

ADMISSIONS & CONTINUED OCCUPANCY (ACOP)

CHAPTER 16 – GLOSSARY

1. TERMS USED IN DETERMINING RENT:

ANNUAL INCOME [24 CFR 5.609]

Annual income is the anticipated total income from all sources. This included net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member for the 12-month period following the effective date of initial determination or reexamination of income. It does not include income that is temporary, non-recurring, or sporadic as defined in this section or income that is specifically excluded by other federal statute. Annual income includes:

- The full amount before any payroll deductions, of wages and salaries, overtime pay, commissions fees, tips and bonuses, and other compensation for personal services.
- The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight-line depreciation of assets used in a business or profession may be deducted as provided in IRS regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business.
- 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. An allowance for the straight-line~~ depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the property.
- When 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

- 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.
- Payments in lieu of earnings, such as unemployment and disability compensation, workers' compensation, and severance pay.
- All welfare assistance payments received by or on behalf of any family member [24 CFR 913.106(b)(6) contains rules applicable to "as paid" states.
- Periodic and determinable allowances, such as alimony and child care support payments, and regular cash contributions or gifts received from persons not residing in the dwelling.
- All regular pay, special pay and allowances of member of the Armed Forces (except special pay to a family member serving the Armed Forces who is exposed to hostile fire).

EXCLUSIONS FROM ANNUAL INCOME [24 CFR 5.609]

- Annual income does not include the following:
- Income from the employment of children (including foster children) under the age of 18 years;
- Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident's 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 workers' compensation) capital gains, and settlement for personal property losses.
- Amounts received by the family that are specifically for or in reimbursement of the cost of medical expenses for any family member.
- Income of a live-in aide provided the person meets the definition of a live-in aide.
- The full amount of student financial assistance paid directly to the student or the Educational Institution.

- The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
- Amounts received under HUD funded training programs (e.g. Step-up Program); excludes stipends, wages, transportation payments and childcare vouchers for the duration of the training.
- Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self /sufficiency (PASS).
- Amounts received by participant in other publicly assisted programs that are specifically, or in reimbursement of, out of pocket expenses incurred for items such as special equipment clothing transportation and childcare, to allow participation in a specific program.
- Amount received as a resident's services stipend. A modest amount (not to exceed \$200 per month) received by a public housing resident for performing a service for the NBHA, 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 initiative coordination,. No resident may receive more than one such stipend during the same period of time.
- Incremental earnings and benefits resulting to any family member from participation in qualifying State and Local employment training programs (including training programs not affiliated with a local government) and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training program with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment-training program.
- Temporary, non-recurring, or sporadic income (including gifts).
- Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era. (For all initial determinations and re-examinations of income on or after April 23, 1993).
- Earnings in excess of \$480 for each full-time student 18-years old or older, (excluding the head of household and spouse).
- Adoption assistance payments in excess of \$480 per adopted child.

- The earnings and benefits to any resident resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988 (42 U.S.C. 1437 et seq.), or any comparable Federal, State or Local law during the exclusion period. For purposes of this paragraph the following definitions apply:
 - Comparable Federal, State or Local law means a program providing employment training and supportive services that: (1) is authorized by a Federal, State or Local law; (2) is funded by the Federal, State or Local government; (3) is operated or administered by a public agency; and (4) has as its objective to assist participants in acquiring job skills.
 - Exclusion period means that period during which the residents participates in a program as 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 resident is terminated from employment without good cause, the exclusion period shall end.
 - Earnings and benefits mean the incremental earning and benefits resulting from a qualifying employment training program or subsequent job.
- Deferred periodic payments from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
- Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
- 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.
- 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 included assistance under the United States Housing Act of 1937. A notice will be published by HUD in the Federal Register identifying the benefits that qualify for this exclusion.
- The following benefits are excluded by other Federal Statute as of August 3, 1933:

- The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977;
- Payments to volunteers under the Domestic Volunteer Service Act of 1973; examples of programs under this Act included but are not limited to:
 - The Retired Senior Volunteer Program (RSVP)
 - Foster Grandparent Program (FGP)
 - Senior companion Program (SCP)
 - Older American Committee Service Program

