

Section 4.0 OCCUPANCY POLICIES

4.01 Definition of Groups of Persons That May Qualify as a Family

1. A **participant with or without children**. Such a family is defined as a group of people related by blood, marriage, adoption or affinity that lives together in a stable family relationship. A family may be a “non-traditional family” as defined in New York State law. Typically, a non-traditional family has a “long-term relationship and characterized by emotional and financial commitment and interdependence.”
 - Children temporarily absent from the home due to placement in foster care are considered participant members.
 - A first unborn child and children in the process of being adopted are considered participant members for purposes of determining bedroom size, but are not considered participant members for determining income limit.
 - In cases where a parent has joint custody where the child/children reside with the parent at least 51% of the time, the LA must consider such child/children in determining the voucher (unit) size for the participant. The 51% custody arrangement must be verified and documented. If both parents are participants in the Housing Choice Voucher Program (HCR Local program or another PHA), only one of the parents is allowed to claim the child/children as a dependent.
2. An **elderly family** is:
 - a family whose head, spouse, or sole member is a person who is at least 62 years of age;
 - 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 or more live-in aides.
3. A **disabled family** is:
 - a participant whose head, spouse, or sole member is a person with disabilities;
 - two or more persons with disabilities living together; or
 - one or more persons with disabilities living with one or more live-in aides.

4. A **displaced family** is a family in which each member or sole member has been displaced by governmental action, or 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.
5. A **remaining member of a tenant family** may qualify as a family.
6. A **single person**, who is not an elderly or displaced person, a person with disabilities or the remaining member of a tenant family, may qualify as a family.

4.02 Family Guests

Participants in the Housing Choice Voucher program are permitted to have a guest or guests in the household.

If the guest resides in the unit for more than a total of 60 days **or** 15 consecutive days in a calendar year since the last annual reexamination, the guest(s) will be considered unauthorized household member(s). When this occurs, the LA must enforce HCR and HUD policies addressing this matter.

4.03 Definition of When an Applicant Is Considered to Be Continuously Assisted

An applicant is considered to be continuously assisted under the United States Housing Act of 1937 if the family is already receiving assistance under any 1937 Act program when the family is admitted to the Section 8 Housing Choice Voucher Program.