

CHAPTER 2. ELIGIBILITY FOR ADMISSION

It is RHE' policy to admit only qualified applicants. An applicant is qualified if he or she meets all of the following criteria:

- (1) Is a family, as defined in this section.
- (2) Has an annual income at the time of admission that does not exceed the income limits established by HUD.
- (3) Is a U.S. citizen or an eligible immigrant.
- (4) Provides acceptable documentation of social security numbers for all family members.
- (5) Willingness to sign consent forms and provide information as required.
- (6) Meets the RHE' Applicant Selection Criteria.

2.1. FAMILY

2.1.a. Family is defined as a group of people, with or without children, who are related by blood, marriage, adoption, or affinity that live together in a stable family relationship.

Children temporarily absent from the home due to placement in foster care are considered family members.

Unborn children and children in the process of being adopted are considered family members for the purpose of determining bedroom size but are not considered family members for determining income eligibility.

2.1.b. Elderly Family is:

- (1) A family whose head, spouse or co-head or sole member is a person who is at least 62 years of age.
- (2) Two or more persons who are at least 62 years of age living together.
- (3) One or more persons who are at least 62 years of age living with one or more live-in aides.

2.1.c. A Near-Elderly Family is:

- (1) A family whose head, spouse or co-head or sole member is a person who is at least 50 years of age but below the age of 62.

- (2) Two or more persons, who are at least 50 years of age but below the age of 62, living together.
- (3) 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.

2.1.d. A Disabled Family is:

- (1) A family whose head, spouse or co-head or sole member is a person with disabilities.
- (2) Two or more persons with disabilities living together.
- (3) One or more persons with disabilities living with one or more live-in aides.

2.1.e. A Displaced Family is:

A family in which each member, or whose 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.

2.1.f. Remaining Family Member

2.1.f.i. *Head of Household Voluntarily Moves Out*

If the head of household voluntarily moves out, the tenancy of the remaining household members will terminate.

2.1.f.ii. *Death or Incapacitation of Head of Household*

If all of the remaining family members are minors, the family may propose a guardian to move into the unit to care for the minors. The guardian must be someone who is eligible for assistance, must pass RHE' standard screening, and must be approved by RHE as an appropriate head of household for the family.

If the event of the death or incapacitation of the head of household, remaining family members may include existing adult household members of which one may be designated the new head of household.

A live-in aide, foster child, or foster adult cannot be remaining members of a tenant family and are not eligible to remain in a unit after the head and spouse or co-head vacate.

2.1.f.iii. *Divorce or Separation of Spouse or Co-Head*

In the event of a separation or divorce, the subsidy will remain with the custodial parent. If there are no minor children or disabled dependents remaining in the household, the subsidy will remain with the person under which the original

application for housing was submitted. If the application for housing was submitted by both parties as head/cohead or head/spouse, the subsidy will be determined through the court determined divorce or separation decree. In all cases, RHE' policy will be superseded by any court decree.

2.1.g. Head of Household
24 CFR 5.504

The head of household must be the adult member of the household who is designated by the family as the head is wholly or partly responsible for paying the rent and has the legal capacity to enter into a lease under the state and local laws of the city of Rockville, Maryland.

2.1.h. Spouse, Co-Head, and Other Adult

A family may have a spouse or co-head, but not both. (See HUD-50058 IB). The spouse is the marriage partner of the head of household but not friends, roommates, or significant others who are not marriage partners.

A co-head is an individual in the household who is equally responsible with the head of household for ensuring that the family fulfills all of its responsibilities under the program, but who is not a spouse. A family can have only one co-head.

Other adult means a family member, other than the head, spouse, or co-head, who is 18 years of age or older. Foster adults and live-in aides are not identified as other adults.

2.1.i. Joint Custody

Children subject to a joint custody agreement will be allowed to be claimed as a dependent only by the household where the child spends 50% or more of his or her time. Verification of the address where the child resides the majority of the time may be through the home address reported on school records or other documentation that is deemed conclusive by RHE.

