

## Replacement housing eligibility for students in private housing and dormitories

This article will discuss whether a student who occupies private housing or a dormitory is eligible for a replacement housing payment. The article will also address the computation of the payment if the student is eligible.

### Part 1

An agency's decision regarding a student's eligibility for a rental assistance payment begins with a determination about whether the acquired property is the student's dwelling. A dwelling is defined at 49 CFR §24.2(a)(10) as ". . . the place of permanent or customary and usual residence of a person, according to local custom or law."

Students in dormitory housing (housing generally owned by the school they attend) are assumed not to be permanent residents of such housing. The housing is provided by the school for their use during the school year. The initial assumption is that these students return to other permanent housing when not in school. This temporary housing situation would not qualify as a dwelling, which is necessary for eligibility for a replacement housing payment. While this is the general assumption, it is not always true.

### Example

You could have graduate students who reside full-time in housing provided by the school, but these students do not have a usual and customary residence that they return to periodically. However, the initial assumption is a good place to start. In these instances, the only payment would be a moving cost for the student's personal property. This could be either an actual cost or a fixed payment. If the fixed payment is used, you should refer to the discussion of dormitory style room §24.302.

### Part 2

If you determine the acquired property is the student's dwelling, they may be eligible for a rental assistance payment. In this case you will have to determine if the student is a dependent, since this will make a difference in establishing the base monthly rental under §24.402(b)(2).

A dependent is a person who relies on someone else for financial support and can include children or other relatives. For IRS purposes, to meet the qualifying child test, the child must be either younger than 19 years old or be a "student" younger than 24 years old at the end of the calendar year.