National Volunteer Antipoverty Program such as:

- VISTA
- Peace Corps
- Service Learning Program
- Special Volunteer Program

Small Business Administration Programs such as:

- National Volunteer Program to Assist Small Business
- Services Corps of Retired Executives

Payments received under the Alaska Native Claims Settlement Act [43 USC 1626 (a)]

- Income derived from certain sub marginal land of the United States that is held in trust for certain Indian tribes [25 USC 459]
 - Payments or allowances made under the Department of HHS Low Income Home Energy Assistance Program [43 USC 8624 (f)]
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- Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 USC 1552 (b))
 - Income derived from the disposition of funds of the Grand River Band of Ottawa Indians (Pub. L. 94-540).

- The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC. 1407-08) or from funds held in trust for an Indian Tribe by the Secretary of interior.
- Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. [20 USC 1087 uu] Examples: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College-Work Study, and Byrd Scholarships.
- Payments received under programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)] Examples include Senior Community Services Employment Program, National Caucus Center on the Black Aged, National Urban League; Association National pro personas Mayores, National Council on Aging, American Association of Retired Persons, National council on Senior Citizens, and Green Thumb.
- Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In-Re Orange Product Liability litigation.
- The value of any childcare provided or arranged (or any amount received as payment for such care or reimbursement for costs of incurred in such care) under the Childcare and Development Block Grant Act of 1990. (42 USC 9858q)
- Earned income tax credit refund payments received on or after January 1, 1991. (26 USC 32)(j).
- Living allowances under Americorps Program (Nelson Diaz Memo to George Latimer 11/15/94)

ADJUSTED INCOME:

Annual income, less allowable HUD deductions.

All Families are eligible for the following:

Childcare Expenses: A deduction of amounts anticipated to be paid by the family for the care of children under 13 years of age for the period for which the annual income is computed. Childcare expenses are only allowable when such care is necessary to enable a family member to be gainfully employed or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (1) The amount of income earned by the family member released to work or (2) an amount determined to be reasonable by the NBHA when the expense is incurred to permit education.

Dependent Deduction: An exemption of \$480 for each member of the family residing in the household (other than the head or spouse, live-in aide, foster child), who is under eighteen years of age or who is eighteen years of age or older and disabled, Disabled, or a full-time student.

Disabled Expenses: A deduction of unreimbursed amounts paid for attendant care or auxiliary apparatus expenses for Disabled family members where such expenses are necessary to permit a family member(s), including the Disabled/disabled member to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work.

Equipment and auxiliary apparatus may include, but are not limited to: wheelchairs, lifts, reading devices for visually disabled, and equipment added to cars and vans to permit use by the disabled or disabled family member.

For non-elderly families and elderly families without medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for Disabled care and equipment less three percent of annual income, provided the amount so calculated does not exceed the employment income earned.

For elderly families with medical expenses: The amount of the deduction equals the cost of all unreimbursed expenses for Disabled care and equipment less three percent of annual income, (provided the amount does not exceed earnings) plus medical expenses as defined below.

For Elderly and Disabled Families Only:

Medical Expenses: A deduction of unreimbursed medical expenses, including insurance premiums anticipated for the period for which annual income is computed. Medical expenses include, but are not limited to: services of physicians and other health care professionals, services of health care facilities; insurance premiums, including the cost of Medicare, prescription and non-prescription medicines, transportation to and from treatment, dental expenses, eyeglasses, hearing aids and batteries, attendant care (unrelated to employment of

family members), and payments on accumulated medical bills. To be considered by the NBHA for the purpose of determining a deduction from the income, the expenses claimed must be variable.

For elderly families without Disabled expenses: The amount of the deduction shall equal total medical expenses less 3% of annual income.

For elderly family with both Disabled and medical expenses: The amount of Disabled assistance is calculated first, then medical expenses are added.

Elderly/Disabled Household Exemption: An exemption of \$400 per household.

II. **GLOSSARY OF HOUSING TERMS:**

Abandonment of a Public Housing Unit: Without advising NBHA Officials so that staff may secure the unit and protect its property from vandalism.