If the court order determines custody to be 50% - 50%, the child(ren) can be included in the household size determination. Note a dependent child can only be included in one subsidized household. Therefore, if a family separates and both parents are in separate subsidized units, the dependent can only be included in one household for the purposes of household size determination and dependent deductions.

2.1.j. Unborn Children

Unborn children and children in the process of being adopted through the foster care system are considered family members for purposes of determining bedroom size but are not considered family members for determining income limit.

2.1.k. Live-In Aide

A household may include a live-in aide.

A live-in aide is a person who lives with an elderly person or a person with disabilities when the family has verified that a live-in aide is essential to the care and well-being of the elderly or disabled family member.

A live-in aide must be a person who would not be living in the unit except to provide the necessary supportive services and is not obligated for the financial support of the elderly or disabled family member.

RHE will conduct a criminal background check on any person proposed to be a live-in aide and may refuse to approve or withdraw approval of a specific live-in aide who:

- (1) Has committed drug-related criminal or violent criminal activity.
- (2) Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- (3) Owes rent or other amounts to RHE or to another PHA in connection with the HCV or public housing programs.

RHE may request income documentation from the live-in-aide to determine if the live-in-aide has the required amount of time available to perform the live-in-aide functions. A live-in-aide may be denied if it is determined they are working during the hours in which they are noted to be providing care to the household member.

RHE will complete the HUD multiple subsidy report to determine if the live-in-aide currently resides in another subsidized household. A live-in-aide will be denied if they are determined to be a resident in another federally subsidized unit.

2.1.l. Eligibility of New Household Members

RHE will approve a child added to a household through birth, foster care acquisition, or court-awarded custody. Any request to add an adult household member that will increase the voucher size will only be considered for the additions of elderly parents or grandparents. For all other requests to add adult household members will be considered if the request does not over crowd the unit and does not require an increase the voucher size. This must be requested as a reasonable accommodation. The new family member must be determined eligible on the basis of RHE’ standard screening procedures. Any new member receiving assistance must be a citizen or eligible immigrant, provide a social security card and, if an adult, sign consent forms and provide other required information.

Before approving any new adult household member, RHE will conduct a criminal background check, verify the individual's citizenship or immigration status, and income. The individual will be required to provide documentation of his or her social security number and sign the release of information documents required to complete the verification process. In addition, the family must document the owner's agreement to the household addition.

RHE reserves the right to deny any repeat additions of the same person, or previous household member, to the household. RHE may deny a request to add a household member based on the current household conditions, housekeeping, rental history, occupancy standards, or other good reason for denial. RHE will deny the request if the person being added appears on the HUD multiple subsidy report.

2.2. FAMILY DOCUMENTATION

The family must provide the following documentation as part of the eligibility process:

- (1) All adult members (18 years & older) must provide a valid government-issued ID.
- (2) All adult members (18 years & older) must complete the HUD Debts Owed form.
- (3) Certification of birth.
- (4) Social security card.
- (5) Veterans may provide a copy of their DD-214, which will be used for verification of birth and social security number.
- (6) If you have a valid REAL ID, a Maryland driver's license with a star on the top right, this may be used for verification of your date of birth.
- (7) A declaration of citizenship form must be completed for each family member.
- (8) All other documents and items noted in the admission or recertification packet or otherwise requested by RHE staff.

2.3. INCOME ELIGIBILITY

To be eligible for admission to a public housing unit, a family's annual income must be within the low-income limit set by HUD. Not less than 75% of families admitted must be at or below the very low-income limit of 50% of the AMI. This means the family income cannot exceed 80% of the median income for the area.

Income limits apply only at admission and are not applicable for continued occupancy. If there are no eligible families on the waiting list and RHE has published a notice of available units in at

least one online media source, families above the applicable income limit may be housed. They must vacate the unit if an eligible family applies.

