






**2022 – 2023
Down Payment and
Closing Cost
Assistance Program**



I. **PROGRAM OVERVIEW**

The City of Victoria Down Payment and Closing Cost Assistance Program has been created to assist low-income families in achieving the "American Dream" of owning their own home. The objectives of the Program include the following:

-  Enhance the opportunity of low-income families to own a home of their own;
-  Increase the rate of home ownership among low-income families in Victoria;
-  Provide home ownership as a means for low-income families to increase their equity and savings;
-  Reduce the pressure on the supply of rental housing in Victoria by converting renters into homeowners; and
-  Promote neighborhood stability by encouraging the purchase of Victoria's existing permanent housing stock.

To meet these objectives, the City of Victoria (City) will utilize Community Development Block Grant (CDBG) funds to provide resources to be awarded to low-income families who would otherwise qualify for a home mortgage from a financial institution, but for the lack of funds, to cover down payment and closing costs.

The Program reflects the guidelines and administrative requirements of the U.S. Department of Housing and Urban Development (HUD) and is subject to change to conform to CDBG rules and regulations. The City has the right to change, modify, or revoke all or any part of the Program guidelines, with approval of City Council.

The City is dedicated to promoting and furthering fair housing. The Fair Housing Act of 1968 prohibits discrimination in all types of housing transactions such as in the sale, rental, and financing of dwellings based on race, color, religion, sex, familial status, national origin, or disability. Information on Fair Housing will be provided to individuals applying for housing programs funded through HUD. Individuals who have experienced housing discrimination may file a fair housing complaint with HUD or the Texas Workforce Commission (TWC) Civil Rights Division.

II. **ELIGIBLE RECIPIENTS**

Eligible recipients of Program assistance must be first-time home buyers, qualify as low-income households (annual household income less than 80 percent of the City's median family income (MFI), adjusted for family size), and be qualified for a home mortgage from a financial institution, but for the funds necessary to meet the down payment requirements of the financial institution and/or pay closing costs.

Recipients of assistance must be legal U.S. Residents or an alien granted the status of an alien lawfully admitted for permanent residence pursuant to Section 249 of the Immigration and Nationality Act.

The term "first-time home buyer" means an individual and/or his or her spouse who have not

owned a home during the three-year period prior to the purchase of a home with assistance from this program, except that:

- a) an individual who is a displaced homemaker or single parent may not be excluded from consideration as a first-time homebuyer on the basis that the individual, while married, owned a home with his or her spouse or resided in a home owned by the spouse; and
- b) an individual shall not be excluded from consideration as a first-time home buyer on the basis that the individual owns or owned, as a principal residence during such three-year period, a dwelling unit whose structure is:
 - i) not permanently affixed to a permanent foundation in accordance with local regulations; or
 - ii) not in compliance with local or other applicable codes and cannot be brought into compliance with such codes for less than the cost of constructing a permanent structure.

Households receiving Program assistance must have an annual family income equal to or less than the income limits (adjusted for family size) set by HUD annually. Family income includes income for all persons over 18. The latest income limits made available to the City are as follows:

**2022 - 2023 City of Victoria
MEDIAN FAMILY INCOME (MFI) LIMITS***

Number of Persons in Family	Annual Household Income
1	\$41,850
2	\$47,800
3	\$53,800
4	\$59,750
5	\$64,550
6	\$69,350
7	\$74,100
8	\$78,900

*Figures are subject to change on an annual basis

For qualifying purposes, the applicant's household income must be calculated using HUD's Part 5 Annual Income Calculation. See Attachment C for inclusions and exclusions of determining annual income.

Monthly mortgage payments for households receiving Program assistance shall not exceed 33% of the household's monthly gross income, nor 45% of the household's total debt to gross income. **Both ratios must be met.** The income ratio will be calculated using the applicants total monthly debt obligation and gross monthly income. Mortgage payments include principal, interest, taxes, mortgage insurance, and homeowner's insurance (PITI).

III. ELIGIBILITY CRITERIA

Assistance Provided

Recipients are eligible to receive grants from the City of up to \$5,000 to be used for each of the activities outlined below, for a total possible grant of \$10,000. The grant does not need to be repaid to the City.

