FY 2013 INCOME LIMITS BRIEFING MATERIAL

ATTACHMENTS

PD&R

I. Overview of HUD Section 8 Income Limits[1]

The Department of Housing and Urban Development (HUD) is required by law to set income limits that determine the eligibility of applicants for HUD's assisted housing programs. The major active assisted housing programs are the Public Housing program, the Section 8 Housing Choice Voucher program, Section 202 housing for the elderly program, and Section 811 housing for persons with disabilities program.

Beginning with FY 2010 Income Limits published on May 14, 2010, HUD eliminated its long standing "hold harmless" policy[2] but limited all annual decreases to 5 percent and will limit all annual increases to 5 percent or twice the change in the national median family income, whichever is greater. HUD has maintained these limits to increases and decreases in income limits for FY 2013. Income limits for rural housing programs continued their hold-harmless policy at the request of the Rural Housing Service, because these limits are based on area definitions and program rules specified by the Rural Housing Service of the Department of Agriculture. Rents calculated for the HOME Investment Partnerships (HOME) program, based on HUD Section 8 Income Limits, as well as rents for certain FDIC programs were held harmless; however, income limits for these programs are not held harmless.

HUD Section 8 Income Limits begin with the production of Median Family Income estimates. HUD uses the Section 8 program's Fair Market Rent (FMR) area definitions in developing median family income estimates (MFIs), which means that income estimates are developed for each metropolitan area, parts of some metropolitan areas, and each non-metropolitan county. HUD Section 8 Income Limits are calculated for every FMR area with adjustments for family size and for areas that have unusually high or low income-to-housing-cost relationships.

The statutory basis for HUD's income limit policies is Section 3 of the U.S. Housing Act of 1937, as amended.[3] Attachment 1 provides the key excerpts relevant to income limits, which may be summarized as follows:

- Low-income families are defined as families whose incomes do not exceed 80 percent of the median family income for the area.

- Very low-income families are defined as families whose incomes do not exceed 50 percent of the median family income for the area.

[1] Also known as HUD Public Housing/Section 8 Income Limits
[2] HUD's "hold harmless" policy maintained Section 8 income limits for certain areas at previously published levels when reductions would otherwise have resulted from changes in median family income estimates, housing cost adjustment data, median family income update methodology, income limit methodology, or metropolitan area definitions.
[3] 42 U.S.C. 1437b

- The amendments in the Quality Housing and Work Responsibility Act of 1998 (the 1998 Act) establish a 30 percent of median family income program targeting standard.

- Income limits for non-metropolitan areas may not be less than limits based on the State non-metropolitan median family income level.

- Income limits are adjusted for family size.

- Income limits are adjusted for areas with unusually high or low family income or housing-cost-to-income relationships.

- The Secretary of Agriculture is to be consulted prior to establishing income limits for rural areas, since these limits also apply to certain Rural Housing and Community Development Service programs.

II. FY 2013 Median Family Income Estimates

A. Overview

HUD updated the methodology to produce Median Family Income (MFI) estimates to take advantage of new data available from the Bureau of the Census' American Community Survey (ACS). In December 2011, the Census Bureau released 5-year ACS data aggregated from 2006 through 2010[4]. The FY 2013 MFI estimates use the 2006 -2010 5-year ACS data, augmented by the 2010 1-year ACS information and updated with Consumer Price Index (CPI) data through the end of 2011. The factor used to trend the 2011 estimates to the midpoint of FY 2013 MFIs is 1.67 percent per year. This factor was calculated as the annualized change in national median family income as measured by the 2005 1-Year ACS and the 2010 1-Year ACS.[5].

B. ACS Data and its Use in the Production of Median Family Incomes

The ACS, conducted annually, was designed to produce estimates similar to the long-form sample survey previously conducted with the Decennial Census after 5 years of data became available to be aggregated together for a given area. Each year since full implementation of the survey in 2005, the Census Bureau collected an ACS sample sufficient to provide estimates of most survey items for areas with populations of 65,000 or more. After the 2007 ACS, the Census Bureau released data aggregated from the ACS samples collected over the three years, 2005, 2006, and 2007. This allowed the Census Bureau to release estimates for most items for areas with populations of 20,000 or more. FY 2010 MFIs reflected ACS survey data aggregated over 2006, 2007 and 2008. After the 2009 ACS sample, the Census Bureau now has sufficient data to release aggregated five-year estimates. Five year estimates are designed to provide estimates for areas of all sizes relevant to MFI and income limit production.