2.4. CITIZENSHIP/ELIGIBILITY STATUS

24 CFR Part 5, Subpart E

To receive assistance, a family member must be a U.S. citizen or eligible immigrant. Assistance is prohibited to non-immigrant students and their families.

All household members must sign a declaration claiming status as a U.S. citizen, an eligible non-citizen, or stating a preference not to claim eligibility. Declarations for children must be signed by parents or guardians.

U.S. Citizens must provide verification of citizenship, which may be a U.S. birth certificate, a U.S. passport, or a certificate of naturalization.

Non-citizens who are 62 years of age or older and claim to have eligible immigration status must provide a signed declaration of eligible immigration status and proof of age.

Other non-citizens claiming eligible immigration status must provide documentation of their immigration status. Staff will verify the immigration status of every non-citizen claiming eligibility through the U.S. Citizenship and Immigration Services (USCIS).

Mixed families with eligible and ineligible members will be eligible to receive prorated assistance.

RHE will inform all applicants at the time the application is submitted that housing assistance is available only to US citizens and eligible immigrants and provide information on the types of evidence that will be required.

2.5. SOCIAL SECURITY NUMBER DOCUMENTATION

24 CFR 5.216

To be eligible, all family members must provide acceptable documentation of a social security number.

2.6. SIGNING CONSENT FORMS

The head and spouse or co-head and all other family members who are 18 years of age or older must sign one consent forms as requested authorizing HUD or RHE to:

- (1) Obtain from State Wage Information Collection Agencies (SWICAs) any information or materials necessary to complete or verify the application for participation or for eligibility for continued occupancy.
- (2) Verify with previous or current employer's income information pertinent to the

family's eligibility or level of assistance.

- (3) Request income information from the IRS and the SSA for the sole purpose of verifying income information pertinent to the family's eligibility or level of benefits.
- (4) Eligibility for public housing is contingent on family members providing information, documents, and authorizations necessary as requested by RHE within the timeframe they are requested.

2.7. SCREENING APPLICANTS FOR ADMISSION

Applicant families will be evaluated to determine whether past behavior of household members might be expected to result in noncompliance with the public housing lease. RHE will look at past conduct as an indicator of future conduct. Emphasis will be placed on whether a family's admission could reasonably be expected to have a detrimental effect on the development's environment, other tenants, RHE employees, or other people residing in the immediate vicinity of the property. Otherwise, eligible families will be denied admission if they fail to meet the suitability criteria.

The cost of applicant screening will be borne by RHE.

2.7.a. Considerations Related to Tenancy Compliance

RHE will consider objective and reasonable aspects of the family's background that are related to the family's ability to comply with lease requirements, including the following:

- (1) History of meeting financial obligations, especially rent.
- (2) Ability to maintain (with or without assistance) their housing in a decent and safe condition based on living or housekeeping habits and whether such habits could adversely affect the health, safety, or welfare of other tenants.
- (3) History of criminal activity by any household member involving crimes of physical violence against persons or property and any other criminal activity including drug-related criminal activity that would adversely affect the health, safety, or well-being of other tenants or staff or cause damage to the property.
- (4) History of disturbing neighbors or destruction of property.
- (5) Previous acts of fraud in connection with any federal housing assistance program, including the intentional misrepresentation of information related to a housing application or benefits derived therefrom.
- (6) History of abusing alcohol or drugs in a way that may interfere with the health, safety, or right to peaceful enjoyment by others.

2.7.b. Approach to Screening Applicants

RHE will ask applicants to provide information demonstrating their ability to comply with the essential elements of the lease and will verify the information as appropriate, which may include the following:

- (1) A credit check of the head, spouse and co-head, and other adult members.
- (2) A rental history check of all adult family members over 18.
- (3) A criminal background check on all adult household members, including live-in aides. This check will be made through state or local law enforcement or court records in those cases where the household member has lived in the local jurisdiction for the last three years. Where the individual has lived outside the local area, RHE may contact law enforcement agencies where the individual had lived.
- (4) A home visit. The home visit provides the opportunity for the family to demonstrate their ability to maintain their home in a safe and sanitary manner. This visit considers cleanliness and care of rooms, appliances, and appurtenances. It may also consider any evidence of criminal activity.
- (5) A check of the state's lifetime sex offender registration program for each adult household member, including live-in aides. No individual registered with this program will be admitted to public housing.