Applicants must demonstrate that they qualify for a home mortgage from a financial institution located within Victoria County on a house to be used as their primary residence. A financial institution, as defined by HUD in 24 CFR 573.2, is a lender, which may be a bank, trust company, savings and loan association, credit union, mortgage company, or other issuer regulated by the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, the Credit Union Administration, or the U.S. Comptroller of the Currency. The applicant must demonstrate that they are **unable to close** without the amount of funds requested. Assistance will only be granted for the purchase of an existing residence, which is located within the City of Victoria. Assistance will not be provided for the purchase or placement of a manufactured/mobile home as that term is defined in 24 CFR 201.2 by HUD.

Eligible Use of Funds

Program assistance may be used for the following costs related to securing a home mortgage:

- **Up to \$5,000 down payment assistance** – assistance will be given to provide up to \$5,000 in down payment assistance, limited to no more than 50% of the down payment required by the financial institution from which a mortgage is sought; and/or
- **Up to \$5,000 closing costs assistance** – assistance will be given to provide up to \$5,000 for closing costs such as origination fees, credit reports, title reports, recording fees, loan processing fees, legal fees, appraisals, and other customary closing costs associated with securing a home mortgage from a financial institution that are deemed reasonable by City.

In the event that all closing costs are paid by the seller and no down payment is needed due to the type of financing, the grant funds shall be returned to the City. Also, any overages that were not needed after payment of eligible activities must be returned in the form of a check to the City.

Property Standards

The appraisal must indicate whether or not the property adheres to HUD property standards. If the property does not adhere to HUD property standards, the appraiser will provide the applicant a list of conditions not in compliance. **For any home built prior to 1978**, the property appraisal **must** check for evidence of a lead-based paint hazard. **Any home built prior to 1978 that is found to have defective paint surfaces – including peeling, scaling, or chipping paint – is NOT eligible for program assistance.**

The appraisal must indicate whether or not the property is located within the 100-year floodplain. Any property located in the 100-year floodplain is eligible for program assistance but must provide proof of flood insurance to qualify. If the property has been renter-occupied within

the last 90 days, then the property is ineligible for program assistance. However, if the applicant purchasing the home is the current renter this provision does not apply.

IV. RECIPIENT SELECTION CRITERIA

Assistance will be provided on a first come, first served basis to applicants that meet the eligibility requirements and have property selected that has been inspected by a qualified appraiser.

Applications and required documents will include, but are not limited to, the following information:

1. Head of Household and family size.
 2. Annual household income.
 3. Race and Ethnicity (HUD statistical purposes only).
 4. Address of present residence.
 5. Tenure status at present residence (rent or own).
 6. Address of residence to be purchased.
 7. Certification that the purchased home will be the primary residence of the applicant.
 8. Purchase price of the property.
 8. Mortgage amount.
 10. Estimated monthly payments of:
 - a. Principal component of first payment;
 - b. Interest component of first payment;
 - c. Taxes (ad valorem);
 - d. Insurance (homeowners), flood insurance, if necessary; and
 - e. Utilities.
 11. Copy of the loan application with completed Details of Transaction section with the amount of financial contributions from sources other than the applicant.
 12. Income Verification and Proof of Income **for all household members 18 or older** anticipated to be received in a 12-month period (2 months of bank statements of all accounts, 3 months of pay stubs from all sources of income, employment verification form or letter, and list of assets).
 13. Signature on application including the understanding and penalties sections.
 14. Copy of Appraisal. **If the home was built prior to 1978, the report should include an appraiser's certificate of completion for the HUD Lead Hazard Controls Visual Assessment Course** The certification website is located at: <https://apps.hud.gov/offices/lead/training/visualassessment/h00101.htm>.
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15. Where the family has net family assets in excess of \$5,000, annual income will include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. **(Currently 0.06%).**

Each applicant must present the completed application (Attachment A) and supporting documentation along with a letter from the financial institution (Attachment B) that states the following: (1) the applicant has been **APPROVED** for a mortgage, BUT IS WITHOUT the amount of funds requested, **up to \$5,000**, and (2) the financial institution will accept as an eligible source of owner equity a contribution of up to \$5,000 from the City's Down Payment and Closing Cost Assistance Program.

In the event there is such demand that the Program simultaneously receives completed applications from eligible recipients in excess of Program funds, a lottery will be conducted to choose award recipients.

