

PUBLIC HOUSING and COMMUNITY DEVELOPMENT

DEFINITIONS

ATTACHMENT A

OF THE

SECTION 8 ADMINISTRATIVE PLAN

Effective: ____/____/____

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

With respect to an individual, as a spouse, parent, brother, sister, or child of that individual, or an 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.

Applicant

A person or family that has applied for housing assistance.

Arrested

Taking or seizing a person by legal authority, such as the police, in response to a criminal charge.

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.

Contract Rent (24 CFR § 882.102)

The total amount of rent an owner charges for a unit occupied by a family being assisted by Section 8. It is the amount that will be listed in the Housing Assistance Payment contract and the Lease Agreement.

Continuity of Assistance

A family is considered continuously assisted if it has been receiving housing assistance under any program of the U.S. Housing Act of 1937 without experiencing an extended interruption during the occupancy of the assisted unit. An interruption of four (4) months between the assisted occupancy of one unit and the assisted occupancy of another unit is considered discontinued assistance.

Conviction

A formal declaration that a person has been found guilty of a criminal offense by a verdict of a jury or a judge in a court of law.

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 contendere*, *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.

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.

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.

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 or ethnic origin, color, sex, religion, age, disability, familial status, marital status, status as a victim of domestic violence, dating violence or stalking, ancestry, actual or perceived sexual orientation, gender identity or gender expression, pregnancy or source of income.

Displaced Family (24 CFR 5.403)

A family in which each member, or whose sole member, is a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. PHCD also considers in this definition displacements due to domestic violence.

Displacement Due to Governmental Action

Activity carried on by an agency of the United States or by any State or local governmental body or in connection with code enforcement or a public improvement or development program.

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 and Vol. 81 #45 dated 3-8-16)

A very low-income family whose annual income does not exceed the higher of:

- The poverty guidelines established by the Department of Health and Human Services applicable to the family of the size involved; or
- Thirty (30) percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 30 percent of the area median income for the area if HUD finds that such variations are necessary because of unusually high or low family incomes.

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 gender expression, or marital status:

- a) A single person who may be an elderly person, displaced person, a person with disabilities, nearly elderly person, or an single person; or
- b) 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.

Family Rent to Owner (24 CFR § 982.515)

The portion of rent to owner paid by the family.

Family Share

The portion of rent plus utilities paid by the assisted family.

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 Expression

All of the external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine or neutral in one culture may not be assessed similarly in another.

Gender Identity (HUD Equal Access Rule, PIH Notice 2014-20, and 24 CFR 5.100)

Gender identity means actual or perceived gender-related characteristics.

Gross Rent (24 CFR § 982.4)

The total of the Contract Rent plus utility allowance. If there is no utility allowance because the landlord is responsible for all utilities, the Gross Rent and the Contract Rent will be the same amount.

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.

Hearing

An informal proceeding at which a resident's grievance or complaint relating to PHCD's adverse action or decision, is heard in order to insure that the complainant's rights were not violated

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.

Income Limits

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

Interim Adjustments or Re-determination of Rents

Changes in rent between admission and subsequent annual re-examinations due to a change in family composition or income.

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.

Low Income Family

A family whose annual income does not exceed eighty percent (80%) of the median family income for the area, as determined by HUD with adjustments for smaller and larger families.

Medical Expenses

Those medical expenses, including medical insurance premiums that are anticipated during the period for which annual income is computed, and that are not reimbursed by insurance or other sources.

Minimum Rent

Statutory requirement that each family assisted under Public Housing programs pay a monthly minimum rent or Total Tenant Payment (TTP) of \$50.00, subject to hardship exemption waiver, if applicable.

Monthly Income

One-twelfth of Annual Income

Monthly Adjusted Income

One-twelfth of Adjusted Annual Income

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.

Net Family Assets

Net cash value after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment, excluding interests in Indian trust land and excluding equity accounts in HUD homeownership programs. The value of any business or family assets disposed of by an applicant or tenant for less than fair market value during the two years preceding the date of application for the program or reexamination shall be included in the determination of Net Family Assets.

Non-Elderly Family

Two (2) or more persons who are not elderly but live together and are related by blood, or marriage, or operation of law, or give evidence of a stable relationship which has lasted over a period of at least one year. All Family Income and resources are available to meet the family's needs.

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. Such an offer does not guarantee the availability of the unit.

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 they have 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 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.

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.

Sexual Orientation (HUD Equal Access Rule, PIH Notice 2014-20 and 24 CFR 5.100)

Sexual orientation means homosexuality, heterosexuality or bisexuality.

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.

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).

Unauthorized Occupants/Boarders

A person who is staying in the dwelling unit, but is not listed on the lease or approved by the Landlord to dwell in the unit.

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, but is not a certified UFAS unit.

Unrestricted Tenant-Based Benefits

Tenant-based subsidies that have been designated by HUD 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 HUD 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 HUD, 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.