Accessible Dwelling Units: When used with respect to the design, construction or alteration of an individual dwelling unit, means that the unit is located on an accessible route, and when designed, constructed, or altered, can be approached, entered, and used by individuals with physical handicaps. A unit that is on an accessible route and is adaptable and otherwise in compliance with the standards set forth in 24 CFR 8.32 & 40, (the Uniform Federal Accessibility Standards) is "accessible" within the meaning of this paragraph.

Accessible Facility: All or any portion of a facility other than an individual dwelling unit used by individuals with physical handicaps.

Accessible Route: For persons with mobility impairment, a continuous, unobstructed path that complies with space and reaches requirements of the Uniform Federally Accessibility Standards.

Uniform Federal Accessibility Standards (UFAC). For persons with hearing or vision impairments, the route need not comply with requirements specific to mobility.

Adaptability: Ability to change certain elements in a dwelling unit to accommodate the needs of Disabled and non-disabled persons or ability to meet the needs of persons with different types and degrees of disability.

Adults: A human being after an age (as 21) specified by law.

Admission: Admission to the program is the effective date of the lease. The point at which a family becomes a resident.

Allocation Plan: The plan submitted by the NBHA and approved by HUD under which the NBHA is permitted to designate a building, or portion of a building, for occupancy by Elderly Families or Disabled Families.

Annual Income after Allowances: The Annual Income (described above) less the HUD-approved allowance.

Applicant: (or applicant family): A family that has applied for admission to a program, but is not yet a participant in the program.

"As-Paid" States: States where the welfare agency adjusts the shelter and utility component of the welfare grant in accordance with actual housing costs.

Assets: (See Net Family Assets)

Auxiliary Aids: Service or devices that enable persons with impaired sensory, manual, or peaking skills to have an equal opportunity to participate in and enjoy the benefits of programs and activities.

Beyond Normal Wear and Tear: Is defined as items, which could be charged against the resident's security deposit under state law or court practice.

Co-Head: An individual in the household who is equally responsible for the lease with the Head of Household. A family may have a Co-head or Spouse, but not both. A co-head never qualifies as a dependent.

Complainant: Any resident whose grievance is presented to the authority or a site/management office, informally, or as part of the informal hearing process.

Covered Families: The statutory term "covered families" designated the universe of families who are required to participate in a welfare agency economic self-sufficiency program and may therefore, be the subject of a welfare benefit sanction for noncompliance with this obligation. "Covered families" means families who receive welfare assistance or other public assistance benefits from a State or other public agency under a program for which Federal, State or local law requires that a member of the family must participate in an economic self-sufficiency program as a condition for the assistance.

Criminal Activity: Includes any criminal activity that threatens the health, safety or right to peaceful enjoyment of the resident's public housing premises by other residents or employees of the NBHA.

Dependent: A member of the family household (excluding foster children) other than the family head or spouse, who is under 18-years of age or is a Disabled Person or is a full-time student 18-years of age or older.

Designated Family: The category of family for whom the BHA elects to designate a project (e.g. elderly family in a project designated for elderly families) in accordance with the 1992 house DISABILITY: is used where "handicap" was formerly used. ACT (24 CFR 945.105)

Disability Assistance Expense: Reasonable expenses that are anticipated, during the period for which annual income is computed, for attendant care and or auxiliary apparatus for a disabled family member and that are necessary to enable a family member (including the disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed by an outside source.

Disabled Persons: A person who is any of the following:

- A person who has a disability as defined in section 223 of the Social Security Act (42 USC 423);
- A person who has a physical, mental, or emotional impairment that;
- Is expected to be of long-continued and indefinite duration;
- Is of such a nature that ability to live independently could be improved by more suitable housing conditions;
- Substantially impedes his or her ability to live independently; and
- A person who had 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))

Disabled Family: A family whose head, spouse, or sole member is a person with disabilities; or two or more persons with disabilities living together or one or more persons with disabilities with one or more live-in aides.

Disallowance: Exclusion from annual income.

Displaced Family: A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensive

damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal Disaster relief laws.