As mentioned above, the FY 2013 MFIs incorporated the 2006-2010 5 year ACS data into the calculation process. Specifically, for each metropolitan area, subarea of a metropolitan area, and non-metropolitan county, HUD used 5-year ACS data as the new basis for calculating MFI estimates. In areas with a valid 1-year ACS survey median family income result, HUD incorporated this data as well to take advantage of more recent survey information. By using

[4] The ACS covers the 50 United States, and a separate survey called the Puerto Rico Community Survey (PRCS) covers Puerto Rico. The US Virgin Islands and the Pacific Islands (American Samoa, Commonwealth of the Northern Mariana Islands, and Guam) are not covered by the ACS or PRCS. Detailed demographic and socio-economic information covering these island areas have been collected by a special Long Form survey conducted in conjunction with the 2010 Decennial Census. These data are scheduled to be available in 2013. For FY 2013 median family income calculations, HUD continues to use the change in the national median income between the 2000 Decennial Census and the latest ACS data as the update factor for the US Virgin Islands and the Pacific Islands.

[5] As mentioned in the FY 2012 Income Limits Briefing Materials, HUD decided to update the trend factor methodology to use similar calculations to those in place for calculating the trend factor for the FY 2013 Fair Market Rents. The 1-year 2005 national median family income estimate is $55,832 and the corresponding value from the 2010 1-year ACS is $60,609. The total growth across these 5 years is 8.56%. Taking the 5^{th} root of this growth yields an annual change amount of 1.67%.

both the 5-year data and the 1-year data, where available, HUD established a new basis for median family income estimates while also capturing the most recent information available.

C. Margin of Error

HUD begins by setting the base median family income equal to the 2006-2010 5-year ACS survey value. For areas with a valid 2010 1-year survey result, HUD uses the margin of error for the 1-year data to ensure that the 1-year MFI are statistically reliable. Where the 1-year data are statistically reliable (i.e., where the margin of error is lower than the estimate itself), HUD uses the 1-year survey result as the base value for median family income. In the few cases where the statistical confidence interval for the 5-year ACS estimate of median family income includes zero, HUD assigns the state nonmetropolitan median. For more information, please see section E – Median Family Income Estimate Calculations.

D. CPI Adjustment

For FY 2013, MFI estimates based on the 2010 ACS data (the middle of 2010) were updated to the end of 2011 using CPI data. The national CPI-U is used in the CPI adjustment calculation. For Income Limits, new FY 2013 40th percentile rents, calculated as part of the FY 2013 FMR calculation process, are used to determine if a high housing cost adjustment is necessary and, if so, the level of that adjustment.[6]

6 Several FMR areas qualify for FMRs based on the 50th percentile of the distribution of gross rents in an area as a policy mechanism for helping to decrease the concentration of Housing Choice Voucher tenants from areas of poverty within the FMR area. The purpose of this change is to prevent fluctuations in difficult to develop area (DDA) determinations that result solely from high housing cost income limit fluctuations as areas go in and out of the 50th percentile FMR program..

E. Trend Factor

MFI estimates are based on the most currently available data, but the delay in collecting and reporting the survey data mean that 2010 ACS income data is used for FY 2013 estimates that have an as-of date of April 1, 2013. A trend factor based on the most recent historic patterns of nominal income growth is used to inflate the estimate from the end of 2011to April, 2013. As mentioned earlier, the trend factor for FY 2013 is 1.67% which is the annualized growth rate in national median family income as captured by the 1-year 2005 and 1-year 2010 ACSs.

F. Median Family Income Estimate Calculations

Median family[7] incomes start with the development of estimates of median family income for the metropolitan areas and non-metropolitan FMR/income limit areas (including U.S. territories). Attachment 2 provides a detailed explanation of how median family income estimates are calculated. The major steps are as follows:

> HUD uses 2006-2010 5-year ACS estimates of median family income calculated for the areas used for FMRs and income limits as the basis for FY 2013. In areas where there is also a valid 2010 1 year ACS estimate of median family income, HUD replaces the 5 year data with the 1 year data. A valid 1 year 2010 ACS estimate is one where the margin of error of the estimate is less than the estimate itself. Once the appropriate 2010 ACS data has been selected, the data are set as of December 2011 using the December 2011 national CPI value divided by the 2010 National CPI value.

All places:

> All estimates (using either 5-year data or 5-year data augmented with 1-year data) are then trended from December 2011 to April 2013 (1¼ year) with a trending factor of 1.67 percent per year.
>
> For the non-Puerto Rico Insular Areas of the United States,[8] which currently lack ACS coverage, national ACS income changes are used as surrogates to update 2000 Decennial Census data. HUD anticipates eventually receiving new income data for these areas from the 2010 Decennial Census, which included a "long form" collection of detailed socio-economic information in these areas only.

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[7] Family refers to the Census definition of a family, which is a householder with one or more other persons living in the same household who are related to the householder by birth, marriage, or adoption. The definition of family excludes one-person households and multi-person households of unrelated individuals.

[8] The areas without ACS coverage are the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas Islands. Puerto Rico is covered by the ACS-equivalent Puerto Rico Community Survey.

