



**Salem Housing Authority (SHA)
Tenant Selection Plan and Screening Criteria – Livingston Village
Effective 06/01/2023**

General

The property was funded with two different kinds of funding: Low Income Housing Tax Credits (LIHTC) and Section 8 Project-Based Rental Assistance (PBRA). **To be eligible for a unit, you must meet eligibility for both LIHTC and PBRA.** The Tenant Selection Plan will help you see if you are eligible. If you have questions about anything in this plan, please ask the Property Management Coordinator.

Livingston Village is located at **2903-2977 Hawthorne Avenue NE, Salem Oregon 97301.**

Unit Sizes and Features

Livingston Village has 26 rental units as follows:

# of Units	Bedrooms	Baths	Features / Other Information
2	1	1	Full ADA accessible units on the ground floor
2	2	1	Units on the 2 nd story of the building
18	3	1.5	Townhouse units (2-story)
4	4	2	Townhouse units (2-story)

Tenant Rent and Utilities

Rent at this property is based on household income. Tenants pay 30% of their adjusted monthly income, minus an allowance for electricity, water, and sewer. Trash collection is included in the rent. Tenants have the option of paying for phone, internet, and cable television at their own expense.

Program/Project Eligibility Criteria

- All persons are entitled to apply unless part or all of the project’s waitlist has been closed according to HUD procedures.
- The household’s annual income may not exceed the most restrictive applicable income limit.
- Applicants must be willing to pay the rent calculated using HUD rules.
- If approved, the unit must be the household’s only residence.
- The Applicant must disclose the Social Security numbers of all household members and provide acceptable verification for all household members’ social security numbers (e.g. SSN card for each member).
- All adults must sign the Authorization for Release of Information and all information relevant to eligibility and level of assistance must be verified.
- The household must meet the documentation requirements of citizenship or eligible immigration status. Only United States citizens or eligible non-citizens may receive assistance under Section 8.
- Students must meet HUD’s Independent Student guidelines to qualify for assistance (see HUD 4350.3 REV-1, Change 2, 3-13 “Determining Eligibility of Students for Assistance”, attached.)
- Per LIHTC program, with limited exceptions, households composed entirely of full-time students may not qualify.
- Non-citizen students and their non-citizen families may not receive assistance. This prohibition applies to the non-citizen student’s non-citizen spouse and children. However, spouses and children who are citizens may receive assistance.
- Per HUD requirements this property uses Enterprise Income Verification (EIV) system when processing move in applications to determine whether an applicant is already receiving a federal housing subsidy. If the report comes back positive, management will need to confirm date subsidy ends at current property prior to establishing move in date.



Income Limits/Household Composition

Units at Livingston Village will be rented to households with incomes up to 60% of the Area Median Income.

Income limits are based on the number of family members in the unit. Income eligibility is determined by comparing the household's annual income to the current applicable HUD and LIHTC income limits. These limits are established by HUD for the area (County or Metropolitan Statistical Area) where the project is located and are updated annually. They are available from the local HUD office or on-line at www.huduser.org. Income of all persons residing in the unit is counted, with the inclusions and exceptions noted in [24 CFR 5.609 \(c\)](#).

Student Eligibility – HUD Rules

Management Agent must determine a student's eligibility for Section 8 assistance. Section 8 assistance shall not be provided to any individual who: 1) Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and 2) Is under the age of 24; and 3) Is not married; and 4) Is not a veteran of the United States Military; and 5) Does not have a dependent child; and 6) Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and 6) Is not living with his or her parents who are receiving Section 8 assistance; and 7) Is not individually eligible to receive Section 8 assistance *or* has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

A student under the age of 24 may still be income eligible for assistance in circumstances where the student can demonstrate independence from parents, where the student can demonstrate the absence of parents, or where an examination of the student's parents' income may not be relevant. To determine whether the student is independent, Management will consider certain criteria, including but not limited to, whether:

- a. The individual is 24 years of age or older by December 31 of the award year;
- b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older;
- c. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;
- d. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes;
- e. The individual is a graduate or professional student;
- f. The individual is a married individual;
- g. The individual has legal dependents other than a spouse;
- h. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 et seq.), or as unaccompanied, at risk of homelessness, and self-supporting, by (i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) a financial aid administrator; or
- i. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances.

