3560.11

**Household**: The tenant or co-tenant and the persons or dependents living with a tenant or co-tenant, but not including a resident assistant.
To be eligible for occupancy in off-farm labor housing, households must include:

- A domestic tenant/co-tenant farm laborer,
- A retired domestic farm laborer, **OR**
- A disabled domestic farm laborer.
3560.11

**Disabled Domestic Farm Laborer**: An individual with a disability who was a domestic farm laborer at the time of becoming disabled.

**Retired Domestic Farm Laborer**: An individual who is at least 55 years of age and who has spent the last 5 years prior to retirement as a domestic farm laborer or spent the majority of the last 10 years prior to retirement as a domestic farm laborer.
Tenant Eligibility

3560.11

**Domestic Farm Laborer:** A person who, consistent with the requirements of 3560.576(b)(2) receives a substantial portion of his or her income from farm labor employment (not self-employed) in the United States, Puerto Rico, or the Virgin Islands after being legally admitted for permanent residence. This definition may include immediate family members residing with such person.
Tenant Eligibility

3560.11

Farm Labor: Services in connection with cultivating the soil, raising or harvesting any agriculture or aquaculture commodity; or in catching, netting, handling, planting, drying, packing, grading, storing, or preserving in the unprocessed stage...any agriculture or aquaculture commodity; or delivering to storage, market, or a carrier for transportation to market or to processing any agricultural or aquacultural commodity in its unprocessed stage.
Tenant Eligibility

3560.576(b)(2) — Substantial Portion of Income:

- At least 65% of income limits on attachment 6H of HB2 (=$4,582.50). Only 50% for migrant workers in seasonal housing (=$3,525).

- If wages unavailable, then must have worked at least 110 7-hour days in previous 12 months.
Tenant Eligibility

3560.576(b)(2) — From Farm Labor:

See attachment 12-A of HB1

...production of agricultural or aquacultural commodities or the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities...
Tenant Eligibility

- The key to farm labor is the work must involve:
  - Production or harvest of commodity
  - Delivery / hauling of commodity
  - Processing commodity
- Once the commodity has been processed or delivered to market, labor related to it is no longer considered farm labor.
Tenant Eligibility

… legally admitted for permanent residence…

• Only applies to the farm laborer
• Must be documented
Tenant Eligibility

Acceptable forms of Documentation *(Unnumbered letter dated 11/21/2012)*:

- Official birth certificate issued by US Gov’t; US State, Jurisdiction, or territory.
- US Cert of Birth Abroad (DS-1350 or FS-545)
- Report of Birth Abroad of US Citizen (FS-240)
- Valid US Passport
- Certificate of Citizenship (N560 or N561)
Tenant Eligibility

- Certificate of Naturalization (N550, N570, or N578)
- US Citizen Identification Card (I-197, I-179)
- Permanent Resident Alien Card (I-551)
- Foreign passport stamped by US Gov’t “Processed for I-551)
- Permanent resident Re-entry Permit (I-327)
Tenant Eligibility

• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made, and the applicant’s entitlement to the document has been verified.

• What is not acceptable verification is a State issued driver’s license or a social security card.
Tenant Eligibility

With that said…

The spending bill contained language modifying the eligibility requirements (from 42 USC 1484):

(3) the term “domestic farm labor” means any person … who receives a substantial portion of his or her income from primary production of agricultural … except that—(paraphrased)

(A) such person shall be a citizen of the United States or a person legally admitted for permanent residence;

Is changed to:

(A) such person shall be a citizen of the United States, or a person legally admitted for permanent residence, or a person legally admitted to the United States and authorized to work in agriculture.
Selection Priorities

514/516—Farm Labor Housing (3560.577)

1. Priority for accessible units
2. Existing tenants needing to be re-assigned
3. By occupancy—family size / unit size
4. By status—active in farm labor, retired / disabled from local market, retired / disabled from outside local market
5. By income—very low, low, then moderate
6. By eligibility for other project funding sources
7. By LOPE
8. By date of application
Tenant Certifications

- Zero income certifications not allowed except for disabled or retired farm labor households
- Re-certifications are used when there is a change from the planned circumstances
- May need to use “corrected certifications” when information not readily available
Practical Considerations

- Income is tough to predict and oftentimes fluctuates throughout the year.
- You can’t get too much wage history/information.
  - W-2s
  - Pay stubs
  - VOEs
- Avoid the re-cert trap. A change in income does not always need a new certification.
- Don’t be afraid to submit a corrected certification.
- Be sure to have a good system to post follow-ups.
Questions?
Multi-Family Housing Programs

Jay DeLapp, (541) 801-2676 jay.delapp@usda.gov

www.rd.usda.gov/or
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   1400 Independence Avenue, SW
   Washington, D.C. 20250-9410;
2) Fax: (202) 690-7442; or
3) Email: program.intake@usda.gov.

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