

# Household Composition

## Definitions

A family consists of:

- Two or more eligible persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage or operation of law, or two or more persons who intend to share residency and have an established history of a stable relationship.
- Eligible single persons.

The head of household is the person who assumes financial responsibility for the household and is designated on the application as head.

A child is defined as a minor who is a person under the age of 18 who is neither head nor spouse.

## Joint Custody of Children

If children are a part of an assisted household pursuant to a court-ordered joint custody agreement, a document from the court indicating the nature of the custody should be submitted.

If both families are on the program or the waiting list, the child may be claimed by only one parent. The parents will be encouraged to make a decision as to which parent claims the child as a family member. If there is no agreement by both parties, "51% of the time" is defined as 183 days of the year (which do not have to run consecutively).

Children who are subject to a joint custody agreement but live in the unit at least 51% of the time will be considered members of the household. "51% of the time" is defined as 183 days of the year, which do not have to run consecutively.

## Multiple Families in the Same Household

It is possible to have what appear to be two families in the same household (such as a mother and father and daughter with her own family). If the family applies as a family unit, they shall be treated as a family unit. If one of the family units leaves the household, it may not be eligible to rejoin the household at a later date.

## Visitors

Visitors are allowed to stay for up to 14 days in a calendar year. Visitors are not members of the family. If the person is a visitor and does not intend to become a "permanent" member of the family, the HA does not have to consider this a change in family composition.

Visitors who stay longer than the specified period must have written permission of the landlord and be approved by the HA. Any adult visitor who has been in the unit more than 14 days (construed as overnight stays) in a 12-month period will be considered to be living in the unit as a household member.

Minors and college students who were part of the family but who now live away from home during the school year and are not considered members of the household may visit for up to 150 days per year without being considered members of the household, as long as they have written permission of the owner/manager to stay longer than 14 days.

In addition, in a joint custody arrangement, if the minor is in the household less than 183 days per year, the minor will be considered to be an eligible visitor and not a family member.

## Special Family Circumstances

If the family includes a child who is temporarily absent from the home due to foster care, the HA will take the following steps:

- Person(s) contributing to the decision as to whether and when the child may be returned to the family will be consulted.
- If the consultant confirms in writing that the child will be returned to the household within the next 90 calendar days, to the best of his/her knowledge, the child will be considered a household member (the family will retain the Voucher size issued)
- If the consultant does not make this confirmation, the situation will be reevaluated after 90 days.
- If the children are projected to be out of the home for more than six months from the initial removal date, the children will not be considered household members.
- If the parent has no other children in the home, the parent will retain his/her eligibility as a remaining member of the tenant family. S/he will be issued an applicable Voucher size.

If the HA has determined that both parents must leave the household and the Department of Social Services and/or the Juvenile Court has determined that another adult is to be brought into the assisted unit to care for the children for an indefinite period, then the HA will treat that adult as a visitor for **60** days.

After that period, the HA will determine whether court-awarded custody or legal guardianship has been granted to the caretaker. If so, the Voucher will be transferred to the caretaker.

If custody or legal guardianship has not been awarded by the court, but the action is in process, the HA will secure verification from the human services staff or attorney as to the status. The caretaker will be allowed to remain in the unit as a visitor until a determination of custody is made.

This process does not preclude the fact that the landlord may choose not to lease to the new adult caretaker. The HA will work with the appropriate service agencies and the landlord to provide a smooth transition of the process(es) involved in these cases.

## **Spouse/Adult Family Member**

If the spouse leaves the household, the family must report the change in family composition to the HA, stating that the spouse is permanently absent.

The spouse will be determined permanently absent if the family declares that the spouse has been gone for more than 90 days of the recertification period and declares by notarized statement, or other legal document that the spouse is permanently absent.

The 90 days specified in this section starts from the time the remaining family spouse reported the change in family composition or the spouse actually left the unit, whichever is earlier.

Persons who report that a spouse has left the household in this situation must provide adequate proof of absence if they are to be considered permanently absent during the first 90 days.

If the spouse leaves the household and the period of time is less than 90 days, the family member will be determined temporarily absent unless the verification(s) specified in Chapter 9. Verifications are provided.