Student Eligibility – LIHTC Rules

Units comprised entirely of full-time students must meet one or more of the following exceptions in order to qualify for LIHTC:

- Student is receiving TANF.
- Student was previously in foster care.
- Student is enrolled in a job training program under the Job Training Partnership Act (JTPA), Workforce Investment Act (WIA), or another similar government-funded program.



- Student is a single parent, not a dependent of another person, with minor dependent child(ren).
- All adult students in the household are married and eligible to file a joint tax return.

Application and Waiting List Procedure

- **When the waiting list is open, applications are completed online at <https://www.salemhousingor.com/apply>.** Applicants are placed on the waiting list for the appropriate unit size(s) (see Occupancy Policy, below) in chronological order, by the date and time the applications are received. Applicants are not placed on the waiting list if their application is not complete.
- Exceptions are made to the order of processing applications when necessary to fulfill project-specific or income targeting requirements. HUD income targeting requirements require that 40% of all units at the project that come available for occupancy in any fiscal year be rented to qualified households whose income falls at or below 30% of Area Median Income (AMI) for the area in which the property is located. This property is in HUD's designated Salem, Oregon Metropolitan Statistical Area (MSA). If property admissions fall below this 40% requirement, households with incomes below 30% (AMI) will take selected from the waiting list before higher income applicants. Once the requirement is met, the higher income applicants resume their original place on the waiting list.
- Salem Housing Authority will contact applicants periodically by mail to confirm their continued desire to be on the waiting list. Applicants must respond by the due date in the notice to remain on the waiting list.
- **Applicants are required to report changes in mailing address, household composition, and income in writing.** If mail is returned undeliverable by the US Post Office, the applicant will be removed from the waiting list. Changes can be reported online by clicking the "Household Update" button at www.salemhousingor.com.
- As applicants come to the top of the waiting list, they will be notified in writing. Applicants must respond within ten business days in order to continue the screening process. If an applicant does not respond, their name is removed from the waiting list.
- Selected applicants will be notified in writing upon approval, and a move-in date will be scheduled. Denied applicants will be notified in writing regarding the reason for the denial and their right to appeal the decision. Denied applicants have the right to request a review of the denial decision (see "Right to Appeal a Negative Determination" in this plan). Persons with disabilities have the right to request reasonable accommodations to participate in the informal hearing process.
- Should the anticipated wait time for a unit exceed 18 months, the waiting list may be closed until the estimated wait time is no more than one year. The closing and re-opening of the waiting list are announced by Salem Housing Authority through notices posted at the property, at www.salemhousingor.com, and through the publications and contacts listed in the property's Affirmative Fair Housing Marketing Plan.

Transfer Policy

The following are the only instances in which a transfer will be approved:

- 1) Emergency transfers due to uninhabitability or maintenance conditions that threaten the health or safety of residents that cannot be repaired or abated within 24 hours;
- 2) Emergency transfers due to resident safety needs due to domestic violence, dating violence, sexual assault, or stalking under the Violence Against Women Act (VAWA);
- 3) Reasonable accommodations for residents with a disability or medical need.
 - a. Residents may reject the first unit transfer offered as a reasonable accommodation without having to make a new request.
 - b. Residents who reject a second unit transfer offered as a reasonable accommodation may submit a new Request for Reasonable Accommodation and be placed back on the transfer list for a future transfer offer.

Transfers may be required to make an accessible unit available to a family that requires the accessible features; when family size changes cause overcrowding or underutilization of the unit; when a unit is being demolished, disposed, revitalized, or rehabilitated; or as required by program rules and regulations.



Salem Housing Authority will maintain a transfer list and will process transfers in the following order: 1) emergency transfers (hazardous conditions, VAWA); 2) reasonable accommodations; 3) transfers to make accessible units available; 4) demolition, renovation, etc.; 5) occupancy standards; and 6) other required transfers.

Existing residents have the option of applying to any open waiting list for SHA's properties to be considered for an elective unit transfer when their name reaches the top of the waiting list. The following may be evaluated before an elective unit transfer is approved: having no balance owing, having no serious violations or complaints in file, having a history of acceptable rating during inspections, and whether the household meets the income limits and other requirements for the property.