III. FY 2013 Income Limits

A. Overview

HUD's Section 8 very low-income and low-income limits are calculated in accordance with Section 3(b)(2) of the U.S. Housing Act of 1937, as amended. The very low-income limits (usually based on 50 percent of MFI) are considered to have the strongest statutory basis. They are the best-defined income limits and have been the subject of specific, limited legislative adjustments subsequent to reviews of the HUD calculation methodology. In addition, a number of other income limit calculations are tied by legislation to their calculation.

There are currently several legislated income limit standards (e.g., 30%, 50%, 60%, 65%, 80%, 95%, 100%, 115%, 125%) that were intended to have progressive relationships. To ensure that this occurs, the very low-income limits have been used as the basis for deriving other income limits unless that relevant statutory language has no references or relationship to low- and very low-income limits as defined by the U.S. Housing Act of 1937. If this were not done, for instance, HUD low-income limits would be less than very low-income limits in areas where very low-income limits had been adjusted upward by more than 60 percent because of unusually low area median family incomes relative to the Section 8 Fair Market Rents (FMRs).

B. Very Low-Income Limits

Very low-income limits are calculated using a set of formulae as follows. The first step is to calculate a four-person income limit equal to 50 percent of the estimated area median family income. Adjustments are then made if this estimate is outside formula constraints.

More specifically, the very low-income limit for a four-person family is calculated as follows:

(1) 50 percent of the area median family income is calculated and set as the preliminary four-person family income limit;

(2) the four-person very low-income limit is increased if it would otherwise be less than the amount at which 35 percent of it equals 85 percent of the annualized two-bedroom Section 8 FMR (this adjusts income limits upward for areas where rental housing costs are unusually high in relation to the median income);

(3) the four-person very low-income limit is reduced to the greater of 80 percent of the U.S. median family income level, or the amount at which 30 percent of a four-person family's income equals 100 percent of the two-bedroom FMR (this adjusts income limits downward for areas of unusually high median family incomes);

(4) the four person income limit is increased if it is less than the relevant State non-metropolitan median family income level,[9] and;

(5) the four person income limit is increased if it is less than 95 percent of last year's very low income limit and reduced to the greater of 105 percent of last year's very low income limit or twice the change in the national median family income estimate if that amount would be larger than 5 percent. Between FY 2012 and FY 2013, the estimate of national median family income decreased; this means the upward change in income limits is capped at 105 percent of last year's very low-income limit.

Beginning with the FY 2013 Income Limits, HUD uses 40th percentile rents instead of FMRs that include 50th percentile areas, to calculate high housing cost areas. The purpose of this change is to prevent fluctuations in difficult to develop area (DDA) determinations that result solely from high housing cost income limit fluctuations as areas go in and out of the 50th percentile FMR program.

9 A Housing and Community Development Act of 1987 amendment directed that non-metropolitan area income limits should never be set at less than if they were based on the State non-metropolitan median family income level. In implementing this provision, HUD used its discretion to apply this policy to metropolitan areas to avoid inequities that would otherwise result. Doing so avoids the anomaly of assigning higher income limits to a non-metropolitan county than are assigned to an adjacent metropolitan area where the median family income is less than the State non-metro level but above the level for the non-metro county.

Table 1 summarizes the rules governing very low-income limit determinations:

Table 1
Summary of Income Limits Determinations for
FY 2013 Very Low-income Limits

	Type Income Limit Calculation	Non-metro Counties	Metropolitan Areas
1.	Limits based on 50% of local median family income	665	304
2.	Limits based on State non-metropolitan median family income level	970	47
3.	Limits increased to the amount at which 35% of 4-person family's income equals 85% of the 2-bedroom Section 8 FMR	5	13
4.	Limits decreased to the greater of 80% of the U.S. median family income or the amount at which 30% of a 4-person family's income equals 100% of the 2-bedroom FMR	2	3
5.	Limits increased if they were less than 95% of last year's limit	49	107
6.	Limits decreased if they were otherwise more than 105% of last year's limit	346	61
7.	TOTALS	2037	535

C. Low-Income Limits

Most four-person low-income limits are the higher of: (a) 80 percent of the area median family income, or (b) 80 percent of the State non-metropolitan median family income level. Because the very low-income limits are not always based on 50 percent of median, strictly calculating low-income limits as 80 percent of median could produce anomalies inconsistent with statutory intent (e.g., very low-income limits could be higher than low-income limits). The calculation normally used, therefore, is to set the four-person low-income limit at 1.6 (i.e., 80%/50%) times the relevant four-person very low-income limit. The only exceptions are that the resulting income limit may not exceed the U.S. median family income level ($64,400 for FY 2013) except when justified by high housing costs and that income limit changes are now restricted to 5 percent in either direction or an increase of twice the national change if that change is larger than 5 percent. Use of very low-income limits as a starting point for calculating other income limits tied to Section (3)(b)(2) of the U.S. Housing Act of 1937 has the effect of adjusting low-income limits in areas where the very low-income limits have been adjusted because of unusually high or low housing-cost-to-income relationships.

