HUD Earned Income Disallowance

Background: The federal Department of Housing and Urban Development (HUD) oversees several housing subsidy programs. Under these programs, tenants with limited income receive a subsidy to help them pay a portion of their rent. Typically, the tenant’s share of rent will be 30 percent of the tenant or tenant family’s countable income, with the HUD-sponsored program paying the remainder (up to an approved fair market rate).

Historical Treatment of Earned Income: When a tenant or tenant family has an increase in their monthly income, including increases from earned income or wages, their tenant share of rent goes up. Generally, the tenant share of rent would go up by about $1 for every $3 in additional income.

HUD’s “Earned Income Disregard” Allows Some Tenants with Disabilities to Work without an Immediate Increase in Rent. The Earned Income Disregard Applies to All Tenants in Public Housing Programs and to Tenants with Disabilities in Four Additional Types of Housing Subsidy Programs:

- The Section 8 Housing Choice Voucher Program (but not project-based Section 8)
- Some Supportive Housing Programs
- The Home Investment Partnerships Program
- The Housing Opportunities to Persons with AIDS Program

The Tenant Must be Previously Unemployed for One or More Years Prior to the New Employment

- “Unemployed” means that the individual was either not working during the previous 12 months or averaging less than 10 hours of work per week at the minimum wage.

Initial 12-Month Period, 100 Percent of Increased Income from Wages Will Be Disregarded

- The 12-month period begins with the first month the individual has increased income from wages and runs for 12 consecutive months whether the person is working or not.
- If the individual meets the unemployed definition based on limited part-time work, only the increase in wages will be disregarded.

During a Second 12-Month Period, i.e., Months 13 through 24, 50 Percent of the New Wages Will Be Disregarded.

- This second 12-month period will run whether the person is working or not.
- The full, 24-month earned income disregard must be used within 24 consecutive months.

The Earned Income Disregard does not apply to: Project Based Section 8, Low Income Housing Tax Credit Program, Section 811 People with Disabilities Program, Section 202, Single Room Occupancy Mod Rehab, or Shelter Plus Care Program.

Note: This document is produced, printed, and disseminated at U.S taxpayer expense. One hundred percent of the funding for this document is through a Social Security cooperative agreement that funds our Western NY Work Incentives Planning and Assistance (WIPA) Project. Although Social Security reviewed this document for accuracy, it does not constitute an official Social Security communication.