Occupancy Policy

In selecting a family to occupy a unit, SHA may match characteristics of the family with the type of unit available, for example, the number of bedrooms. Although SHA determines the size of unit the family qualifies for under the occupancy standards, SHA does not determine who shares a bedroom/sleeping room.

Occupancy standards will be applied in a manner consistent with fair housing requirements. Applicants will be housed in a unit size appropriate for their household. SHA will reference the following standards in determining the unit size for a family:

# Bedrooms	Number of Persons	
	Minimum	Maximum
1	1	3
2	2	5
3	3	7
4	4	9

The household size of the family includes, but is not limited to: all full-time family members; all anticipated children (children expected to be born to a pregnant woman, children in the process of adoption/custody, foster children who will reside in the unit, children temporarily in foster care who will return to the family, children in joint custody who are present in the household 50% or more of the time, and children who are away at school who live at home during breaks); live-in aides; foster adults living in the unit. Households with two or more adults must designate one adult as the Head of the Household.

The family may choose to apply for multiple bedroom sizes, if the number of family members is appropriate for each size, according to the occupancy standards.

Rental History

Rental history of all adults in the family for the past five (5) years will be reviewed. The applicant family may be denied if rental history shows: a balance owed to a landlord; eviction from a rental unit within the past 5 years; four or more late payments within a 12-month period; damages to the unit or common area by the applicant or guests of the applicant's household; a history of issues with poor housekeeping, disturbances, or lease violations; or if the applicant household is unable to have utilities turned on in their name due to amounts owed or other issues with the utility provider.

Applicants with no rental history may provide personal references. The references will be asked to complete a verification of the applicant's ability to pay rent if there is no other documentation available about the applicant's payment habits. Applicants without rental history will also be asked to complete a checklist documenting their ability to make payments as agreed, and a housekeeping inspection or home visit may be done at their current residence.

Criminal History

A criminal background check will be conducted for all adults age 18 and over in the household (including live-in aides).

If unfavorable information is found, SHA will consider the circumstances of the criminal history and any reasons that similar behavior is not likely to happen again. Applicants may submit information about any social services, treatment, or other rehabilitation the person has participated in or completed, or evidence the conviction has been expunged or is



in the process of being expunged. We will also consider whether the household member is/was a minor, a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking. If the application is denied, SHA will ask the applicant to provide enough information to make a reasonable determination whether the criminal activity is related to a disability, status as a victim, or whether similar activity or behavior is likely to happen again.

The applicant family may be denied if:

- Any member of the household has an active warrant or is listed as a fugitive.
- Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. Applicants may submit evidence that the household member who engaged in the activity has completed a supervised drug rehabilitation program or is no longer in the household. *This is a mandatory denial, per HUD regulations.*
- Any member of the household is a current user of illegal drugs. "Current" is defined as the previous 6-month period. *This is a mandatory denial, per HUD regulations.*
- There is reasonable cause to believe that any household member's current use or pattern of use of illegal drugs or alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. *This is a mandatory denial, per HUD regulations.*
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program. *This is a mandatory denial, per HUD regulations.*
- Within the three (3) years prior to the screening date, any household member has:

Convictions for:

Theft of Identity;
Fraud or Forgery;
Any degree of burglary;
Violation of a restraining order or anti-stalking order;
Drug-related criminal activity, unless the family can provide documentation that the individual has successfully completed a treatment program, is otherwise rehabilitated, or no longer resides with the family;

Any misdemeanor involving the infliction or cause of physical injury, threat of serious physical injury, creation of a substantial risk of serious physical injury, unlawful sexual contact, or manufacture or delivery of a controlled substance; or

Release from incarceration or completion of probation based on conviction for a misdemeanor that has as a component harm to property in a manner that causes damage of no more than \$750; unlawful taking of goods or services; or unlawful presence/trespassing.

- Within the five (5) years prior to the screening date, any household member has:

Release from incarceration or completion of probation based on conviction for a felony that has as a component harm to property in a manner that either places another person at risk of substantial injury or causes damage exceeding \$750; or

Conviction of a Class C felony that has as a component the infliction or cause of physical injury, unlawful sexual contact, or the unlawful manufacture or delivery of a controlled substance (except methamphetamine).

