



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:
Regional and Field Office Directors of Public
Housing; Section 8 Financial Management Center;
Public Housing Agencies Administering Housing
Choice Voucher and Public Housing Program;
Owners/Agents; Resident Management Corporations;
Resident Councils

Notice PIH-2012-1 (HA)

Issued: January 6, 2012

Expires: This notice remains in
effect until amended, revoked,
or superseded

References:

24 CFR 5.609(a)(1) and (c)(2);
Notice PIH 2008-30 and 2008-40

**Subject: Income Exclusion of Kinship, Kin-GAP and Other Guardianship Care
Payments**

- 1. Purpose.** This notice supersedes notices PIH-2008-30 and 2008-40 and clarifies the treatment of income received from Kinship Guardian Assistance Payments (Kin-GAP), kinship care payments, and other guardianship care payments pursuant to 24 CFR § 5.609(c)(2).
- 2. Applicability.** This notice applies to Public and Indian Housing (PIH) rental assistance programs including: Public Housing, Section 8 Moderate Rehabilitation, Housing Choice Voucher and Section 8 Project-Based Voucher and Certificate Programs.
- 3. Background.** HUD notices PIH 2008-30 and 2008-40 informed public housing authorities (PHAs) that guardianship payments such as California's Kinship Guardian Assistance Payments (Kin-GAP) and kinship care payments are similar to traditional foster care payments and are to be excluded from determining a family's annual income pursuant to 24 CFR § 5.609(c)(2). Kin-GAP payments are subsidies that go to, or on behalf of, children leaving the juvenile court system to live with a relative or legal guardian. Kinship care payments are foster care subsidies that go to, or on behalf of, children living with a relative or legal guardian.
- 4. Exclusion of income.** The Department determined that kinship care, Kin-GAP, and similar programs funded by states serve as an alternative to foster care placements and that the compensation to participating relatives or legal guardians is comparable to the compensation to foster care parents. Payments for the care of foster children (including foster adults) are exempt from income. Thus, during annual and/or interim reexamination of family income pursuant to 24 CFR § 960.257 for public housing and 24 CFR § 982.516 for Section 8 programs, kinship, Kin-GAP and similar state guardianship care payments are to be excluded from a household's income under 24 CFR § 5.609(c)(2).

Moving to Work (MTW) PHAs are given flexibility to include specific types of income found under 24 CFR 5.609(c)—with the exception of 24 CFR 5.609(c)(17)—that are normally excluded from a family’s annual income for rent calculation purposes if the activity has been approved by HUD in the PHA’s Annual MTW Plan. In complying with their respective MTW agreements, MTW agencies should treat kinship, Kin-GAP and similar state guardianship care payments in the same manner that traditional foster care payments are treated. For a summary of HUD’s position on this limited exception, see section 5.B. of PIH-2011-45. MTW PHAs must continue to determine the eligibility of families in accordance with the provisions of 24 CFR 5.609.

Please note that you may contact the state’s Department of Health or the appropriate social service agency for detailed information regarding kinship, Kin-GAP, or other guardianship care payments.

5. **Further information.** If you are not sure if income from a state’s guardianship care payment would qualify as an income exclusion under 24 CFR § 5.609(c)(2), you may direct inquiries to your local HUD Field Office of Public Housing. You may also contact the Public Housing Management and Occupancy Division, Office of Public Housing and Voucher Programs at (202) 708-0744, or the Housing Voucher Management and Operations Division at (202) 708-0477. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

/s/

Sandra B. Henriquez, Assistant Secretary for
Public and Indian Housing