Table 2 summarizes the rules governing low-income limit determinations and how many areas are affected by each provision:

Table 2
Summary of Income Limits Determinations
for FY 2013 Low-income Limits

	Type Income Limit Calculation	Non-metro Counties	Metropolitan Areas
1.	Limits based on 80% of local median family income	655	267
2.	Limits based on State nonmetropolitan median family income level	969	44
3.	Limits increased for high housing costs proportional to such increases for very low-income limits (i.e., set at 80/50ths of the adjusted very low-income limits)	5	18
4.	Limits decreased because of unusually high incomes in relationship to housing costs	0	0
5.	Four-person base low-income limit capped at the higher of the U.S. median of $62,400 or 80/50ths of the minimum 4-person very low-income limit	21	48
6.	Limits increased if they would otherwise be less than 95% of last year's low income limit	47	98
7.	Limits decreased if they would otherwise be more than 105% of last year's low income limit	340	60
8.	Totals	2037	535

HUD has adjusted low-income limits for areas of unusually high or low income since passage of the 1974 legislation that established the basic income limit system now used. Underlying the decision to set minimum and maximum low-income limits is the assumption that families in unusually poor areas should be defined as low-income if they are unable to afford standard quality housing even if their incomes exceed 80 percent of the local median family income. Similarly, families in unusually affluent areas are not considered low-income even if their income is less than 80 percent of the local median family income level unless justified by area housing costs.

Beginning with the FY 2013 Income Limits, HUD will use 40th percentile rents instead of FMRS that include 50^{th} percentile areas, to calculate high housing cost areas. The purpose of this change is to prevent fluctuations in difficult to develop area (DDA) determinations that result solely from high housing cost income limit fluctuations as areas go in and out of the 50th percentile FMR program.

D. 30 Percent of Area Median Family Income Limits

The Quality Housing and Work Responsibility Act of 1998 established a new income limit standard based on 30 percent of median family income, which was to be adjusted for family size and for areas of unusually high or low family income. A statutory change was made in 1999 to clarify that these income limits should be tied to the Section 8 very low-income limits. The 30 percent income limits therefore are calculated as 30/50ths (60 percent) of the Section 8 very low-income limits. They are then compared to Supplemental Security Income (SSI) benefits. Since SSI benefits provide the minimum entitlement income for elderly and disabled households, the one-person 30 percent income limits are increased if they would otherwise be less than the minimum SSI level. These limits are also adjusted upward if rounding causes them to fall below 95% of last year's limit.

E. Family Size Adjustments

The income limit statute requires adjustments for family size. The legislative history and conference committee report indicates that the Congress intended that income limits should be higher for larger families and lower for smaller families. The same family size adjustments are used for all income limits. They are as follows:

Number of Persons in Family and Percentage Adjustments							
1	2	3	4	5	6	7	8
70%	80%	90%	Base	108%	116%	124%	132%

Income limits for families with more than eight persons are not included in the printed lists because of space limitations. For each person in excess of eight, the four-person income limit should be multiplied by an additional 8 percent. (For example, the nine-person limit equals 140 percent [132 + 8] of the relevant four-person income limit.) Income limits are rounded to the nearest $50. Local agencies may round income limits for nine or more persons to the nearest $50, or may use the un-rounded numbers. Family size-adjusted income limits are not re-tested for compliance with the 5-percent rule, as discussed below. Rounding anomalies produce some family size-adjusted income limits whose annual change is slightly larger or smaller than 5 percent.

F. 5-Percent Rule

As outlined earlier in these briefing materials, in response to comments received about

HUD's intention to eliminate the traditional hold-harmless provision for HUD Section 8 Income Limits received prior to the publication of FY2010 Income Limits, HUD is maintaining the constraint on the size of changes income limits can make in any one year. Specifically, the low-income and very low-income four-person limits will not be allowed to decrease more than 5 percent or increase more than 5 percent or twice the national increase in median family income, whichever of those is larger.

This policy was implemented in the following way:

(1) The four person very low income limit is computed as half of the local median family income. Median family incomes are rounded to 100 so, by definition, the raw four person income limit is rounded to 50.

(2) The cap for the four person very low income is last year's four-person very low-income multiplied by 1.05 and rounded down to the nearest $50 or twice the change in the national median family income, also rounded down, whichever is larger. The cap is rounded down to ensure that it is less than or equal to 105 percent of last year's four-person very low-income limit.

(3) The floor for the four-person very low-income is last year's four-person very low-income multiplied by .95 and rounded up to the nearest $50. The floor is rounded up to ensure that it is greater than or equal to 95 percent of last year's four person very low income.