- Within the seven (7) years prior to the screening date, any household member has been released from incarceration based on conviction for a Class B felony that has as a component the infliction of serious physical injury, unlawful sexual contact, or the unlawful manufacture or delivery of a controlled substance (except methamphetamine).
- Within the ten (10) years prior to the screening date, any household member has been released from incarceration based on a conviction for an unclassified felony or Class A felony that has as a component the infliction of serious physical injury, unlawful sexual contact, or death, or the unlawful manufacture or delivery of a controlled substance (except methamphetamine).



- At any time prior to the screening date (lifetime exclusion), a household member has a conviction for manufacture of methamphetamine.

Credit History

Credit history for all adults in the household (age 18+) may show minor, moderate, or limited credit problems. Lack of credit history is not a reason for denial. Money owed to a past landlord, utility company, or government may be a reason for denying the application. SHA will consider factors like loss of employment or other financial difficulties before denying an applicant based on credit history.

Previous Behavior in Assisted Housing

If an adult in the household previously received rental assistance (Section 8 program, Public Housing, HUD Project-Based Rental Assistance), the application will be denied if the history with those programs shows:

- A pattern of unsuitable past performance in meeting financial obligations, including rent, within the past five years;
- A pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past five years which may adversely affect the health, safety, or welfare of other tenants;
- A pattern of eviction from housing or termination from residential programs within the past five years (considering relevant circumstances);
- Money owed to a Public Housing Agency or HUD-subsidized apartment owner in connection with any assisted housing program (unless in good standing with an existing repayment agreement prior to being selected from screening or pay the debt in full);
- Previous misrepresentation of information relating to eligibility (income, family composition, expenses, etc.);
- An adult in the household has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program; or
- An adult in the household has engaged in or threatened violent or abusive behavior toward Public Housing Agency personnel.

Other Reasons for Immediate Denial

- Applicant's household income exceeds qualifying HUD income limit for the household size.
- Information given on rental application(s) that is falsified, incomplete or deliberately inaccurate.
- Any applicant who is not yet 18 years old and unable to enter into a binding contract.
- The applicant household does not meet HUD's documentation requirements of citizenship or eligible immigration status.

Right to Appeal a Negative Determination

If your application is denied, you will be notified in writing. The notification will include the reason(s) for the denial. You have the right to request a review of the denial decision, and you may submit additional information you would like us to consider during the review. Some examples of information you may want to submit are:

- Any social services, treatment, or other rehabilitation the person has participated in or completed,
- Evidence that an active warrant or fugitive status has been resolved,
- Evidence a criminal conviction has been expunged or is in the process of being expunged,
- If the household member is a person with disabilities, whether a disability or medical condition contributed to the circumstances (reasonable accommodation),
- If the circumstances were related to the household member's status as a victim of domestic violence, dating violence, sexual assault, or stalking, or
- Any other information you wish to be considered.

Any request for a review must be received in writing by SHA within ten (10) business days of the notification of denial. The request should include any additional information you would like to be considered.



The review will be completed by a senior staff member who was not involved in the denial decision. If the person completing the review needs more information or has questions, you may be required to attend an appointment (typically by phone or video).

You will be notified in writing of the outcome of the review, usually within ten (10) business days of SHA receiving your request, or within 10 days of any review appointment (if needed).

Existing Tenant Search – EIV System

This property uses the HUD Enterprise Income Verification (EIV) system. All applicants and household members will be screened using the “Existing Tenant Search” report in the system. SHA will search both Multifamily and Public and Indian Housing programs to determine if any member is currently receiving rental assistance. If any household member is receiving subsidy elsewhere, the applicant will be asked to explain the circumstances of existing assistance. SHA will follow up with the Owner/Agent or Housing Authority providing the assistance to confirm individual program status. This may include coordination of move-in/move-out dates with the Owner/Agent of the property where the applicant is currently receiving assistance.

SSN Requirement

Applicants and tenants must disclose social security numbers (SSNs) for all household members (except those who do not contend eligible immigration status, and tenants age 62 or older as of January 31, 2010, and who do not have an SSN, whose initial determination of eligibility was begun before January 31, 2010) and provide verification of the SSN assigned to them. Applicants may be placed on the waiting list without proof of a social security number. Applicants have 90 days to provide documentation of social security number at the time they come to the top of the waiting list or offered a unit. If it is determined that the household is otherwise eligible for admission onto the property and the only outstanding verification is that of disclosing and providing verification of a social security number, the applicant may retain their place on the waitlist during the 90-day period during which they are trying to obtain the information. After 90 days if a social security number has not been provided, the applicant will be determined ineligible and removed from the list.

