



**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-2008-30 - (HA)

Issued: July 14, 2008

Expires July 31, 2009

References:
24 CFR 5.609(a)(1) and(c)(2)

Subject: Income exclusion of Kinship Guardian Assistant Payments (Kin-GAP) and other guardianship care payments

1. **Purpose.** This notice clarifies the exclusion of guardianship care payments available to children exiting the juvenile court system. The payments made on behalf of the related child to the tenant household is excluded from income certifications 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.** Kin-GAP payments are subsidies to children leaving the juvenile court system to live with a relative or legal guardian. Previously, Public Housing Agencies (PHAs) included Kin-GAP as income when determining annual household income. Congress and housing advocates sought a re-interpretation of the income criteria in order to remove a disincentive towards family unification and to correlate Kin-GAP the same as foster care payments.

The Department's analysis concurred that the intent of Kin-GAP and similar payments made by states serve as an alternative to foster care placements and that compensation to participating relatives is comparable to parenting under foster care. Payments for the care of foster children are exempted from income. This notice interprets Kin-GAP and similar state guardianship payments as equivalent to foster care payments.

4. **Exclusion of income.** 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, PHAs are to exclude Kin-GAP payments and similar state guardianship payments. Retroactive adjustments may be made in accordance with a PHA's policy.

5. **Further information.** Direct inquiries to Public Housing Management and Occupancy Division, Office of Public Housing and Voucher Programs at (202) 708-0744.

/s/

Paula O. Blunt, General Deputy Assistant Secretary
for Public and Indian Housing