(4) If the otherwise adjusted four-person very low-income is above the cap then it is set at the cap. If it is below the floor then it is set at the floor.

(5) Family size adjustments are made to the floored/capped four-person very low-income limit. No additional adjustments are made to families of more or less than four persons for the very low-income limit except that it is then rounded up to the nearest $50.

(6) The cap and floor are applied in an analogous way to the four-person low-income limit.

(7) No additional capping or flooring is done to any income limit based on either the very low-income limit or the low income limit.

(8) Family size adjusted limits may be slightly larger or smaller than the cap or floor imposed on the four-person low and very low incomes due to rounding.

IV. Housing and Economic Recovery Act of 2008

Prior to FY 2010, HUD held Section 8 Income Limits harmless primarily so that Multifamily Tax Subsidy Housing Projects[10] would not be subject to reductions in income limits and maximum rents. Low Income Housing Tax Credit (LIHTC) and tax exempt bond-financed housing project income limits and rents are tied by statute to HUD's area median income estimates, and by regulation to HUD's Section 8 Income Limits.

Section 3009 of the Housing and Economic Recovery Act of 2008 (HERA) provides for holding harmless "area median gross income" for tax credit and tax-exempt bond-financed housing projects with additional inflation provisions for LIHTC and tax-exempt bond-financed projects held harmless by HUD in 2007 and 2008. Because the new law provides a statutory mechanism for achieving the effect of the income limit hold-harmless policy HUD no longer holds income limits harmless.

[10] Multifamily Tax Subsidy Projects are those projects which are reliant upon Internal Revenue Code (IRC) section 42 Low Income Housing Tax Credit, or use tax-exempt private activity bonds under IRC section 142 as part of their financing. In the past we have referred to this group as LIHTC Projects.

V. Income Limit Applications

HUD income limits apply to the following programs:

Program	**Income Limits Standard**
A. Department of Housing and Urban Development	
Public Housing	Very low-income or low-income standards
All Section 8 Programs	Very low-income or low-income standards
Indian Housing (1996 Act)	"Low-Income" is defined as the greater of 80% of the median family income for the Indian area or of the U.S. national median family income
Section 202 Elderly and Section 811 Handicapped programs	Very low-income or low-income standards
Section 235 (Homeownership program)	“95 percent” of area median income, or higher cost-based income limits
Section 236 (Rental program)	Low-income standard
Section 221(d)(3) (BMIR)(Below Market Interest Rate) rental program	“95 percent” of area median income, defined as 95/80ths of low-income definition
Community Planning and Development programs	Very low-income or low-income standards for current programs under management
HOME Investment Partnerships Act of 1990	“60 percent of median” and “65 percent of median” are used as income targeting and qualification requirements; both limits are tied to Section 8 income limit determinations
National Homeownership Trust Act of 1990	“95 percent” of median is referenced as the eligibility standard, with a “115 percent” of median standard for high cost areas

Low-Income Housing Preservation and Resident Homeownership Act of 1990	Affordability of units for current occupant of "moderate income" affects terms under which mortgage may be prepaid; "moderate income" is defined as 80-95 percent of median, with "80 percent" defined as the Section 8 low-income standard

B. Rural Housing and Community Development Service

Rental and ownership assistance programs	Assistance based on HUD Section 8 very low-income or low-income standards, or income limits tied to these standards

C. **Treasury Programs**

Multifamily Tax Subsidy Projects	Current standard is Section 8 very low-income standard or 120% of that definition (i.e., the "60%" of median standard) for projects determining income eligibility and rents who haven't used income limits prior to FY 2012. **Income Limits for projects using income limits in FY 2010 or earlier will no longer use Section 8 Income Limits. A separate income limits publication will be produced for this program.**
Tax-exempt Mortgage Revenue Bonds for homeownership financing	Generally set at 115% of area median income, with "115%" defined as 230% of the Section 8 very low-income standard
"Difficult Development Area" Designation (Low-Income Housing Tax Credit)	Areas with the worst housing cost problems as measured by the FMR to 60% of median family income ratio; this designation is awarded to 20 percent of the metro and non-metro areas (using HUD area definitions) with the most severe problems and is recalculated annually; such areas receive special additional tax benefits under this program

"Qualified Census Tract" (Low-Income Housing Tax Credit Program Definition)	Areas, as defined by the Census and designated by HUD, where 50% of all households have incomes less than 60 percent of the area median family income, adjusted for household size, or the poverty rate is 25% or higher; such areas receive special additional tax benefits under this program; this calculation is based on 2000 Census data and income limit policies and area definitions in effect as of the date estimates are prepared
"Qualified Census Tract" (Mortgage Revenue Bond Program)	Areas, as defined by the Census, where 70% of all families have incomes less that 80 percent of the state median family income, based on 2000 Census data