Displacement Preference: The displacement preference may be defined to include applicants who can document that they have been displaced by a natural disaster declared by the President of the United States, or displaced, or through no fault of their own, by governmental action. If appropriate, the preference can also be expanded to include applicants being displaced by private actions.

Domicile: The legal residence of the household head or spouse as determined in accordance with State and local law.

Drug: A controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

Drug-Related Criminal Activity: Term means: is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use a controlled substances (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug related criminal activity means on or of the premises, not just on or near the premises.

- Drug-trafficking; or
- Illegal use, or possession for personal use of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Drug Trafficking: The illegal manufacture, sale, distribution or the possession with intent to manufacture, sell, or distribute a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

Economic Self-Sufficiency Program: Any program designed to encourage, assist, train, or facilitate the economic independence of assisted families or to provide work for such families, work placement, basic skills training, education, English proficiency, Workfare, financial or household management, apprenticeship, any other program necessary to ready a participant to work (such as: substance abuse or mental health treatment. Economic self-sufficiency program includes any work activities as defined in the Social Security Act (42 U.S.C. 606(d). See the definition of work activities at Sec. 5.603(c). The new definition of the term "economic self-sufficiency program" is used in the following regulatory provision, pursuant to the Public Housing Reform Act: family income includes welfare benefits reduced because of family failure to comply with

welfare agency requirements to participate in an economic self-sufficiency program; and the requirement for public housing residents to participate in an economic self-sufficiency program or other eligible activities.

Elderly Family: A family whose head or spouse or whose sole member is at least 62 years, or two or more persons who are at least 62 years of age, or a disabled person. It may include two or more elderly, disabled persons living together or one or more such persons living with another person who is determined to be essential to his/her care and well being.

Elderly Person: A person who is at least 62 years old.

Elements of Due Process: An eviction action or a termination of tenancy in a State or local court in which the following procedural safeguards are required.

- Adequate notice to the residents of the grounds for terminating the tenancy and for eviction;
- Opportunity for the resident to examine all relevant documents, records, and regulations of the Authority prior to the trial for the purpose of preparing a defense;
- Right of the resident to be represented by counsel;
- Opportunity for the residents to refute the evidence presented by the Authority including the right to confront and cross-examine witnesses and to present any affirmative legal or equitable defense which the resident may have; and
- A decision on the merits of the case.

Eligible Family (Family): A family is defined by the NBHA in the Admission and Continued Occupancy Plan (ACOP).

Emancipated Minors: To release from paternal care and responsibility having full legal rights or capacity.

Engaged in or Engaging: Drug related criminal activity means any act within the past 5 years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past 5 years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the NBHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household member, or guests.

Exceptional Medical or Other Expenses: Prior to the regulation change in 1982, this meant medical and/or unusual expenses as defined in Part 889 which exceeded 25% of the Annual Income. It is no longer used.

Excessive Cost Burden: Paying more than 50 percent of monthly adjusted income for shelter.

Excess Medical Expenses: Any medical expenses incurred by elderly families only in excess of 3% of Annual Income which are not reimbursable from any other source.

Extremely Low-Income Family: A family whose income does not exceed 30 percent of the median income for the area, as determined by HUD, with adjustments for smaller and large families.

Family: The applicant must qualify as a family as defined by the NBHA. The term "family" is used interchangeably with "applicant", or "participant" and can refer to a single-person family.

Family of Veteran or Serviceperson: A family is a "family of veteran or serviceperson" when:

- The veteran or serviceperson (a) is either the head of household or is related to the head of the household; or (b) is deceased and was related to the head of the household, and was a family member at the time of death.
- The veteran or serviceperson, unless deceased, is living with the family or is only temporarily absent unless she/he was (a) formerly the head of the household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support she/he is legally responsible and the spouse has not remarried; or (b) not the head of the household but is permanently hospitalized provided that she/he was family member at the time of hospitalization and there remain in the family at least two related persons.

Family Self-Sufficiency Program (FSS Program): The program established by a NBHA to promote self-sufficiency of assisted families, including the provision of supportive services.

Flat Rent: Rent for a public housing dwelling unit that is based on the market rent. The market rent is the rent charged for comparable units in the private, unassisted rental market at which the NBHA could lease the public housing unit after preparation for occupancy.