2.8. DENIAL OF ASSISTANCE

24 CFR 960.203 & 204

2.8.a. RHE Will Deny Admission to an Applicant if:

- (1) The household does not meet any one or more of the eligibility criteria of the program.
- (2) Any member of the household fails to:
 - (a) Supply information or documentation required for the application, lease-up, or recertification process.
 - (b) Sign and submit consent forms for obtaining information.
 - (c) Respond to a written waiting list update request.
 - (d) RHE receives returned mail that was sent to the applicant noted by the Post Office as undeliverable.

In accordance with PIH Notice 2016-05, applicants that are unable to provide a social security number for a family member under the age of 6 will be granted a 90-day period, during which an applicant family may become a program participant, even if the family lacks the documentation necessary to verify the social security number of a family member under the age of 6. An extension of one additional 90-day period must be granted if RHE determines that, in its discretion, the applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside of the control of the applicant.

Any member of the family that has been evicted from public housing, any federally assisted housing, or has had housing voucher assistance terminated for any reason within the last five years prior to the date of RHE' denial notice, RHE may extend the time period for denial based on eviction from a federally assisted housing program up to 10 years.

2.8.b. Criminal Activity

CFR 24 Part 966.4 PIH Notice 2015-19

RHE has established standards that prohibit admission of an applicant who has engaged in criminal activity, use of illegal drugs, or abuse of alcohol that may threaten the health, safety of other persons, or the right to peaceful enjoyment of the premises by other residents.

Applicants will be denied admission for any of the following reasons:

- (1) Any family member has ever been convicted of manufacturing or producing methamphetamine, "speed" in a federally assisted housing unit.
- (2) Any household member has a lifetime registration under a state sex offender registration program.

Applicants may be denied admission for any of the following reasons:

- (1) Any member of the household has illegally used or possessed a controlled substance for personal use or has abused alcohol in a way that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- (2) Any member of the household has committed drug related criminal activity or violent criminal activity.
- (3) Any household member has a criminal history that involved arson.

2.8.c. Additional Reasons for Denial of Admission

RHE will deny admission to a family if it determines the family or any family member:

- (1) Has engaged in or threatened abusive or violent behavior toward any RHE staff member or resident. This behavior includes oral or written threats either direct or

implied or physical gestures that communicate an intent to insult or intimidate.

- (2) Has a pattern of unsuitable past performance in meeting financial obligations, including rent or the payment of utilities.
- (3) Has a record of disturbing neighbors, destruction of property or living, or housekeeping habits at prior residences which may adversely affect the health, safety, or welfare of other residents.
- (4) Owes money to RHE or any other housing authority.
- (5) Has intentionally misrepresented information related to eligibility, preference, housing history, allowances, family composition, or rent. Unintentional mistakes that do not convey any advantage to the applicant will be considered unintentional misrepresentations.
- (6) Has committed fraud, bribery, or any other corrupt act in connection with any federal housing assistance program.
- (7) Is determined to live in another federally subsidized unit and is unwilling to terminate the other federal assistance.
- (8) Does not provided required eligibility documentation within the requested time frame.

2.8.d. Criteria for Deciding to Deny Admission: Evidence

The fact that an applicant or tenant was arrested for a disqualifying offense shall not be treated or regarded as proof that the applicant or tenant engaged in disqualifying criminal activity. The arrest may, however, trigger an investigation to determine whether the applicant or tenant actually engaged in disqualifying criminal activity. As part of its investigation, RHE may obtain the police report associated with the arrest and consider the reported circumstances of the arrest. RHE may also consider any statements made by witnesses, the applicant, or tenant not included in the police report; whether criminal charges were filed; whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal; and any other evidence relevant to determining whether or not the applicant or tenant engaged in disqualifying activity.