D. Federal Deposit Insurance Corporation

Disposition of Multifamily Housing to Non-profit and Public Agencies	Not less than 35 percent of all dwelling units must be made available for occupancy and be affordable for low-income families, and at least 20 percent must be made available for occupancy and be affordable for very low-income families. An "affordable rent" is defined as the rent that would be paid by a family paying 30 percent of income for rent whose income is "65 percent of median". This 65 percent figure is defined in relation to the very low-income standard (i.e., normally as 65/50ths of the standard)
Disposition of Single Family Housing	For rentals, priority is given to non-profits and public agencies that make the dwellings affordable to low-income households. Households who intend to occupy a dwelling as their primary residence whose adjusted income does not exceed 115 percent of area median income, as determined by the Secretary of HUD, are given a purchase priority for the first 3 months a property is for sale.

E. Federal Home Loan Banks

Rental program funding Priorities	Very low-income, "60 percent of median" (defined as 120% of very low-income), and low-income standards used
Homeownership funding priorities	115 percent and 140 percent of median family income limits are used

F. Federal Housing Finance Agency

Income-based Housing Goals of Freddie Mac and Fannie Mae	Goals for percentages of loans are established for households with incomes at or below specified percentages of the HUD-published median family income for metropolitan and nonmetropolitan areas, as detailed in 12 CFR, Part 1282. The area definitions used relate to OMB metropolitan area definitions and the median family income estimates for the nonmetropolitan portions of each state.

G. Other Federal Banking Regulatory Provisions

Targeting of loan funds to low-income households and areas	Varies by agency

H. Uniform Relocation Act

Reimbursement to households forced to relocate from their residence by Federal agency	Extent of replacement housing assistance dependent on qualifying as Low-income, as defined by HUD; Act applies to all Federal agencies that initiate action that forces households to relocate from their residence

I. Department of Veterans Affairs

Eligibility for disability income support payments to veterans	Eligibility for non-service related income support payments is restricted to families with incomes below the HUD low-income standard

ATTACHMENT 1

U.S. HOUSING ACT OF 1937 PROVISIONS
RELATED TO INCOME LIMITS
(As Amended through 1999)

Section 3:

(a)(1) Dwelling units assisted under this Act shall be rented only to families who are low-income families at the time of their initial occupancy of such units.....

(b) When used in this Act:

(1) The term "low-income housing" means decent, safe, and sanitary dwellings assisted under this Act....

(2) The term "low-income families" means those families whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceiling higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes. The term "very low-income families" means lower income families whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. Such ceilings shall be established in consultation with the Secretary of Agriculture for any rural area, as defined in section 520 of the Housing Act of 1949, taking into account the subsidy characteristics and types of programs to which such ceilings apply. In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portions of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties. In determining areas that are designated as difficult development areas for the purposes of the low-income housing tax credit, the Secretary shall include Westchester and Rockland Counties, New York, in the New York City metropolitan area.

Section 16:

Sec. 16. (a) Income Eligibility for Public Housing

(2)(A) Targeting. - Except as provided in paragraph 4, of the public housing dwelling units of a public housing agency made available for occupancy in any fiscal year by eligible families, not less than 40 percent shall be occupied by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families.

(4)(D) Fungibility Floor. - Notwithstanding any authority under subparagraph (A), of the public housing dwelling units of a public housing agency made available for occupancy in any fiscal year by eligible families, not less than 30 percent shall be occupied by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Sec. 16. (b) Income eligibility for Tenant-Based Section 8 Assistance

(1) IN GENERAL. - Of the families initially provided tenant-based assistance under section 8 by a public housing agency in any fiscal year, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Sec. 16. (c) Income Eligibility for Project-Based Section 8 Assistance

(1) Pre-1981 Act Projects. - Not more than 25 percent of the dwelling units that were available for occupancy under section 8 housing assistance payments contracts under this Act before the effective date of the Housing and Community Development Amendments of 1981, and which will be leased on or after such effective date shall be available for leasing by lower income families other than very low-income families.

(2) Post-1981 Act Projects. - Not more than 15 per cent of the dwelling units which became available for occupancy under section 8 housing assistance payments contracts under this Act on or after the effective date of the Housing and Community Development Amendments of 1981 shall be available for leasing by lower income families other than very low-income families.

(3) Targeting.-For each project assisted under a contract for project-based assistance, of the dwelling units that become available for occupancy in any fiscal year that are assisted under the contract, not less than 40 percent shall be available for leasing only by families whose incomes at the time of commencement of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families.

(5) Exception.-The limitations established in paragraphs (1), (2), and (3) shall not apply to dwelling units made available under project-based contracts under section 8 for the purpose of preventing displacement, or ameliorating the effects of displacement.