Foster Childcare Payments: Payment to eligible households by state, local, or private agencies appointed by the State, to administer payments for the care of foster children.

Full-Time Student: A person who is attending school, or vocational training on a full time basis.

Grievance: Any dispute which a resident may have with respect to a Housing Authority action or failure to act in accordance with the individual resident's lease or Authority regulations which adversely affect the individual resident's rights, duties, welfare, or status. **GUEST:** A person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Grossly Unsanitary or Hazardous Housekeeping: Includes the creation of a fire hazard through acts such as hoarding rags, papers, or other materials. It also includes severe damages to premises and equipment, if it is established that the family is responsible for the conditions that may seriously affect neighbors by causing infestation and foul odors. Also included is the depositing garbage in halls or serious neglect of the premises. This category does not include families whose housekeeping is found to be superficially unclean or due to lack of orderliness, where such conditions do not create a problem for neighbors.

HCV -Housing Choice Voucher Program:

Head of Household: The person who assumes legal and financial responsibility for the household and is listed on the application as head.

Hearing Officer/Hearing Panel: A person or persons selected in accordance with this grievance procedure to hear grievances and render a decision with respect thereto.

Housing Agency: A state, country, municipality or other governmental entity or public body authorized to administer the program. The term "HA" includes an Indian housing authority (IHA). "NBHA" and "HA" means the same thing).

Housing and Community Development Act of 1974: The Act in which the U. S. Housing Act of 1937 was re-codified, and which added the Section 8 Programs.

Housing Assistance Plan: A Housing Assistance Plan submitted by a local government participating in the Community Development Block Program as part of the block grant application, in accordance with the requirements of 470.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

A Housing Assistance Plan meeting the requirements of 570.303(c) submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

Housing Authority of the City of New Britain: is referred to as "NBHA" or "Housing Authority" or "HA" or the "Authority" throughout this document.

Housing Quality Standards (HQS): The HUD minimum quality standards for housing assisted under the Public Housing and Section 8 programs.

HUD: The U. S. Department of Housing and Urban Development or its designee.

HUD Requirements: HUD requirements for the Section 8 programs. HUD requirements are issued by HUD headquarters as regulations. Federal Register notices or other binding program directives.

HURRA: The Housing and Urban/Rural Recovery Act of 1983 legislation that resulted in most of the 1984 HUD Regulation changes to the definition of income, allowances, and rent calculations.

Imputed Asset: Asset disposed of for less than Fair Market Value during two years preceding examination or re-examinations.

Imputed Income: HUD passbook rate times the total cash value of assets, when assets exceed \$5,000.

Imputed Welfare Income: The amount of annual income not actually received by a family, as a result of a specified welfare benefit reduction, that is nonetheless included in the family's annual income. This amount is included in family annual income and, therefore, reflected in the family rental contribution based on this income.

Income: Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

Income-Based Rent: The tenant rent paid to the NBHA that is based on family income and the NBHA rental policies. The NBHA uses a percentage of family income or some other reasonable system to set income-based rents. The NBHA has broad flexibility in deciding how to set income-based rent for its Residents. However, the income-based tenant rent plus the NBHA's allowance for tenant paid utilities may not exceed the "total tenant payment" as determined by a statutory formula.

Income for Eligibility: Gross annual income.

Income Targeting: The HUD admissions requirement that NBHA's not admit less than the number required by law of families whose income does not exceed 30% of the area median income in a fiscal year.

Indian: Any person recognized as an Indian or Alaska Native by an Indian Tribe, the federal government, or any State.

Indian Housing Authority (IHA) A housing agency established either:

- By exercise of the power of self-government of a Indian Trie, independent of State law; or
- By operation of State law providing specifically for housing authorities for Indians.

Imitating Threats: Or behaving in a manner, which indicates intent to assault employees or other residents.

Falsifying an Application for Leasing: Including verbalizing or otherwise providing false information about family income and size, using an alias on the application for housing, or making any other material false statement or omission intended to mislead.

