

Not all income your household receives will cause your rent to increase. The following types of income are not counted when calculating your rent but still need to be reported

Money earned through work by children under 18 years of age;

Payments received for the care of foster children;

One time payments such as inheritances, insurance payments, capital gains and money from the settlement of personal or property losses;

The full amount of student financial assistance paid directly to the student or to the institution; not limited to assistance for tuition, books or fees;

Only the first \$480 earned by children over 18 years of age is treated as income, all amounts over the first \$480 earned each year is not counted at income

Adoption assistance payments in excess of \$480 per adopted child;

This is not a complete list of what is and is not counted as income. You should report all income to the housing authority. Your housing authority may exclude other types of income when calculating your rent. You can find this information in the ACOP or administrative plan of your housing authority.

### **I Have Many More Expenses Now That My Grandchildren Live with Me. It Is Hard for Me to Pay My Rent. What Can I Do?**

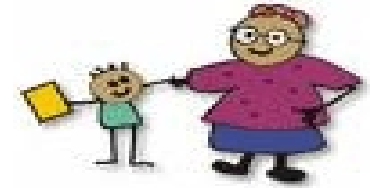
If your rent is based on your income, you may be entitled to have certain amounts deducted from your income which will reduce your rent. Each year you should receive a deduction of \$480 for each grandchild (who is not a foster child) who is under 18 years of age, is a person with a disability, or is a full-time student.

Most grandparents live in a household in which the head of household is at least 62 years of age or disabled and should receive a \$400 annual deduction.

If you make payments for child care so that a family member can work, actively seek work, or attend classes, you may be able to deduct those payments from your income when your rent is calculated. The payments must be for children less than 13 years of age and must reflect reasonable charges for childcare. The amount deducted may be limited.

*The information contained in this brochure applies only in the State of Georgia. In November of 2007 the information contained in this brochure was correct. The law changes and the information in this brochure may no longer be correct. The information in this brochure is intended only as information and does not constitute legal advice. Anyone seeking specific legal advice should contact an attorney. This information was created by the Georgia Legal Services Program.*

## **Grandparents with Grandchildren in Public Housing**



Many grandparents who agree to care for their grandchildren face housing problems. This brochure will try to answer some of the questions grandparents living in public housing face when caring for their grandchildren.

### **Can My Grandchildren Visit Me in Public Housing?**

As a tenant in public housing you have the right to receive visitors in your home. Most housing authorities have rules which limit the number of times a visitor can spend the night in your unit. You need to contact your housing authority or read your lease to determine the rule that applies to you. Grandparents need to supervise the behavior of their grandchild when they visit. This includes behavior inside the unit and behavior outside the unit while the grandchild is on or near the housing authority's property. If your grandchild's behavior violates the lease, it can cause you a serious problem and could result in your being evicted.

**Today the Court Awarded Me Custody of My Grandchild. Can I Bring the Child into My Public Housing Unit?**

Yes, a grandparent must promptly inform the housing authority when they receive court-awarded custody of a child and the housing authority must add the child to the lease. In general, you do not need prior approval before adding a child to your household through birth of a child to a household member, or when a household member has adopted or obtained court-awarded custody of a young child. While you do not need the housing authority's approval in such cases, you do need to immediately notify the housing authority that the child is in the household.

If the grandparent does not have a court award of custody or adoption papers, the grandparent must request that the housing authority approve adding the child to the lease and the tenant cannot let the child live in the household until the housing authority gives its written approval. Tenants are required to wait for a housing authority's approval before allowing additional persons to move into the unit. If you allow the child to move in with you before you receive the necessary written approval, you may have your lease terminated and end up being evicted. If the request to add the child to the household is denied, the grandparent can use the grievance procedure to challenge the denial.

The housing authority will request verification of the grandparent's relationship to the child. The

grandparent needs to be prepared to provide either a birth certificate showing the relationship, legal adoption records, or court awarded custody documents. Foster children can also be permitted to live in a public housing unit with the housing authority's permission. The housing authority is the final judge of what constitutes adequate and credible documentation and verification of the relationship between the grandparent and the child.

If the child is young, there will probably not be any screening of the child's criminal record. If the child is a teenager, however, the housing authority may perform a criminal record check to make sure that the teenager does not have a criminal record.

If the grandchild is over the age of six, the grandparent must provide the child's social security number. Persons who are not U.S. citizens or nationals do not have social security numbers. Such persons have two choices. They can seek to show they are otherwise eligible for housing assistance or they may choose not to claim eligibility for housing assistance. Persons who do not seek housing assistance may be able to continue living in the public housing household.

**The Housing Authority Say My Unit Is Too Crowded. I Live in a One Bedroom Unit with My Three Grandchildren.**

Often when grandchildren move in there is not enough room in the unit for the new family. In determining if the household is too crowded,

HUD says it is reasonable for housing authorities to limit two persons to each a bedroom of the unit. The Admissions and Continued Occupancy Policy (ACOP) must state the local housing authority's policy on the minimum and maximum number of persons who may live in units.

If your unit is too small for your family size, you may need to transfer to a larger public housing unit. If the housing authority determines that a change is required, the family will be placed on a list for a transfer. The family will need to move to an appropriately sized unit, when one becomes available. The family will receive a written notice before being transferred. If the family disagrees with the decision that they have to transfer, it can use the housing authority's grievance procedure. The household will normally have to pay the cost of the transfer which includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting utilities.

**Will My Rent Increase Because My Grandchildren Have Moved in with Me?**

Maybe, if your grandchildren receive income such as child support, social security survivor benefits, or TANF. It is important that you report to the housing authority any income your grandchildren are entitled to receive, even if you are not actually receiving the money.