

5105 STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION

- 5105.1 This section shall only apply to students who are seeking HCVP assistance on their own, as a Head of Household, separately from their parents. It shall not apply to a student who is a member of a Family currently participating in the Program or a student who is a member of an applicant Family
- 5105.2 If a student enrolled at an institution of higher education is under the age of twenty-four (24), is not a veteran, is not married, and does not have a dependent child, the student's eligibility shall be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be determined income eligible in order for the student to receive HCVP assistance. If, however, a student in these circumstances is determined "independent" from his or her parents in accordance with § 5105.3, the income of the student's parents shall not be considered in determining the student's eligibility.
- 5105.3 DCHA shall consider a student "independent" from his or her parents and the parents' income shall not be considered when determining the student's eligibility if the following four (4) criteria are met:
- (a) The individual is of legal contract age under District of Columbia law;
 - (b) The individual has established a household separate from his or her parents for at least one (1) year prior to applying for HCVP assistance;
 - (c) The individual meets the U.S. Department of Education's definition of an independent student as defined in section of the Higher Education Act of 1965, 20 U.S.C. § 1087vv(d) (2006); or
 - (d) The individual was not claimed as a dependent by his or her parents pursuant to IRS regulations, as demonstrated on the parents' most recent tax returns.
- 5105.4 The student must provide certification of the amount of financial assistance that will be provided by his or her parents. This certification shall be signed by the individual(s) providing the support and shall be submitted even if no assistance is being provided. Financial assistance from parents shall be considered as income when making the determination of eligibility and Total Tenant Payment (TTP).
- 5105.5 For any student who is subject to these restrictions and who does not satisfy the definition of an independent student in this section, DCHA shall determine whether the student's parents are income eligible for the Program so as to allow the student to become a HCVP participant as follows:

- (a) If the student's parents are married and living together, DCHA shall obtain a joint income declaration and certification of joint income from the parents;
- (b) If the student's parent is widowed or single, DCHA shall obtain an income declaration and certification of income from that parent;
- (c) If the student's parents are divorced or separated, DCHA shall obtain an income declaration and certification of income from each parent;
- (d) If the student has been living with one (1) of his or her parents and has not had contact with or does not know where to contact his or her other parent, the student shall submit a certification under penalty of perjury, describing the circumstances and stating that the student does not receive financial assistance from the other parent. DCHA shall then obtain an income declaration and certification of income from the parent with whom the student has been living or had contact;
- (e) In determining the income eligibility of the student's parents, DCHA shall use the PHA income limits for the jurisdiction in which the parents live; or
- (f) Both students and parents shall meet the low-income limit.

5105.6 If DCHA determines that the student, the student's parents, if applicable, or the student's Family is not eligible, DCHA shall send a notice of denial in accordance with the policies in chapter 89 of this title of the DCMR.

5105.7 The following definitions shall only apply to student eligibility determinations under § 5105:

Dependent Child - a dependent child of a student enrolled in an institution of higher education. The dependent child shall also meet the definition of dependent, which states that the dependent shall be a member of the assisted Family, other than the Head of Household or spouse, who is under 18 years of age, or is a person with a disability, or is a full-time student. Foster children and adult wards are not considered dependents.

Institution of Higher Education - as defined in section 102 of the Higher Education Act of 1965, 20 U.S.C. § 1002 (2006).

Parents - biological or adoptive parents, stepparents as long as they are currently married to the biological or adoptive parent, and guardians (such as grandparents, aunt or uncle, and godparents).

Veteran - a person who served in the active military, Naval, or Air service and who was discharged or released from such service under conditions other than dishonorable.

SOURCE: Final Rulemaking published at 59 DCR 7867, 7872 (June 29, 2012).