The regulation at 24 CFR 5.216 now permits owners to accept applicant households that include an applicant family member who is under the age of 6, who does not yet have a Social Security Number (SSN) assigned to them and was added to the household 6 months or less from the move-in date. As a result of this change, the owner or owner agent (O/A) must no longer deny occupancy to such applicant households.

When an applicant household with the above composition is housed from the waiting list the O/A must give the household 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period must be granted by the O/A if the failure to provide documentation of a SSN is due to circumstances that are outside the control of the household. Examples include but are not limited to: delayed processing of the SSN application by the SSA, natural disaster, fire, death in family, etc. During this time period, the child is to be included as part of the household and will receive all the benefits of the program in which the child is involved, including the dependent deduction. An interim recertification must be processed once the household discloses and provides verification of the SSN for this individual.

Deposits/Inspections/Recertifications/Policy Changes

- Tenants will be charged a security deposit equal to one months' total tenant payment or \$50, whichever is higher.
- Rent is due on the first of each month and must be **received** by SHA by the 5th of the month. If rent is not received by the 5th, a late fee of \$5 will be assessed on the 6th, and an additional \$1 charge will be added for each additional day the rent remains unpaid for the month, up to a maximum of \$30.
- Any pet must be approved, and tenants must pay a deposit of \$300 for approved pets. No deposit is charged for assistance/support animals that are approved as a reasonable accommodation.
- HUD, Oregon Housing and Community Development, and/or their authorized contractors have the right to inspect units and the entire property to ensure that the property is being physically well-maintained. Upon receiving notice of inspection, as outlined in the lease, tenants agree to cooperate with the inspection process.



- Tenants are required to cooperate fully with the income recertification process both annually and on an interim basis when required. Interim certifications are required when the household income changes by an increase of \$200 monthly, or when there is a change to household composition, and may be requested by the tenant if income decreases, or if other factors change that might affect the family's annual or adjusted income.
- SHA uses the Enterprise Income Verification (EIV) system per HUD regulations to verify income and check for discrepancies during the annual and interim certification processes, and when conducting quarterly zero-income reviews.
- Changes to this, or other SHA policies, will be posted in the rental office for 30 days, kept available on file in the rental office as required, and tenants and/or applicants will be notified in writing accordingly.

Violence Against Women Act (VAWA) Protections

- SHA policies provide protections in accordance with the Violence Against Women Act (VAWA). These policies support and assist victims of domestic violence, dating violence, or stalking, and protect victims as well as members of their family, from being denied housing or from losing their HUD assisted housing because of domestic violence, dating violence, or stalking. The policies include an emergency transfer plan, where the need for transfer is related to issues relevant to VAWA. In the event an applicant or resident requests accommodation related to VAWA protections, SHA may seek confirmation of situation from an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance to confirm that incidents of domestic violence, dating violence, or stalking are bona fide. SHA will work with applicant/tenant to mitigate risks by making acceptable arrangements for delivery of documents as appropriate to each separate and distinct situation.
- The identity of the victim and all information provided to SHA will be kept confidential except to the extent that the disclosure is: 1) Requested or consented to by the individual (the victim) in writing; 2) Required for use in an eviction proceeding; or 3) Otherwise required by applicable law.
- All documentation relating to an individual's information regarding domestic violence, dating violence, or stalking will be maintained confidentially and securely.

Reasonable Accommodations

If an applicant or resident indicates that an exception, change, or adjustment to a rule, policy, practice, service, or physical structure is needed because of a disability or medical need, SHA will treat the information as a request for reasonable accommodation. SHA provides a Request for Reasonable Accommodation form for this purpose, but SHA will consider requests any time the family indicates that an accommodation is needed whether a formal written request is submitted.

The family must explain what type of accommodation is needed to provide the person with the disability or medical need full access to SHA's programs and services. If the need for the accommodation is not readily apparent or known to SHA, the family must explain the relationship between the requested accommodation and the disability. Additionally, if the family indicates that an accommodation is required for a disability that is not obvious or otherwise known to SHA, SHA must verify that the person meets the definition of a person with a disability, and that the accommodation is necessary to accommodate the disability or medical need.