Interest Reduction Subsidies: The monthly payments or discounts made by HUD to reduce the debt service payment and, hence, rents required on Section 236 and 221(d)(3) BMIR projects. Includes monthly interest reduction payments made to mortgagers of Section 236 projects and front-end-loan discounts paid on BMIR projects.

Involuntarily Displaced Person: Involuntarily displaced Applicants are applicants who meet the HUD definition for the local preference, formerly known as a federal preference.

Involuntary Displacement: Applicants who an document that they have been displaced by a natural disaster declared by the President of the United States, or displaced, or through no fault of their own by governmental action. If appropriate, the preference can also be expanded to include applicants being displaced by private actions.

Landlord: Either the legal owner of the property, or the owner's representative or managing agent as designated by the owner. Refers to the NBHA.

Lease: A written agreement between an owner and an eligible family for the leasing of a housing unit.

Live-In-Aide: A person who resides with an elderly person or disabled person and who:

- Is determined to be essential to the care and well being of the person.
- Is not obligated for the support of the person.
- Would not be living in the unit except to provide necessary supportive services.

Local Preference: A preference used by the NBHA to select among applicant families without regard to their date and tie of application.

Low-Income Family: A family whose 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. For admission to the certificate program HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are necessary because of the prevailing levels of construction costs or unusually high or low family incomes.

Market Rent: The rent HUD authorizes the owner of FHA insured/subsidized multi-family housing to collect from families ineligible for assistance. For unsubsidized units in an FHA-insured multi-family project in which a portion of the total units receive project-based rental assistance, under the Rental Supplement or Section 202/Section 8 Programs, the Market Rate Rent is that rent approved by HUD and is the Contract Rent for a Section 8 Certificate holder. For BMIR units, Market Rent varies by whether the project is a rental or cooperative.

Medical Expenses: Those total medical expenses anticipated during the period for which Annual income is computed, and which are not covered by insurance. (Only Elderly Families qualify) The allowances are applied when medical expenses exceed 3% of Annual Income.

Minimum Rent: An amount established by the NBHA between zero and \$50.00.

Minor: A member of the family household (excluding foster children) other than the family head or spouse who is under 18 years of age.

Monthly Adjusted Income: 1/12 of the Annual Income after allowance.

Monthly Income: 1/12 of the Annual Income before allowance.

Near-Elderly Family: A family whose head, spouse, or sole member is at least 50, but less than 62 years of age. The term includes two or more near-elderly persons living together and one or more such persons living with one or more live-in aids.

Net Family Assets: The net cash value of equity in savings, checking, IRA, and Keogh accounts, real property, stocks, bonds, and other forms of capital investment. The value of necessary items of personal property such as furniture and automobiles is excluded from the definition.

Non-Citizens Rule: Refers to the regulation effective June 19, 1995, restricting assistance to U.S. citizens and eligible immigrants.

Non-Payment of Rightful Obligations: Including rent and/or utilities and other charges owed to the NBHA.

Occupancy Standards (Now referred to as Subsidy Standards): Standards established by a NBHA to determine the appropriate number of bedrooms for families of different sizes and compositions.

Other Criminal Activity: A history of criminal activity involving crimes of actual or threatened violence to persons or property, or a history of other criminal acts, conduct or behavior which would adversely affect the health, safety, or welfare of other residents.

Other Person under the Tenant's Control (Covered Person): The person, although not staying as a guest in the unit is, or was at the time of activity in questions, on the premises because of an invitation from the tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.

Participant: A family that has been admitted to the NBHA program, and is currently assisted in the program.

Pattern of Alcohol Abuse: Includes a determination by the NBHA that the applicant's pattern of alcohol abuse might interfere with the health, safety or right to peaceful enjoyment of the premises by other residents.

Pattern of Drug Use: Includes a determination by the NBHA that the applicant has exhibited a pattern of illegal use of controlled substance, which might interfere with the health, safety, or right to peaceful enjoyment of the premises by other resident.

Pattern of Violent Behavior: Includes evidence of repeated acts of violence on the part of an individual, or a pattern of conduct constituting a danger to peaceful occupancy of neighbors.