Section 567 of the HCD Act of 1987 Amendment Affecting Section 3 of the 1937 Act:

"For purposes of calculating the median income for any area that is not within a metropolitan statistical area (as established by the Office of Management and Budget) for programs under title I of the Housing and Community Development Act of 1974, the United States Housing Act of 1937, the National Housing Act, or title V of the Housing Act of 1949, the Secretary of Housing and Urban Development or the Secretary of Agriculture (as appropriate) shall use whichever of the following is higher:

(1) the median income of the county in which the area is located; or,

(2) the median income of the entire non-metropolitan area of the State.

ATTACHMENT 5
FY 2012 - 2013 Distribution of changes in Area Median Income
(100 Percent = FY 2012 Income Level)

STATE	Percent Change											
	less than 80%	80% to 84.9%	85% to 89.9%	90% to 94.9%	95 to 99.9	100% to 105%	105.1% to 110%	110.1% to 115%	115.1% to 120%	120.1% to 125	125.1% or more	Median
						1						104
AK		1	2	1	4	14	5		1	1		102
AL			4	2	15	21	7	2	1	1		101
AR			3	1	15	34	8	4	1			101
AZ			2	2	5	3	2					99
CA			2	11	19	17	2					98
CO				3	16	25	6	3	1		1	102
CT				2	6	3	1					98
DE				1			1					100
FL		1	1	12	11	16	8	3				100
GA	1	1	6	11	30	38	15	6		1	1	100
GU					1							99
HI		1	1			2		1				102
IA				1	17	63	8	1				101
ID			1	1	12	22	1		1			100
IL			1	6	24	40	8		1	1		101
IN				4	25	34	3					100
KS			1	1	15	52	12	6	3			102
KY	1	1	2	2	27	45	9	5		1	1	101
LA			1	1	8	22	8	4				103
MA		1		5	7	4						97
MD				1		10	1	1				103
ME				2	6	8	1	1				100
MI			4	7	25	37	1	1				100
MN				1	17	45	7					102
MO				4	28	47	13	4				101
MS				7	16	28	16	3				101
MT	1		2	4	14	16	8	6	4			102
NC			4	12	22	30	9	1	2		1	100
ND			2	1	11	21	9	6	2			104
NE			1	2	17	48	18	1	1			102
NH					5	5						99
NJ				1	1		2					101
NM			1	2	4	17	2	3		1		102
NV				1	2	7	3	1	1	1		101
NY					16	27	3	1				102
OH			1	8	30	23	3		1			99
OK				1	16	30	18	1	1			104
OR			2	5	8	11	3	1		1		100
PA				2	18	28	2	1				100
PR				1	3	4	3	1				102
RI			1	1	3	1						97
SC		1	1	5	12	12	4			1		99
SD		1	1	3	9	25	14	5	4			103
TN			1	5	20	30	9	7	1		1	101
TX			4	14	41	76	48	14	8	5	3	103
UT				1	5	14	5		1			101
VA				4	11	42	3					101
VI					2							99
VT				1	2	9						101
WA				4	9	18	1		1			100
WI			3	4	22	32	1					100
WV				4	7	17	8	3	1			102
WY				1	3	13	6					103
US	3	8	55	176	662	1187	325	97	37	14	8	101

ATTACHMENT 5A

FY 2012 - 2013 Distribution of changes in Area Median Income

(100 Percent = FY 2012 Income Level)

Metropolitan Areas

STATE	Percent Change											
	less than 80%	80% to 84.9%	85% to 89.9%	90% to 94.9%	95 to 99.9	100% to 105%	105.1% to 110%	110.1% to 115%	115.1% to 120%	120.1% to 125	125.1% or more	Median
						1						104
AK		1		1		1						91
AL			2	1	4	7						99
AR			2		5	4						99
AZ			2	2	1		1					93
CA			2	8	17	2	1					95
CO				2	5	1						97
CT				2	5	3						98
DE							1					108
FL				9	6	6	1	2				98
GA			3	2	8	8						98
HI						1						104
IA				1	2	8						100
ID				1	2	3						99
IL				4	8	2	2					97
IN				2	7	10	1					100
KS					3	2						99
KY				1	5	3						97
LA			1		2	5	1					101
MA		1		4	6	4						97
MD				1		5						100
ME				1	1	4		1				101
MI			2	3	10	2	1					98
MN					5	1						98
MO					8	8		1				100
MS				1	1	2	1					100
MT					1		2					106
NC				4	7	6	3	1				99
ND					1	2						105
NE					1	3						102
NH					2	1						99
NJ				1	1		2					101
NM				1	1	2						99
NV				1	1	1						98
NY					12	7	1	1				99
OH			1	5	6	6						97
OK					4	1	2					99
OR			1	4			1					93
PA				1	7	7	1					99
PR				1	3	4	2	1				101
RI			1	1	3	1						97
SC				5	6							96
SD						1	1	1				110
TN				3	8	2	1	2	1			97
TX				4	13	12	6	1				100
UT				1	4	2						99
VA				1	4	11						101
VT						1						101
WA				1	4	6						100
WI				3	7	4	1					98
WV					1	2	2	1				103
WY				1		1						96
US		2	17	84	208	176	35	12	1			99

