference status. No more than fifty (50) percent of annual admissions may be applicants who are admitted based on their local preferences.
27. Lower Income Family: A Family who's Annual Income does not exceed 80 percent 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 on the basis of its finding that such variations are necessary because of prevailing levels of constructions costs or unusually high or low family incomes.
28. The 1937 Housing Act: Any program assisted under Section 8 of the 1937 Act. (42 U.S.C. 1437 et seq.)
29. 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 any insurance.
30. Mixed family: A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.
31. Monthly Adjusted Incomer: One twelfth of Adjusted Income.
32. Monthly Income: One twelfth of Annual Income.
33. 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, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.
34. Near Elderly Family: A family whose head or spouse/co-head (or sole member) is at least 50 years of age and below the age of 62 years.
35. Net Family Assets: Net cash value after deducting reasonable costs that would be incurred in disposing of real property savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of necessary items of personal property such as furniture and automobiles shall be excluded. (In cases where a trust fund has been established and the trust is not revocable by, or under the control of, any member of the Family or household, the value of the trust fund will not be considered an asset so long as the fund continues to be held in trust. Any income distributed from the trust fund shall be counted when determining Annual Income as defined in Paragraph (B)(3), of this Section. Net Family Assets shall include the value of any assets disposed of by an applicant or tenant for less than fair market value (including a disposition in trust, but not in a foreclosure or

bankruptcy sale) during the two (2) years preceding the date of application for the program or reexamination, as applicable, in excess of the consideration received therefore. In the case of a disposition as part of a separation or divorce settlement, the disposition will not be considered to be for less than fair market value if the applicant or tenant receives important consideration not measurable in dollar terms.

36. Non citizen: A person who is neither a citizen nor a national of the United States.
37. Occupancy Standards: Standards established by the Housing Authority to determine the appropriate number of bedrooms for families of different sizes and compositions.
38. Public Housing Agency (PHA): A State, county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for lower income families.
39. Ranking Preference: A preference used by the HRA to select among applicant families that qualify for Federal preference.
40. Residency Preference: A HRA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area"),
41. Residency Preference Area: The specified area where families must reside to qualify for a residency preference.
42. Responsible Entity: As utilized throughout the Non-citizen Rule, the person or entity responsible for administering the restrictions on providing assistance to non-citizen with ineligible immigration status:
43. Section 214: Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available to non-citizen unless they meet one of the categories of eligible immigration status specified in Section 214.
44. Single Person: A person who lives alone or intends to live alone and who does not qualify as an elderly family or a displaced person or as the remaining member of a tenant Family.
45. Single Room Occupancy (SRO): A unit which contains no sanitary facilities or food preparation facilities, or which contains one but not both types of facilities and which is suitable for occupancy by a single eligible individual capable of independent living.
46. Special Admission: Admission of an applicant that is not on the HRA waiting list, or without considering the applicant's waiting list position.
47. Spouse: Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public housing programs.

48. Tenant Rent: The amount payable monthly by the Family as rent to the HRA. Where all utilities (except telephone) and other essential housing services are supplied by the HRA, Tenant Rent equals Total Tenant Payment. Where some or all utilities (except telephone) and other essential housing services are not supplied by the HRA and the cost thereof is not included in the amount paid as rent, Tenant Rent equals Total Tenant Payment less the Utility Allowance.
49. Total Tenant Payment: The monthly amount calculated as defined in Part 8, of this Policy.
50. Training Program: A learning process with goals and objectives, generally having a variety of components, and taking place in a series of sessions over a period of time. It is designed to lead to a higher level of proficiency, and it enhances the individual's ability to obtain employment. It may have performance standards to measure proficiency.

Training may include, but is not limited to:

- classroom training in a specific occupational skill;
- on-the-job training with wages subsidized by the program; or
- basic education.

Incremental - The increase between the total amount of welfare and earnings of a family member prior to enrollment in the training program and welfare and earnings of the family member after enrollment in the training program. All other amounts, increases or decreases, are treated in the usual manner in determining annual income.

Supportive Services - Employment training programs offering supportive services must include at least one of the following, or similar types of, social services:

Child care; transportation; personal welfare counseling (family/parental development counseling, parenting skills training for adult and teenage parents, substance/alcohol abuse treatment and counseling, self-development counseling); health care services (including outreach and referrals); youth leadership skills; youth mentoring.

51. Unit: Dwelling Unit.
52. Utility Allowance: If the cost of utilities (except telephone) and other housing services 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 the HRA or HUD, as defined in Appendix C, of this Policy, of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservation household of modest circumstances consistent with the requirements of a safe, sanitary and healthful living environment.
53. 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.

54. Very Low-Income Family: A Lower Income family who's Annual Income does not exceed 50 percent 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 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.
55. Waiting List Admission: An admission from the HRA waiting list.
56. Welfare Assistance: Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.
57. Violence Against Women of January 5, 2006
- A. Domestic Violence: [as defined in Section 40002 of the VAWA 1994] which states as follows: SEC 40002(a)(6) – “DOMESTIC VIOLENCE - The term ‘domestic violence’ includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”
- B. Dating Violence – [as defined in Section 40002 of VAWA 1994] which states as follows: SEC 40002(a)(8) – “DATING VIOLENCE – The term ‘dating violence’ means violence committed by a person –
- (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.”
- C. Stalking – “means –
- (1) (i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; and (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and
 - (2) in the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to – (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of the person; ... “
 - (3) Immediate Family Member – “means, with respect to a person – (i) a spouse, parent brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or (ii) any other person living in the household of that person and related to that person by blood or marriage.”