

SECTION 4. DEFINITION OF TERMS

ALTERNATIVE NON-PUBLIC HOUSING RENT - Alternative non-public housing rent (alternative rent) is the monthly amount a PHA must charge non-public housing over-income (NPHOI) families, if allowed by PHA policy to remain in a public housing unit, after they have exceeded the 24 consecutive month grace period. The alternative rent is defined at 24 CFR 960.102, as the higher of the Fair Market Rent (FMR) or per unit monthly subsidy. The monthly subsidy provided for the unit, is determined by adding the per unit assistance provided to a public housing property as calculated through the applicable formulas for the Public Housing Capital Fund and Public Housing Operating Fund.

NON-PUBLIC HOUSING OVER-INCOME FAMILY – a family that has exceeded the over-income limit for 24 consecutive months who remains in a public housing unit, as allowed by PHA policy, paying the alternative rent. These families are no longer public housing program participants and are unassisted tenants.

OVER-INCOME FAMILY - a family whose annual income (not adjusted income) exceeds the OI limit. This term includes families that are in the grace period or afterwards, but prior to termination and are still public housing program participants.

OVER-INCOME LIMIT – the maximum amount of income a household can have and remain a public housing resident. This amount is determined by multiplying the applicable income limit for a very low-income (VLI) family, as defined in 24 CFR 5.603(b), by a factor of 2.4 (i.e., 120 percent of the AMI).

APPENDIX C

OVER-INCOME FAMILIES 24 CFR 960, Subpart E

Policy on Families Exceeding the Income Limit

No family may live in a public housing unit with an income exceeding the over-income limit for more than 24 consecutive months.

If HABD determines a family has exceeded the over-income limit, HABD will provide written notice to the family of the over-income determination no later than 30 days after the income examination, stating their responsibility to pay the alternative rent at the end of a 24-month grace period. The family may request a hearing in accordance with HABD policy if it disputes the determination that its income exceeds the over-income limit.

Families with incomes exceeding the over-income limit will be provided a 24-month grace period starting from the date HABD determined the family exceeded the over-income limit.

Twelve months from the initial determination, HABD will conduct an income examination if the family's income has not already fallen under the over-income limit. HABD will provide written notification of the results of the reexamination within 30 days of its completion, including the family's responsibility to pay the alternative rent after the conclusion of the grace period, if the family has remained over income for 12 consecutive months. HABD will provide the current alternative rent in the notice as an estimate. The family may request a hearing in accordance with HABD policy if it disputes the determination that the family exceeded the over-income limit.

Twenty-four months after the initial determination of over-income status, HABD will conduct an income examination to verify the over-income status unless the family has already reported income under the over-income limit. If HABD determines the family exceeded the over-income limit for 24 consecutive months, HABD will provide the family a notice within 30 days of the income examination. The family may request a hearing in accordance with HABD policy if it disputes the determination that the family exceeded the over-income limit.

Families that have exceeded the over-income limit for 24 consecutive months will be charged the alternative rent and required to execute a new, non-public housing lease within 60 days of the notice. There are no exceptions to this policy.

Families that fail to execute the non-public housing lease within 60 days of the notice will be terminated. Families must exceed the over-income limit for 24 consecutive months to be subject to the alternative rent.

An over-income family will continue to be a public housing program participant until the family executes a new non-public housing lease or HABD terminates the tenancy of the family.

Non-public housing over-income (NPHOI) families cannot participate in public housing programs, participate in resident councils, or receive a utility allowance. NPHOI families may only be admitted to HABD’s public housing program according to HABD’s eligibility and admission policies.

HABD will submit a report annually to HUD that specifies, as of the end of the prior calendar year, the number of families residing in public housing with incomes exceeding the over-income limit and the number of families on the waiting lists for admission to public housing projects. The report will be publicly available.

2023 Over-Income Limits

Persons in Family	1	2	3	4	5	6	7	8
Very Low Income Limit (50% of AMI)	\$ 29,700	\$ 33,950	\$ 38,200	\$ 42,400	\$ 45,800	\$ 49,200	\$ 52,600	\$ 56,000
Over-Income Limit	\$ 71,280	\$ 81,480	\$ 91,680	\$ 101,760	\$ 109,920	\$ 118,080	\$ 126,240	\$ 134,400