

HUD

More Guidance on Student Eligibility for Section 8

On April 10, HUD issued a Notice offering guidance to supplement its December 30, 2005 final regulation regarding student eligibility for Section 8 assistance (see *Memo*, 1/6). Senator Tom Harkin (D-IA) inserted language in the FY06 HUD appropriations bill that closed loopholes allowing student athletes to pay little or no rent while living in Section 8 housing, even though they had scholarships that included housing stipends (see *Memo*, 12/23).

The law and new regulations prohibit Section 8 assistance to any student who is under the age of 24, unmarried, without a dependent child, not a veteran, and not income-eligible. When considering income, a student's parents' income is counted. Annual income includes any financial assistance in excess of amounts received for tuition, except for persons over the age of 23 with dependent children.

The guidance provides that a student might be eligible if the individual established a household separate from parents or legal guardians at least one year prior to applying for Section 8, and the student is not claimed as a dependent for tax purposes.

PHAs and owners and managers of Section 8-assisted housing must verify a student's independence by reviewing previous address information and parent's prior year income tax returns, and by obtaining a certification by a parent of the level of any income support provided to the student.

HUD strongly encourages PHAs and owners and managers to recertify those who might be affected by this law as soon as possible, but no later than at the time of annual recertification. The Notice twice says, "PHAs, owners, and managers have an obligation to make sure that Section 8 assisted units are provided to those truly in need of such assistance." Failure to screen applicants and verify income can lead to sanctions.

Owners and managers cannot evict or require an ineligible student to move, as long as the student is in compliance with the terms of the lease; although, the student will no longer receive Section 8 assistance.

The new law does not affect students living with parents in a Section 8 unit or students living with parents who are applying for Section 8. The focus of the new law is on students already residing in Section 8 without parents or who are seeking to live in Section 8 on their own.

The Notice is available at www.hudclips.org.