V. APPLICATION PROCESS

When funds are available to the Program, the Program Director will advertise the availability of assistance and provide Program Guidelines to those who make a request. The Program Director will also provide Program Guidelines to local financial institutions and realtors. The application process is as follows:

1. Potential applicants receive Program Guidelines.
2. Potential applicants apply for a mortgage from a financial institution whose serves those within the Victoria City Limits.
3. Upon qualification for a mortgage, applicants submit an application, including a letter from the financial institution to the Program Director.
4. The letter from the financial institution must include the following: (1) a complete application, (2) income verification, (3) a copy of the loan application with completed Details of Transaction section, and (4) a copy of the appraiser's report. The aforementioned items will be recorded with time and date of receipt. Applications received through the mail will be recorded with the same time and date of receipt.
5. Applications are reviewed by Program staff for completeness, and deficiencies are noted. An incomplete application does not guarantee or reserve funding.
6. Applicants are notified of the status of their application and provided 5 working days to correct deficiencies, after which the application will be denied.
7. Program staff identifies eligible applicants, awards Program funds, and informs all applicants of their status.
8. If a lottery is necessary to award funds, then Program staff will establish its guidelines.
9. Recipients of Program awards will arrange a closing with their financial institution and

arrangements will be made to provide the Program funds at the closing. The check will be made payable to the Financial Institution or the Title Company, whichever is specified in the request letter.

10. Financial institutions may not hold checks issued from the Mortgage Assistance Program after the closing is cancelled to be used for another applicant. All checks issued are to be used by the original applicant or returned **within 10 business days** after the cancellation of a closing since program funds are available on a first come, first serve basis only.
11. **Within 10 working days after closing, the financial institution will provide the Program Director with a copy of the Final Settlement Statement signed by all parties. The Settlement Statement is necessary to close the file.**

Note: FINANCIAL INSTITUTIONS ARE REQUIRED TO HAVE FILES AND DOCUMENTATION ACCESSIBLE FOR REVIEW BY PROGRAM STAFF AND HUD IN THE EVENT OF A PROGRAM AUDIT.

Application Checklist

This section is an Application Checklist for your convenience. It is the full responsibility of the applicant and lender to verify all information prior to submitting an application and ensure the application packet is complete. Submission of a complete packet is not a guarantee of funding.

Application Checklist:

- 1. Original signed, dated, and COMPLETED Application
 - 2. Copy of three (3) Months of pay stubs with Year to Date information
 - 3. Copy of two (2) Months of bank statements for all accounts
 - 4. All copies of asset statements or letters for 401 (k)s, IRAs, retirement benefits, etc.
 - 5. Employment Verification letter/form
 - 6. Copy of Loan Application completely filled out with Details of Transaction & Assets sections
 - 7. Copy of Appraisal (***If applicable, with Lead Based Assessment for house built prior to 1978***)
 - 8. Letter from the financial institution from which the loan will originate
 - 9. Copy of Deposit Receipt for Flood Insurance, if applicable
 - 10. Renter-Occupied properties only – certify that the property has been vacant for 3 months prior to the request for funding
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Application

Down Payment and Closing Cost Assistance Program

Applicant Information

Name: _____ Age: _____ Sex: _____ Telephone: _____

Current Address: _____ City: _____ Zip: _____

Race (must select at least one below):

- | | |
|---|--|
| <input type="checkbox"/> White
<input type="checkbox"/> Black/African American
<input type="checkbox"/> American Indian/Alaskan Native
<input type="checkbox"/> Asian
<input type="checkbox"/> Native Hawaiian/Pacific Islander | <input type="checkbox"/> Black/African American & White
<input type="checkbox"/> American Indian/Alaskan Native & White
<input type="checkbox"/> American Indian/Alaskan Native & Black/African American
<input type="checkbox"/> Asian & White
<input type="checkbox"/> Other/Multi-Racial: _____ |
|---|--|

Ethnicity (must select at least one below):

- Hispanic/Latino (of Cuban, Mexican, Puerto Rican, South/Central American or other Spanish origin)
- Not Hispanic/Latino (of any other origin)

❖ **Make sure BOTH a Race and Ethnicity are selected before moving on.**

Are you a citizen or permanent resident of the United States? Yes No

Have you ever owned a home? Yes No If Yes, how long ago? _____

Do you rent or own your current residence? (3 yr. history reqd.) Rent Own How Long ____yrs ____mo

Previous Residence _____ Rent Own How Long ____yrs ____mo

Previous Residence _____ Rent Own How Long ____yrs ____mo

Previous Residence _____ Rent Own How Long ____yrs ____mo

Is the rent subsidized by federal or any government assistance? Yes No
If Yes, how much? _____

List all the Household members (except for the applicant):

Name	Relationship	Age	Sex
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Application

Down Payment and Closing Cost Assistance Program

Financial Information

List the employment for each household member over the age of 18 and all other sources of household income.

