

HUD has released supplementary guidance on the eligibility of students for Section 8 assisted housing. The notice will be published in the *Federal Register* on April 10, 2006. It provides additional guidance to assist public housing agencies and multifamily project owners and management agents with the implementation of the new Section 8 eligibility restrictions for the final rule that was published in the Federal Register on December 30, 2005 and became effective on January 30, 2006. The new student eligibility restrictions only apply to HUD's Section 8 programs administered by the Office of Housing and the Office of Public and Indian Housing, but the rule and notice do not apply to HUD's Public Housing program.

According to the notice,

“In brief, the new law and HUD’s rule require that if a student is enrolled at an institution of higher education, is under the age of 24, is not a veteran, unmarried and does not have a dependent child, is individually ineligible for section 8 assistance, or the student’s parents are, individually or jointly, ineligible for assistance, *no* section 8 assistance can be provided to the student. Unless the student is determined independent from his or her parents, as discussed in this guidance, the eligibility of a student seeking section 8 assistance will be based on both the student *and* the parents being determined income eligible for section 8 assistance.

Under the new law and HUD’s rule, the eligibility of a student seeking section 8 assistance will be examined along with the income eligibility of the student’s parents. Both the student’s income and the parents’ income must be separately assessed for income eligibility. Additionally, the financial assistance of the student in excess of tuition will be included in annual income when determining the student’s eligibility for section 8 assistance, unless the student is over the age of 23 with dependent children, and for rent calculation purposes as addressed in Section II, E of this notice. The new law and rule focus on a student under the age of 24 who meets the additional requirements of Section 327 of the Act and who is not residing in a section 8 assisted unit with his or her parents, but who is seeking on his or her own to reside in a section 8 assisted unit. The new law and rule do not apply to students residing with their parents in a section 8 assisted unit or who reside with parents who are applying to receive Section 8 assistance.”