

Public Housing and Housing Choice Basic Eligibility Requirements



Although housing authorities are regulated by the U.S. Department of Housing and Urban Development (HUD), they function as autonomous entities with their own distinct policies and procedures. This autonomy positions them to identify and respond to their communities' diverse and specific housing needs.

This fact sheet highlights the minimum criteria that public housing authorities use to determine eligibility for public housing and the housing choice voucher program:

- Citizenship status
- Background checks requirements
- Head of household requirements
- Family eligibility requirements
- Income requirements
- Student status

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Citizenship status

Housing assistance is accessible exclusively to individuals who are U.S. citizens, U.S. nationals (referred to as citizens and nationals), or noncitizens with eligible immigration status. For a family to qualify for any level of housing assistance, at least one family member must hold citizenship, national status, or eligible noncitizen status.

- According to HUD's definition, a non-citizen is not a U.S. citizen or a national of the United States.
- Families with at least one member who is a U.S. citizen or eligible non-citizen may qualify for pro-rated assistance. This type of household is known as a mixed household. HUD calculates the assistance based on the number of eligible family members, not the number of people in the household.

Family Eligibility Requirements

Family, as defined by HUD's 24CFR 5.403, includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status: a single person, who may be an elderly or near-elderly person, a disabled person, or any other single person; or a group of persons residing together.

This group includes, but is not limited to:

- A family with or without children. NOTE: A child temporarily away from home due to being placed in foster care is considered a family member.
- An elderly or near-elderly family, a disabled family, a displaced family, or the remaining members of a tenant family.
- The Public Housing Authority (PHA) can determine if any other group of persons qualifies as a family.
- Family vs. household: Household is a broader term that includes live-in aides, foster children, or foster adults.

When individuals submit housing applications, they are encouraged to familiarize themselves with the policies and definitions established by the relevant Public Housing Authority (PHA) because its staff have the authority to assess whether other specific groups meet the eligibility criteria for being considered a family unit for housing purposes.

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Background Checks

All family members (i) aged 18 or older or (ii) convicted of a crime as an adult under U.S. federal, state, or tribal law (24 CFR Part 5 Subpart J) who are applying to live in public housing or to participate in the Housing Choice Voucher program must have a thorough criminal background check and screening done by the relevant PHA. This is to ensure that no household member is subject to a lifetime sex offender registration requirement, which is crucial for maintaining a safe living environment for all residents. NOTE: Background check requirements vary for each PHA.

For these background checks, every adult household member must sign a criminal background consent form that the PHA to do screening. The PHA has the authority to set additional non-discriminatory criteria for public housing admission, ensuring fair and consistent procedures for all applicants.

If the PHA opts to establish additional criteria, it is imperative that these standards are consistently applied and duly documented in both the PHA's public housing Admissions and Continued Occupancy Plan (ACOP) and the Housing Choice Voucher Program Administrative Plan. The supplementary criteria and standards must distinctly delineate the activities that would lead to a denial of assistance.

Income Requirements

HUD determines income limits based on family size for each **PHA's specific jurisdiction**. These income limitations are crucial in evaluating an individual's or family's eligibility for housing assistance programs and are shared annually in a HUD Notice, which takes effect upon publication.

- Income limits are calculated relative to the area median income (AMI) and adjusted for different household sizes.
- To qualify for public housing or the Housing Choice Voucher program, individuals and families must meet specific income and household size requirements set by HUD. These requirements ensure that housing assistance is distributed fairly and equitably.
- To qualify for public housing or the Housing Choice Voucher Program, an individual's or family's income must align with either
 - the very low-income category, generally set at 50% of AMI, or
 - the low-income category, typically at 80% of AMI.
- Income thresholds are **set to accommodate** individuals and families with varying financial needs and to provide housing assistance accordingly.

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Student Status

Those attending higher education institutions and not residing with their parents **must meet** additional public housing eligibility criteria. These could include criteria related to financial independence, housing arrangements, or other factors that may differ from those of students who live with their parents.

These rules apply whether the student is a full- or part-time student. And assistance is only given to students who are otherwise eligible for the program and meet at least one of these criteria:

- Is 24 years of age or older
- Is a veteran
- Is married
- Has a dependent child
- Is a person with disabilities
- Is a graduate or professional student
- Is individually income eligible, and the student's parents are individually or jointly income eligible
- Is an independent student, defined as: The individual is 24 years of age or older by December 31 of the award year.

Head of Household Requirements

To meet these requirements, the applicant must be at least 18 years old at the time of application or an emancipated minor as determined by a court of competent jurisdiction, in accordance with state law. The individual designated as the head of the household

- is responsible for ensuring that the family meets all its obligations within the program
- must have legal capacity to enter into a lease per state and local regulations
- may fulfill this role independently or in collaboration with a co-head or spouse.