

Section 12.0: DETERMINING ASSISTANCE IF A FAMILY BREAKS UP

In those instances where a family assisted under the Section 8 Housing Choice Voucher Program becomes divided into two otherwise eligible families due to divorce, legal separation or the division of the family; the new families cannot agree as to which new family unit should continue to receive the assistance; and there is no determination by a court, the LA will consider the following factors to determine which of the families will continue to be assisted:

- which of the two new family units has custody of dependent children;
- which family member was the head of household when the voucher was initially issued (listed on the initial application);
- the composition of the new family units and which unit includes elderly or disabled members;
- whether domestic violence was involved in the breakup;
- which family members remain in the unit; and
- recommendations of social service professionals.

Documentation of these factors will be the responsibility of the requesting parties. If documentation is not provided, the LA will terminate assistance on the basis of failure to provide information necessary for a recertification.

12.01 Remaining Member of Tenant Family

To be considered the remaining member of the tenant family, the person must have been previously approved by the LA to be living in the unit.

A live-in attendant, by definition, is not a member of the family and will not be considered a remaining member of the family. A “room-mate,” as defined in Section 4.03 is also not a member of the family and will not be considered a remaining member of the family.

In order for a minor child to continue to receive assistance as a remaining family member:

- the court has to have awarded emancipated minor status to the minor; or
- the LA must have verified that social services and/or the Juvenile Court has arranged for another adult to be brought into the assisted unit to care for the child (or children) for an indefinite period.

starting

If a minor, as the only remaining family member receives continued assistance under the voucher program, then the voucher must remain available to the minor regardless of future guardianship. Once the minor reaches adulthood, all applicable voucher requirements prevail.

A reduction in family size may require a reduction in the voucher family unit size.