PUBLIC HOUSING and COMMUNITY DEVELOPMENT

DEFINITIONS

ATTACHMENT A

OF THE

SECTION 8 ADMINISTRATIVE PLAN

Effective

Revised 1-8-15

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ATTACHMENT A. DEFINITIONS

Adult
A person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State or tribal law.

Affiliated Individual
An individual, as a spouse, parent, brother, sister, or child of that individual to whom that individual stands in loco parentis (in the place of a parent), or any individual, tenant, or lawful occupant in the household of that individual.

Bifurcate (24 CFR § 5.2003):
To divide a lease as such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

Child/Minor
A member of the family (other than the family head or spouse) who is under 18 years of age.

Criminal Records
All criminal arrest records for persons 18 years of age or older, including but not limited to, sex offender records and registration records, and any court dispositions, including but not limited to, *nolo contender, nolle prosequi*, withholds of adjudication and adjudications of guilt. The term "criminal records" does not include records unavailable to the PHCD by operation of law, including juvenile records, sealed or expunged records, exempt records under Florida's Public Records Act, or other records unavailable to the PHCD under state and federal laws. PHCD will conduct such checks on household members who are younger than 18 years if they are being tried as adults for certain criminal offenses.

Dating Violence (24 CFR § 5.2003 and the Florida Statutes)
The federal regulations defines "dating violence" as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship.

The Florida statutes define "dating violence" as violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- A dating relationship must have existed within the past six (6) months;
- The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

Dependent
A member of the family (excluding foster children, foster adults or live-in aides) other than the family head or spouse, who is under 18 years of age, is a person with disabilities, or is a Full-time student.

Desegregative Housing Offer

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An offer of a unit that is vacant, appropriate for the household size and type, and meets applicable housing quality standards in a development where not more than 65 percent of the population is the same race as the household.

Disabled Family (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.403)
A family whose head, co-head, spouse, or sole member is a person with disabilities; or two (2) or more persons with disabilities living together; or one (1) or more persons with disabilities living with one or more live-in aides.

Disability Assistance Expenses
Reasonable expenses that are anticipated, during the period for which Annual Income is computed, for attendant care and auxiliary apparatus for a Disabled Family member and that are necessary to enable 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.

Discriminatory Effect
A practice has discriminatory effect where it actually or predictably results in a disparate impact on a group of persons or creates, increases, reinforces, or perpetuates segregated housing patterns because of race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry, sexual orientation, gender identity, transgender or source of income.

Displaced Family
Includes persons who can document that they have been displaced by a natural disaster declared by the President of the United States, displaced through no fault of their own, by governmental action, or displaced by domestic violence.

Domestic Violence (24 CFR § 5.2003 and the Florida Statutes):
The federal regulations defines “domestic violence” to include felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

The Florida Statute defines “domestic violence” as the "actual or threatened physical violence directed against one or more members of the applicant's family by a spouse or other members of the applicant's household." The law further defines “domestic violence” as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit.

Additionally, domestic violence includes violence against a domestic partner.

Drug-related Criminal Activity
Illegal manufacture, sale, distribution or use of a drug, or possession of a drug, with the intent to manufacture, sell, distribute or use the drug pursuant to Florida State law.

Elderly Family (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.403)
A family whose head, co-head, spouse, or sole member is a person who is at least 62 years of age; or two or more persons who are at least 62 years of age living together; or one or more persons who are at least 62 years of age living with one (1) or more live-in aides.

Elderly Person
A person 62 years of age or older.

Extremely Low Income (HUD Federal Register Vol. 79 #122 dated 6-25-14)

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Families with income below the higher of either the Federal poverty level or 30% of area median income (AMI).

Family (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.403)
Family 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 person, displaced person, a person with disabilities, nearly elderly person, or an single person; or
- A group of persons residing together and such group includes, but is not limited to:
  - A family with or without children (a child who is temporarily away from the home due to placement in foster care is considered a member of the family);
  - An elderly family;
  - A near-elderly family;
  - A disabled family;
  - A displaced family;
  - The remaining member of a tenant family; or
  - A group of persons who reside together and are related by blood or marriage, or who exhibit a stable familial relationship. PHCD will accept documentation proving that adult, domestic partners have a stable relationship (e.g., they have lived together for at least one (1) year).

Family Income
Family Income means the annual income derived from all sources of the family members expected to reside in the dwelling unit and upon which rent is to be based.

Fraud
Deceit or trickery deliberately practiced to gain some advantage dishonestly. Fraud is an intentional deception and is not committed accidentally.

Full-Time Student
A person registered for and carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Gender Identity (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.100)
Gender identity means actual or perceived gender-related characteristics.

Good Cause
With respect to refusal of a housing offer, 'good cause' shall mean that an applicant or participant who are offered a unit can demonstrate through objective evidence that a move into the unit offered would result in a hardship related to the ability of the applicant, participant or a family member to retain his or her employment or retain particular day care or medical services uniquely suited to the affected individual's needs. In addition, a hardship may relate to the person's inability to conveniently use the facility because of his or her disability and a lack of the necessary accessibility features.