Person with Disabilities:

1. A person who has a disability, as defined in 42 U.S.C. 423, and is determined, under HUD regulations, to have a physical, mental, or emotional impairment that

is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of such a nature that the ability to live independently could be improved by more suitable housing conditions.

2. A person who has a developmental disability as defined in 42 U.S.C. 6001.
3. An "individual with handicaps", as defined in 24 CFR 8.3, for purposes of reasonable accommodation and program accessibility for persons with disabilities.
4. Does not exclude persons who have AIDS or conditions arising for AIDS.
5. Does not include a person whose disability is based solely on any drug or alcohol dependence (for low income housing eligibility purposes).

Premises: The building or complex in which the dwelling unit is located including common areas and grounds.

Preponderance of Evidence: Evidence which is of grater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. The intent is not to prove criminal liability, but to establish that the act(s) occurred. Preponderance of evidence is not determined by the number of witnesses, but by the greater weight of all evidence.

Previously Unemployed: Includes a person who has earned, in the twelve months previous to employment, no more than would be received for 10-hours of work per week for 50-weeks at the established minimum wage.

Public Assistance: Welfare or other payments to families or individuals based on need, which are made under programs funded, separately or jointly, by Federal, State, or local governments.

Public Housing Agency (NBHA): A state, county, municipality, or other governmental entity or public body authorized to administer the programs. The term "NBHA" includes an Indian housing Authority (IHA), ("NBHA" and "HA" mean the same thing).

Qualified Family: A family residing in public housing whose annual income increases as a result of employment of a family member who was unemployed for one or more years previous to employment; or increased earnings by a family member during participation in any economic self-sufficiency or on the job training program; or new employment or increased earnings of a family member, during or within 6 months after receiving assistance, benefits or services under any state program or temporary assistance

for needy families funded under Part A of Title IV of the Social Security Act, as determined by the NBHA in consultation with the local TANF agency and Welfare to Work Programs. TANF includes income and benefits & services such as one tie payments, wage subsidies and transportation assistance; as long as the total amounts over a six-month period is at least \$500.

Quality Housing and Work Responsibility Act of 1998: The Act, which amended the U. S. Housing Act of 1937, and is known as the Public Housing Reform Bill. The Act is directed at revitalizing and improving HUD's Public Housing and Section 8 Assistance Programs.

Recertification: Sometimes called re-examination. The process of securing documentation of total family income used to determine the rent the residents will pay for the next 12 months if no interim changes are reported by the family.

Record of Serious Disturbances of Neighbors, Destruction of Property or other Disruptive or Dangerous Behavior: Consist of patterns of behavior, which endanger the life, safety, or welfare of other persons by physical violence, gross negligence or irresponsibility. This also includes behavior which damages the equipment or premise in which the applicant resides, or which is seriously disturbing to neighbors or disrupts sound family and community life, indicating the applicant's inability to adapt to living in a multi-family setting. Includes judicial termination of tenancy in previous housing on the grounds of nuisance or objectionable conduct, or frequent loud parties, which have resulted in serious disturbances of neighbors.

Remaining Member of Resident Family: Person left in assisted housing after other family members have left and become unassisted.

Residency Preference: A local preference for admission of persons who reside in a specified geographic area.

Resident: Refers to participants in terms of their relation as a lessee to the NBHA as the landlord. A lessee or the remaining head of household of any resident family residing in housing accommodations owned or leased by the NBHA.

Responsible Entity: For the public housing, Section 8 Tenant-based assistance, project-based certificate assistance and moderate rehabilitation program, the responsible entity means the NBHA administering the program under an ACC with HUD. For all other Section 8 Programs, the responsible entity means the Section 8 owner.

Secretary: The Secretary of Housing and Urban Development.

Security Deposit: A dollar amount which can be collected from the family by the owner upon termination of the lease and applied to unpaid rent, damages or other amounts owed to the owner under the lease according to state or local law.

Self Certification: A notarized statement or affidavit statement under penalty of perjury.

Service Persons: A person in the active military or naval service (including the active reserve) of the United States.

Single Person: A person living alone or intending to live alone who is not disabled, elderly, or displaced, or the remaining member of a resident family.