RHE will deny admission if the “preponderance of evidence” indicates that a family member has engaged in a prohibited activity, regardless of whether the family member has been arrested or convicted. Preponderance of evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole show that the fact sought to be proved is more probable than not.

2.8.e. Criteria for Deciding to Deny Admission: Mitigating Evidence

RHE will consider all relevant circumstances when deciding whether to deny admission based on a family's past history except in situations for which denial of admission is mandated.

If negative information is received about an applicant, RHE shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.

Mitigating circumstances are facts relating to the applicant's negative history that, when verified, indicate:

- (1) The reason for the unsuitable rental history and/or behavior.
- (2) That the reason for the unsuitable rental history and behavior is no longer in effect or is under control.
- (3) The applicant's prospect for lease compliance is acceptable, justifying admission.

Examples of mitigating circumstances might include:

- (1) Evidence of successful rehabilitation.
- (2) Evidence of the applicant family's participation in social service or other appropriate counseling service.
- (3) Evidence of successful and sustained modification of previous disqualifying behavior.

RHE will consider evidence that those who have illegally used or possessed controlled substances or abused alcohol have successfully completed a supervised drug or alcohol rehabilitation treatment program and have been certified by the treatment program as "clean" for at least one year as of the date of the eligibility determination. (HUD Notice PIH 96-27) Consideration of mitigating circumstances does not guarantee that an applicant will qualify for admission.

2.8.f. Reasonable Accommodation

If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition, or treatment, RHE shall refer such information to persons qualified to evaluate the evidence and verify the mitigating circumstance. RHE shall also have the right to request further information to verify the mitigating circumstance, even if such information is of a medically confidential nature. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation.

2.8.g. Removal of a Family Member from the Household

In the event that one household member, who is not the original applicant is found to be ineligible, RHE may offer an opportunity for the household to remove the culpable household member from the application as a condition of admission. The decision to offer such an opportunity is at RHE' sole discretion. If such an offer is made, the head of household and spouse or co-head must sign a certification that the excluded family member will not be permitted to stay as a guest in the public housing apartment. Prior to admission and at any time in the future, the family must present evidence of the former family member's current address upon RHE' request.

2.9. VIOLENCE AGAINST WOMEN ACT (VAWA)

RHE acknowledges that a victim of domestic violence, dating violence, or stalking may have an unfavorable history that would warrant denial under RHE' policies. Therefore, if RHE makes a determination to deny admission to an applicant family on the basis of an unfavorable history, RHE will include in its notice of denial a statement of the protection against denial provided by VAWA and will offer the applicant the opportunity to provide documentation affirming that the cause of the unfavorable history is that a member of the applicant family is or has been a victim of domestic violence, dating violence, or stalking.

In a case where an applicant family includes the perpetrator as well as the victim of domestic violence, dating violence, or stalking, RHE will require that the perpetrator be removed from the applicant household and not reside or visit in the public housing apartment.

2.10. DENIAL OF ELIGIBILITY

RHE will provide a written notice of denial if a family is deemed ineligible for admission.

Before RHE rejects an applicant on the basis of a criminal history or sex offender registration, RHE must notify the household of the proposed rejection and provide the household member whose criminal history is at issue with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

The family will be given 10 calendar days to contact RHE to request an informal review to dispute the accuracy and relevance of the information. If the family does not contact RHE within that 10-day period, the denial of admission will stand.

2.11. OCCUPANCY STANDARDS

Occupancy standards are established to ensure that units are occupied by families of an appropriate size. RHE' policy is intended to make the best use of scarce housing resources while avoiding overcrowding and preserving Rockville's housing stock from excessive wear and tear.