Head of Household
The family member who is 18 years or older and held responsible and accountable for the family, normally considered to be the official tenant of record on the lease.

Income Limits
Income limits are those published by USHUD that determine a family's eligibility for the Housing Choice Voucher and Moderate Rehabilitation Programs.

Immediate Family Members (24 CFR § 5.2003)
A spouse, parent, brother, sister, child, an individual to whom that person stands in loco parentis, or any other person living in the household and related by blood or marriage. Additionally, the term "immediate family member" shall include a domestic partner.

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Live-in Aide
A person 18 years of age or older who resides with one (1) or more elderly persons, or near elderly persons, or persons with disabilities who:
• Is determined to be essential to the care and well-being of the persons;
• Is not obligated for the financial support of the persons; and
• Would not be living in the unit except to provide the necessary supportive services.
The live-in aide's income is not counted when determining family income.

Lower Income Family
A family whose Annual Income does not exceed eighty percent (80%) of the median family Income for the area, as determined by USHUD with adjustments for smaller and larger families.

Near-Elderly Family (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.403)
A family whose head of household, co-head, spouse or sole member is a person who is at least 50 years of age but below the age of 62; or two or more persons, who are at least 50 years of age but below the age of 62, living together; or one or more persons who are at least 50 years of age but below the age of 62, living with one or more live-in aides.

Offer
The term 'offer' is used in the context of project-based assistance and means an offer of a unit that is vacant, appropriate for the household in size and type and meets applicable housing quality standards.

Non-Violent Criminal Activity
Any criminal activity that is not a Violent Criminal Activity or a Drug-related Criminal Activity, as defined herewith, but that is such that it may threaten the health, safety or right to peaceful enjoyment of the premises by other residents. Non-violent criminal activities include but are not limited to fraud, bribery, vandalism, burglary, larceny, robbery, etc.

Persons with Disabilities
Under federal discrimination law, an individual is disabled if he/she has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment. This definition does not include any individual who is a drug addict and is currently using illegal drugs, or an alcoholic, who poses a direct threat to the health, safety and right to peaceful enjoyment of the premises by other residents.

Reasonable Accommodation
A reasonable accommodation is a change, modification, alteration or adaptation in a policy, procedure, practice, program facility or unit that provides a person with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing), service or activity.

Reexamination/Recertification Date
The date on which the annual re-examination of eligibility for continued occupancy is due and which may or may not result in a rent change.

Single Person
A person living alone and who does not qualify as an elderly family, disabled family, displaced person, or as the remaining member of a tenant family.

Sexual Assault
The threat of oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.

Sexual Battery
The actual oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object, without consent.

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Sexual Orientation (HUD Equal Access Rule, PIH Notice 2014-20 and 24 CFR 5.100)
Sexual orientation means homosexuality, heterosexuality or bisexuality. PHAs and owners are prohibited from inquiring about an applicant's or participant's sexual orientation or gender identity for the purpose of determining eligibility or otherwise making housing available. This does not prohibit an individual from voluntarily self-identifying sexual orientation or gender identity.

Stalking (24 CFR § 5.2003 and the Florida Statutes)
The federal regulations defines "stalking" to following, pursuing, or repeatedly committing acts with the intent to kill, injure, harass, or intimidate; or to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

The Florida Statute defines "stalking" as the willful malicious, and repeated following, harassing, or cyber stalking of another person, and/or the making of a credible threat with the intent to place that person in reasonable fear of death or bodily injury of the person, or the person's child, sibling, spouse, parent, or dependent.

Tenant Error
Occurs when the tenant by action or by inaction breaches a lease, regulation or other program requirement because of a misunderstanding of rules. Tenant errors are considered unintentional program violations, as compared to fraud (see definition).

Uniform Federal Accessibility Standards
A dwelling unit that is designed, constructed, altered or adapted to comply with Uniform Federal Accessibility Standards (UFAS) and is located in accessible route.

Units with Accessible Features
A unit that has been altered in a manner that has some accessible features that assist persons with disabilities.

Unrestricted Tenant-Based Benefits
Tenant-based subsidies that have been designated by USHUD or Congress for use only for certain programs, such as:

- Veterans Assisted Supportive Housing (VASH);
- HOPE for Elderly Independence;
- HOPE VI;
- Family Unification Program (FUP);
- Continued assistance for previously assisted families;
- Any other award that USHUD sets aside for particular uses.

Very Low Income Family
A family whose Annual Income does not exceed fifty percent (50%) of the median family income for the area, as determined by USHUD, with adjustments for smaller and larger families.

Violent Criminal Activity
Any 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 pursuant to Florida State law.

Waiting List
The list of applicants who are waiting to be verified eligible for admittance to housing programs administered by the PHCD and offered the benefit as it becomes available.

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