ATTACHMENT 5B
FY 2012 - 2013 Distribution of changes in Area Median Income
(100 Percent = FY 2012 Income Level)
Non-metropolitan Areas

STATE	Percent Change											
	less than 80%	80% to 84.9%	85% to 89.9%	90% to 94.9%	95 to 99.9	100% to 105%	105.1% to 110%	110.1% to 115%	115.1% to 120%	120.1% to 125	125.1% or more	Median
AK			2		4	13	5		1	1		102
AL			2	1	11	14	7	2	1	1		101
AR			1	1	10	30	8	4	1			102
AZ					4	3	1					100
CA				3	2	15	1					101
CO				1	11	24	6	3	1		1	102
CT					1		1					103
DE				1								92
FL		1	1	3	5	10	7	1				101
GA	1	1	3	9	22	30	15	6		1	1	101
GU					1							99
HI		1	1			1		1				95
IA					15	55	8	1				102
ID			1		10	19	1		1			100
IL			1	2	16	38	6		1	1		101
IN				2	18	24	2					100
KS			1	1	12	50	12	6	3			102
KY	1	1	2	1	22	42	9	5		1	1	102
LA				1	6	17	7	4				103
MA				1	1							96
MD						5	1	1				104
ME				1	5	4	1					99
MI			2	4	15	35		1				100
MN				1	12	44	7					102
MO				4	20	39	13	3				101
MS				6	15	26	15	3				101
MT	1		2	4	13	16	6	6	4			102
NC			4	8	15	24	6		2		1	100
ND			2	1	10	19	9	6	2			104
NE			1	2	16	45	18	1	1			102
NH					3	4						100
NM			1	1	3	15	2	3		1		103
NV					1	6	3	1	1	1		103
NY					4	20	2					103
OH				3	24	17	3		1			99
OK				1	12	29	16	1	1			104
OR			1	1	8	11	2	1		1		100
PA				1	11	21	1	1				101
PR							1					107
SC		1	1		6	12	4			1		101
SD		1	1	3	9	24	13	4	4			103
TN			1	2	12	28	8	5			1	102
TX			4	10	28	64	42	13	8	5	3	104
UT					1	12	5		1			103
VA				3	7	31	3					101
VI					2							99
VT				1	2	8						101
WA				3	5	12	1		1			100
WI			3	1	15	28						100
WV				4	6	15	6	2	1			102
WY					3	12	6					103
US	3	6	38	92	454	1011	290	85	36	14	8	102

ATTACHMENT 6
FY 2013 Median Family Incomes for States, Metropolitan and Nonmetropolitan Portions of States

	--------	FY 2013	--------
	TOTAL	METRO	NONMETRO
Alabama	53600	56500	46000
Alaska	81800	86100	73800
Arizona	58800	59800	49300
Arkansas	50000	55400	44000
California	69600	70000	57300
Colorado	72100	74600	59600
Connecticut	86300	86700	82600
Delaware	73100	77800	57500
District of Columbia	82400	82400	52400*
Florida	56400	57200	48000
Georgia	58700	62600	45600
Hawaii	80900	86300	66500
Idaho	55600	58600	51200
Illinois	69500	72100	56200
Indiana	58800	61000	52700
Iowa	64700	69200	59800
Kansas	64800	70200	55200
Kentucky	53600	60700	44700
Louisiana	55800	59400	48000
Maine	61900	67500	53200
Maryland	88400	89000	78800
Massachusetts	83600	83500	52400*
Michigan	59600	62200	51700
Minnesota	74000	79300	61700
Mississippi	48300	56700	42000
Missouri	59700	65000	48200
Montana	57900	63100	55400
Nebraska	64600	71800	57000
Nevada	64000	63900	64700
New Hampshire	79300	86100	69100
New Jersey	87600	87600	52400*
New Mexico	54200	58400	47000
New York	70000	71400	57700
North Carolina	56200	60300	48300
North Dakota	69300	73300	64800
Ohio	60100	62300	53000
Oklahoma	55200	58900	49900
Oregon	60200	63900	51300
Pennsylvania	65800	68400	55300
Rhode Island	72100	72100	52400*
South Carolina	55000	57600	47500
South Dakota	63800	68300	59600
Tennessee	54300	57500	46700
Texas	60100	61900	50500
Utah	65500	66600	57700
Vermont	66500	77500	62900
Virginia	77000	82900	51600
Washington	71600	74200	55400
West Virginia	52000	57500	46100
Wisconsin	66000	69900	58600
Wyoming	70000	63800	73300
US	64400	66300	52400

* US non-metropolitan median