If the family member with children gives notice to the HA before vacating the unit, the HA will discuss the situation and make a determination as to who will retain the Voucher in accordance with this Administrative Plan.

## **Adult Child Considerations**

If an adult child goes into the military and leaves the household, they will be determined permanently absent.

A student (other than husband or wife) who attends school less than 150 miles away from home but who lives with the family during school recesses may be considered permanently absent (income not counted, not on lease, not counted for Voucher size) or temporarily absent (income counted, on lease, counted for Voucher size) at the family's option.

## **Sole Member of Household**

If the sole member of the household has to leave the household for more than 90 days, the unit will not be considered to be their principal place of residence and their Section 8 assistance will be terminated unless the participant requests an extension by submitting documentation from a reliable medical source that s/he will return within a maximum of six months (an additional three months).

If the sole member of the household has to leave the household to go to the hospital or nursing home, advice from a reliable medical source will be obtained as to the likelihood and timing of their return. If the medical source feels they will be permanently confined to a nursing home, they will be considered permanently absent. If they are temporarily confined, they will not be considered permanently absent. In no event, however, will the unit be considered their principal place of residence when they are out of the household for more than six consecutive months.

## **Temporarily /Permanently Absent**

Families must report in writing to the HA any absence from the household of more than 30 consecutive days and shall report the change to the owner, consistent with the lease provisions.

If a household member is absent for 30 or fewer days, the individual will retain status as a household member; if the individual is absent longer than 30 days, and is not governed by other criteria defined in this chapter (such as college students, etc.) the individual will not be considered a household member and will be subject to the regulations governing visitors.

Special situations will be tested as detailed below:

- If the household leaves the assisted unit for more than 90 days in a calendar year, except for medical circumstances described below, the unit will not be considered to be their principal place of residence and their assistance will be terminated.
- If the sole member of the household leaves the household for more than 90 days in a calendar year, the unit will not be considered to be the principal place of residence, and the Section 8 assistance will be terminated unless the participant requests an extension by submitting documentation from a reliable medical source that s/he will return within a maximum of 180 days (an additional 90 days.)
- If a member of the household is subject to an order of protection that excludes a household member from the home, that excluded person will be removed from the household during the period the court order is in effect.

## **Live-In Attendants**

A family may include a live-in attendant who:

- Based on medical statement(s) provided by the attending physician, required by the HA, which allows the HA to determine what is essential to the care and well being of the elderly, handicapped or disabled family member; and
- Is not obligated for the support of the elderly, handicapped or disabled member; and
- Would not be living in the unit except to provide care of the elderly, handicapped or disabled family member; and
- Whose income will not be counted for purposes of determining eligibility or rent; and
- Who may not be considered the remaining member of the tenant family.

Relatives are excluded from being care attendants.

Live-in attendants will not qualify as the remaining member of the tenant family if the person they are attending is no longer a participant on the Section 8 Rental Assistance Program.

Family members of a live-in attendant may also reside in the unit providing doing so does not increase the subsidy by the cost of an additional bedroom and further provided that the presence of the live-in's family members do not overcrowd the unit.

To determine whether a live-in attendant is "essential to the care and well being of the elderly, handicapped or disabled person," the HA will request third-party verification from the attending physician. The request will seek precise information as to the services and time required by the applicant from the live-in attendant in order to enable the applicant to meet the lease requirements.

Reasonable accommodation will be made in the verification process for handicapped and disabled persons. (Reasonable accommodation is detailed in Chapter 1; Verification procedures in Chapter 9.)

## **Reporting Requirements**

The family must report any changes in household composition and the existence of visitors to both the HA and the owner. Both the HA and the owner must approve changes and visitors.

In the case of the minor staying longer than the time period specified in this section of the plan, or college students who were part of the family but who now live away from home during the school year and are not counted as family members, permission must be obtained from the owner, allowing them to continue in residence as a visitor, with a copy to the HA.

The family will need to declare a member as permanently or temporarily absent in writing to the HA. The HA will advise the family at that time, or at reexamination, what the options are and how it might affect the total tenant payment or the Voucher size.

The family will be counseled at briefings and reexamination on the effect of the permanently/temporarily absent policy on rent and/or Voucher size.