<u>Name of Household Member</u>	<u>Employer/Source of Income</u>	<u>Annual Income</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Other Sources of Household Income and/or Benefits:

Child Support	\$ _____	Military Allotments	\$ _____
Rental Income	\$ _____	Retirement Benefits	\$ _____
Social Security	\$ _____	SSI	\$ _____
Unemployment	\$ _____	Veterans Assistance	\$ _____
Workman's Comp.	\$ _____	Other (specify)	\$ _____

ASSETS (<i>Two Months of Statements Required</i>):	<u>Cash Value</u>	<u>Annual Income</u>
Checking Accounts	\$ _____	_____
Savings/ Money Market Accounts	\$ _____	_____
Certificates of Deposit	\$ _____	_____
401(k), IRAs, Other	\$ _____	_____
TOTAL	\$ _____	_____

If total value of Cash Assets is over \$5,000, multiply by 0.06% = \$ _____ and add to annual Household Income.

Please check this box if the applicant does not have any assets.

TOTAL ANNUAL HOUSEHOLD INCOME FROM ALL SOURCES (BEFORE TAXES): \$ _____

For qualifying purposes, the applicant's household income must be calculated using HUD's Part 5 Annual Income Calculation. See Attachment C for inclusions and exclusions of determining annual income.

Property Information

Address of new home: _____ Year Built: _____

Purchase Price: \$ _____ Mortgage Amount: \$ _____

Name and Address of Financial Institution: _____

Primary Contact and Phone Number: _____

Estimated monthly mortgage payment, including principal, interest, taxes, and insurance: \$ _____

Percentage monthly payment will be of the household monthly income – _____% (*may not exceed 33% OR may not exceed 45% of estimated total debt to gross income ratio*– _____%)

Is activity in a Special Flood Hazard Area (100-year floodplain or floodway) in accordance with a FEMA Flood Map?

Yes _____ No _____ **If the answer is Yes, please provide proof of FLOOD Insurance.**

Has the home been renter-occupied within the last 90 days? Yes _____ No _____ If Yes, home is not eligible. If no, documentation must be provided to show 3-month vacancy of the home.

Application

Down Payment and Closing Cost Assistance Program

Certification and Authorization

I/We, applicant to the City of Victoria Mortgage Assistance Program, certify that the home purchased with Program assistance will be my primary residence.

I/We, applicant to the City of Victoria Mortgage Assistance Program, certify that I am/We are a first-time homebuyer according to the definition of a first-time homebuyer in the Mortgage Assistance Program Guidelines and all the information presented within this application is true and accurate.

Authorization: I/We authorize the City of Victoria and HUD to obtain information about me/us and my/our household that is pertinent to eligibility for participation in this Program.

I/We acknowledge that:

- (1) A photocopy of this form is valid as the original.
- (2) I/We may review the file and the information received using this form with a person of my/our choosing to accompany me/us.
- (3) I/We may obtain a copy of information from this file and request correction of information I/we believe inaccurate.
- (4) This application will be considered without regard to race, color, religion, creed, sex, familial status, national origin, or disability.

Penalties for Fraud

Whoever obtains or attempts to obtain assistance for which he/she is not entitled, by means of willful statement or other fraudulent means, may be considered guilty of a criminal offense and upon conviction may be fined and/or imprisoned.

All adult household members will sign this form and cooperate with the applicant in this process.

Head of Household – Signature	Printed Name	Date
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Adult Member Household – Signature	Printed Name	Date
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Revised 10/22

SAMPLE

Date

Community Development Planner
City of Victoria Development Services
P.O. Box 1758
Victoria, TX 77902

SUBJECT: Down Payment and Closing Cost Assistance Program
(Name of Applicant)
(Address of Purchase)

Dear Program Director:

(Name of Applicant) has applied for a mortgage loan from (Name of Financial Institution). (Name of Financial Institution) has completed its review of the loan application and credit history of (Name of Applicant). It has been determined that (Name of Applicant) qualifies for a mortgage loan, except for the equity required to satisfy down payment and closing cost requirements.

With (Amount of request) assistance from the City of Victoria Down Payment and Closing Cost Assistance Program, (Name of Applicant) will qualify for a mortgage loan to purchase a home at (Address) to be used as their primary residence. Please make the check payable to (Name of Financial Institution or the Title Company) and the homebuyer. The closing date for (Applicant's Name) is _____.

If you have any questions or need further information, please feel free to call me at (Telephone Number).