Specified Welfare Benefit Reduction: Those reductions of welfare agency benefits (for a covered family) that may not result in a reduction of the family rental contribution. "Specified welfare benefit reduction" means a reduction of welfare benefits by the welfare agency, in whole or in part, for a family member, as determined by the welfare agency, because of fraud by a family member in connection with the welfare program; or because of welfare agency sanction against a family member for non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program.

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.

Subsidized Project: A multi-family housing project (with the exception of a project owned by a cooperative housing mortgage corporation or association) which receives the benefit of subsidy in the form of:

- Below-market interest rates pursuant to Section 221(d)(3) and (5) or interest reduction payments pursuant to Section 236 of the National Housing Act; and
 - Rent supplement payments under Section 101 of the Housing and Urban Development Act of 1965; or
 - Direct loans pursuant to Section 202 of the Housing Act of 1959; or
-
- Payment under the Section 23 Housing Assistance Payments Program pursuant to Section 23 of the United States Housing Act of 1937 prior to amendment by the Housing and Community Development Act of 1974;
 - Payments under the Section 8 Housing Assistance Payment Program pursuant to Section 8 of the United States Housing Act after amendment by the Housing and

Community Development Act unless the project is owned by a Public Housing Agency;

- A public Housing Project.

Subsidy Standards: Standards established by a NBHA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions.

Tenant (Synonymous with resident): The person or persons who executes the lease as lessee of the dwelling unit.

Tenant Rent: The amount payable monthly by the family as rent to the NBHA.

Total Tenant Payment (TTP): The total amount the HUD rent formula requires the tenant to pay toward rent and utilities.

UPCS: Uniform Physical Condition Standards.

Unit/Housing Unit: Residential space for the private use of a family. The size of a unit is based on the number of bedrooms contained within the unit and generally ranges from zero bedrooms to six bedrooms.

Utilities: Utilities means water, electricity, gas, other heating, refrigeration, cooking fuels, and trash collection and sewage services. Telephone services is not included as a utility.

Utility Allowance: The NBHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

Very Large Lower-Income Family: Prior to the change in the 1982 regulations this was described as a lower-income family which included eight or more minors. This term is no longer used.

Very Low Income Family: A Low-Income Family whose Annual Income does not exceed 50% 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% 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.

Veteran: A person who has served in the active military or naval service of the United States at any time and who shall have been discharged or released therefrom under conditions other than dishonorable.

Violent Criminal Activity: Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

Waitlist: A list of families organized according to HUD regulations and NBHA policy that are waiting for subsidy to become available.

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. "Welfare Assistance" means income assistance from Federal or State Welfare Program, and includes only cash maintenance payments designed to meet a family's ongoing basis needs. The definition borrows from the Department of Health and Human Services' TANF definition of "assistance" and excludes nonrecurring short-term benefits designed to address individual crisis situations. For FSS purposes, the following do not constitute welfare assistance; food stamps; emergency rental and utilities assistance; and SSI, SSDI, and Social Security.

III. **GLOSSARY OF TERMS USED IN THE NON-CITIZENS RULE:**

Child: A member of the family other than the family head or spouse who is under 18 years of age.

Citizen: A citizen or national of the United States.

Evidence: Evidence of citizenship or eligible immigration status means the documents, which must be submitted to evidence citizenship or eligible immigration status

NBHA (A Housing Authority) Either a public housing agency or an Indian Housing Authority or both.

Head of Household: The adult member of the family who is the head of the household for purpose of determining income eligibility and rent.

HUD: Department of Housing and Urban Development.

INS: The U. S. Immigration and Naturalization Service.

Mixed Family: A family whose members include those with citizenship or eligible immigration status and those without citizenship or eligible immigration status.

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.

Non-Citizen: A person who is neither a citizen nor national of the United States.

NBHA: A housing authority who operates public housing.

Responsible Entity: The person or entity responsible for administering the restrictions on providing assistance to non-citizens with ineligible immigration status (the NBHA).

Section 214: Section 214 restricts HUD from making financial assistance available for non-citizens unless they meet one of the categories of eligible immigration status specified in Section 214.

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 and Indian housing programs.