Please contact the Property Management Coordinator for this property if you have questions regarding reasonable accommodations.

Non-Discrimination Policy

The Housing Authority of Salem does not discriminate against any person due to disability, race, color, religion, sex, source of income, familial status, national origin, actual or perceived sexual orientation, gender identity, marital status and/or domestic partnership in accessing, applying for, or receiving assistance, or in treatment or employment in any of its programs and activities.

The person named below has been designated to coordinate compliance with the non-discrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8, dated June 2, 1988):

Salem & Keizer's Largest
Affordable Housing Provider
503.588.6368
TDD Users: Dial 711
Fax: 503.588.6465



360 Church Street SE
Salem, Oregon 97301

housing@SalemHousingOR.com
SalemHousingOR.com



Melanie Fletcher, Compliance Manager, Salem Housing Authority, 360 Church Street SE, Salem OR 97301
(503) 587-4815 | mfletcher@salemhousingor.com | TDD users: Dial 711

The mission of Salem Housing Authority is to assist low- and moderate-income families to achieve self-sufficiency through stable housing, economic opportunity, community investment, and coordination with social service providers.

3-13 Determining Eligibility of Students for Assistance

A. Eligibility of Students for Section 8 Assistance

1. Owners must determine a student's eligibility for Section 8 assistance at move-in, annual recertification, initial certification (when an in-place tenant begins receiving Section 8), and at the time of an interim recertification if one of the family composition changes reported is that a household member is enrolled as a student.
2. Section 8 assistance shall not be provided to any individual who:
 - a. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; *and*
 - b. Is under the age of 24; *and*
 - c. Is not married; *and*
 - d. Is not a veteran of the United States Military; *and*
 - e. Does not have a dependent child; *and*
 - f. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005. (See Definition E in Figure 3-6); *and*
 - g. Is not living with his or her parents who are receiving Section 8 assistance; and
 - h. Is not individually eligible to receive Section 8 assistance *or* has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance. (See paragraph 3-33 for verifying parents eligibility.)

***NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.*
3. For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student's independence from parents, owners must use, and the student must meet, at a minimum **all** of the following criteria to be eligible for Section 8 assistance. The student must:

- a. Be of legal contract age under state law;
 - b. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy, **or**, meet the U.S. Department of Education's definition of an independent student. (See the Glossary for definition of Independent Student);
 - c. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
 - d. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.
4. Any financial assistance a student receives (1) under the Higher Education Act of 1965, (2) from private sources, or (3) from an institution of higher education that is in excess of amounts received for tuition is included in annual income, except if the student is over the age of 23 with dependent children or if the student is living with his or her parents who are receiving Section 8 assistance. (See Glossary for expanded definition of Student Financial Assistance.)
 5. If an ineligible student is a member of an existing household receiving Section 8 assistance, the assistance for the household will not be prorated but will be terminated in accordance with the guidance in paragraph 8-6 A.

NOTE: An owner cannot evict or require an ineligible student to move from a unit as long as the student is in compliance with the terms of the lease.

Example:

A household is made up of two students living together and who are currently receiving Section 8 assistance. The household is made up of:

- one student who is 22 years old, is head of household, and has a dependent child
- another student who is the co-head and who does not meet the eligibility requirements in paragraph 3-13 A.2.

In order for the household to be eligible for Section 8 assistance, each individual student must meet the student eligibility requirements.

In this example, the 22-year old student is eligible because he or she has a dependent child. However, since it has been determined that the other student is ineligible, the household is not eligible to receive Section 8 assistance, and the assistance for the household must be terminated in accordance with program guidance. The household's rent will be increased to the applicable rent for the unit (contract, basic, market), as long as the ineligible student remains in the unit.

If the ineligible student moves out of the unit, the remaining household members may again be eligible for Section 8 assistance, if available. If the household composition no longer qualifies the household for the unit size, the household may be required to move to an appropriate size unit when one is available, or, with the approval of the owner, the household may move in another eligible person as a member of the household and remain in their same unit. The owner cannot evict or require the ineligible student to move, as long as the student is in compliance with the terms of the lease.