Sincerely,

(Mortgage Officer)

Attachments: Application
Income Verification
Loan Application
Complete Appraisal

Annual Income Inclusions

Definition of Annual Income

General Category	Statement from 24 CFR 5.609(b) (up to date as of October 21,2022)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD. (Currently 0.06% as of February 1, 2016).
4. Retirement & Insurance Income	The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in number 14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except as provided in number 3 of Income Exclusions).
6. Welfare Assistance	<p>Welfare Assistance. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income:</p> <ul style="list-style-type: none"> ▶ Qualify as assistance under the TANF program definition at 45 CFR 260.31; and ▶ Are otherwise excluded from the calculation of annual income per 24 CFR 5.609(c). <p>If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:</p> <ul style="list-style-type: none"> ▶ the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus ▶ the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is reduced from the standard of need by applying a percentage, the amount calculated under 24 CFR 5.609 shall be the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special day and allowances of a member of the Armed Forces (except as provided in number 7 of Income Exclusions).
9. Financial Assistance	For section 8 programs only and as provided in 24 CFR 5.612, any financial assistance, in excess of amounts received for tuition and any other required fees and charges, that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 <i>et seq.</i>), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

Annual Income Exclusions

Definition of Annual Income

General Category	Statement from 24 CFR 5.609(c) (up to date as of October 21, 2022)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in number 5 of Income Inclusions).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Disabled Persons	Certain increases in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671(a)).
7. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
8. Armed Forces Hostile Fire Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9. Self-Sufficiency Program Income	<ul style="list-style-type: none"> a. Amounts received under training programs funded by HUD. b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS). c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program. d. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time. e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
10. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparations	Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Income from Full-time Students	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
13. Adoption Assistance Payments	Adoption assistance payments in excess of \$480 per adopted child.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.

16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	<p>Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including:</p> <ul style="list-style-type: none"> ▶ The value of the allotment provided to an eligible household under the Food Stamp Act of 1977; ▶ Payments to volunteers under the Domestic Volunteer Services Act of 1973; ▶ Certain payments received under the Alaskan Native Claims Settlement Act; ▶ Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes; ▶ Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program; ▶ Income derived from the disposition of funds to the Grand River Band of Ottawa Indians; ▶ The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interests of individual Indians in trust or restricted lands, including the first \$2,000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands. This exclusion does not include proceeds of gaming operations regulated by the Commission; ▶ Amounts of scholarships funded under Title IV of the Higher Education Act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs. For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 <i>et seq.</i>), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if the individual is over the age of 23 with dependent children (Pub. L. 109-115, section 327) (as amended); ▶ Payments received from programs funded under Title V of the Older Americans Act of 1985 (Green Thumb, Senior Aides, Older American Community Service Employment Program); ▶ Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the <i>In Re Agent Orange</i> product liability litigation, M.D.L. No. 381 (E.D.N.Y.); ▶ Payments received under the Maine Indian Claims Settlement Act of 1980; ▶ The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990; ▶ Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the national Housing Act (26 U.S.C. 32(l)); ▶ Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation; ▶ Allowances, earnings, and payments to AmeriCorps participants under the National and Community Service Act of 1990; ▶ Any allowance paid under the provisions of 38 U.S.C. 1833(c) to children of Vietnam veterans born with spina bifida (38 U.S.C. 1802-05), children of women Vietnam veterans born with certain birth defects (38 U.S.C. 1811-16), and children of certain Korean service veterans born with spina bifida (38 U.S.C. 1821); ▶ Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602 (c)); ▶ Allowances, earnings, and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2)); ▶ Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food program for Women, Infants, and Children (WIC); ▶ Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b)); ▶ Payments from any deferred U.S. Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts (42 U.S.C. § 1437a(b)(4))

- ▶ Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269; 25 U.S.C 4103(9)) to the definition of income applicable to programs authorized under the Native American Housing Assistance and Self-Determination Act (NAHASDA) (25 U.S.C 4101) and administered by the Office of Native American Programs;
- ▶ A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.), for a period of one year from the time of receipt of that payment as provided in the Claims Resolution Act of 2010 (Pub. L. 111-291);
- ▶ Any amounts in an "individual development account" as provided by the Assets for Independence Act, as amended in 2002 (Pub. L. 107-110, 42 U.S.C 604(h)(4));
- ▶ Per capita payments made from the proceeds of Indian Tribal Trust Cases as described in PIH Notice 2013-30 "Exclusion from Income of Payments under Recent Tribal Trust Settlements" (25 U.S.C. 117b(a)); and
- ▶ Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155 (d)).