In determining bedroom size, RHE generally assigns one bedroom to two people. However,

- (1) The single head of household will be assigned a bedroom.
- (2) The head of household with a spousal relationship or co-head will be assigned a bedroom.
- (3) Beyond the head of household, two persons regardless of age or gender would be assigned one bedroom.
- (4) Live-in aides will be provided a separate bedroom. Live-in aides will be supplied one bedroom regardless of parental status. Only 2 persons will be allowed to reside in the bedroom assigned to the live-in aide.
- (5) Children who are in the process of being adopted through the foster care system, whose custody is being obtained, whom are temporarily away at school, or whom are temporarily absent in foster care are included in determining the family's bedroom size.
- (6) The unborn child of a pregnant woman will be considered in determining the family's bedroom size.
- (7) RHE may grant exceptions to normal occupancy standards when a family requests a reasonable accommodation.

This results in the following standards:

Unit Size	Minimum Number of Persons in Household	Maximum Number of Persons in Household
0-BR	1	2
1-BR	1	3
2-BR	2	5
3-BR	4	7
4-BR	6	9

RHE will approve a family's request for a unit size smaller than required by RHE policy if the smaller unit will not result in reaching the maximum occupancy as noted in the above chart. Before RHE grants an exception, the family must sign a certification stating they understand they will be ineligible for a different size unit until the family size changes.

RHE may approve a family's request for a larger unit than provided by standard policy if the family provides verification accepted to RHE of a medical need for the larger unit.

If there are no families on the waiting list for a larger size unit, smaller families may be housed if they sign a release form stating they will transfer (at the family's own expense) to the appropriate size unit when an eligible family needing the larger unit applies. The family transferring will be given a 30-day notice before being required to move.

The maximum number of persons in a household represents the number of persons in a household that will deem the household to be overcrowded. If the household reaches the maximum, the family will be required to move to an appropriately sized unit.

RHE MTW Activity 21 – Work Requirement

Fiscal Year Introduced: 2026

Fiscal Year Approved by HUD: Pending

RHE will implement a mandatory work requirement for all non-elderly and non-disabled individuals between the ages of 18 and 62. These individuals must work a minimum of 15 hours per week. This activity is applicable to all newly admitted and currently assisted workable families.

Eligible individuals will meet with RHE staff or one of its partner organizations to determine the best course of action, on an individual basis, to meet this activity's ultimate goal of self-sufficiency. RHE, at its discretion, will allow acceptable substitutes for employment, such as education, job training, or rehabilitation to fulfill this requirement.

Residents and participants shall be given notice six months in advance of the sanction policy for non-compliance.

The following individuals will be exempt from this activity: individuals that are exempt from the Community Service Requirement, elderly and/or disabled individuals, individuals aged 18 years and younger, live-in aides, individuals that are the primary caretaker for a child under 6 years of age, and women who are pregnant.

Work requirements shall not be applied to exclude, or have the effect of excluding, the admission into housing or participation in supportive services by persons with disabilities or elderly individuals, or families that include persons with disabilities or elderly individuals.

RHE MTW Activity 20 – Term Limited Assistance

Fiscal Year Introduced: 2026

Fiscal Year Approved by HUD: Pending

All workable families will be subject to a time-limited housing term of nine (9) years beginning at the resident or participant's next triennial recertification. Households requiring additional time to exit the programs may apply for a one (1) year extension. Extension requests will be granted by RHE, at its discretion, following the completion of a household's nine-year term limit. This activity is applicable to all newly admitted and currently assisted workable families.

The one-year extension can be applied for and granted a maximum of one (1) time. The

absolute household term-limit is ten years commencing at the resident or participant's next triennial recertification. Households that reach ten years of tenancy originating at the resident or participant's next triennial recertification, regardless of consecutiveness, with RHE are unable to reapply for the public housing or Housing Choice Voucher programs.

RHE or one of its partner organizations will offer supportive services or service referrals to prepare families for the termination of assistance.