

(3) The owner may ask HUD, at any time, to determine whether a displacement is or would be covered by this section.

(h) *Definition of initiation of negotiations.* For purposes of determining the formula for computing the replacement housing assistance to be provided to a residential tenant displaced as a direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, the term “initiation of negotiations” means the owner’s execution of the Housing Assistance Payments Contract.

(Approved by Office of Management and Budget under OMB Control Number 2506-0121)

[58 FR 43723, Aug. 17, 1993, amended at 65 FR 16724, Mar. 29, 2000]

EFFECTIVE DATE NOTE: At 65 FR 16724, Mar. 29, 2000, §886.338 paragraph (g)(1)(iii)(A)(2) was amended by removing “24 CFR 813.107” and adding “part 5 of this title” in its place, effective Apr. 28, 2000.

PART 887—HOUSING VOUCHERS

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AUTHORITY: 42 U.S.C. 1437f(o) and 3535(d).

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Subpart A—General Information

§ 887.1 Purpose of the Housing Voucher Program.

Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) authorizes the Housing Voucher Program. The purpose of the Housing Voucher Program is to assist eligible families to pay rent for decent, safe, and sanitary housing.

§ 887.3 Scope and applicability.

(a) The provisions of this part apply to the Section 8 voucher program authorized by section 8(o) of the 1937 Act. This part states voucher program requirements concerning the payment standard and housing assistance payment, and concerning special housing types. Other program regulations for the Section 8 tenant-based certificate and voucher programs are located at 24 CFR part 982.

(b) The definitions in § 887.7 are applicable in applying the provision of this part.

[60 FR 34694, July 3, 1995]

§ 887.7 Definitions.

The terms *1937 Act*, *Elderly person*, *Fair Market Rent (FMR)*, *HUD*, and *Public Housing Agency (PHA)* are defined in 24 CFR part 5.

Adjusted income. See § 813.102 of this chapter.

Annual contributions contract (ACC). A written agreement between HUD and a PHA to provide annual contributions to the PHA for housing assistance payments and administrative fees.

Annual income. See § 813.106 of this chapter.

Assisted lease (or lease). A written agreement between an owner and a family for the leasing of a dwelling unit by the owner to the family with assistance payments under a housing voucher contract between the owner and the PHA. In the case of cooperative or mutual housing, "lease" means the occupancy agreement or other written agreement establishing the conditions for occupancy of the unit.

Common space. Defined in § 887.503 for purposes of shared housing.

Congregate housing. Defined in § 887.489.

Cooperative or mutual housing. Defined in § 887.453.

Disabled person. See § 812.2 of this chapter.

Displaced person. See § 812.2 of this chapter.

Eligible family (family). See § 887.151(a)

Handicapped person. See § 813.102 of this chapter.

HCD Act of 1974. The Housing and Community Development Act of 1974.

Housing assistance payment. The monthly payment by the PHA to an owner on behalf of a family participating in the Housing Voucher Program. The maximum housing assistance payment is determined by subtracting 30 percent of a family's monthly adjusted income from the payment standard that applies to the family. For additional detail see § 887.353.

Housing assistance plan. (a) A housing assistance plan submitted by a local government participating in the Community Development Block Grant Program as part of the block grant application, in accordance with the requirements of the Community Development Block Grant regulations in § 570.306 of this title and approved by HUD; or

(b) A housing assistance plan meeting the requirements of § 570.306 of this title, submitted by a local government not participating in the Community Development Block Grant Program and approved by HUD.

Housing voucher. A document issued by a PHA declaring a family to be eligible for participation in the Housing Voucher Program and stating the terms and conditions for the family's participation.

Housing voucher contract. A written contract between a PHA and an owner, in the form prescribed by HUD for the Housing Voucher Program, in which the PHA agrees to make housing assistance payments to the owner on behalf of an eligible family.

Housing voucher holder. A family that has an unexpired housing voucher.

Independent group residence (IGR). Defined in § 887.461.

Individual lease shared housing. Defined in § 887.503 for purposes of shared housing.

Initial PHA. Defined in § 887.553 for purposes of portability.

Lease. See assisted lease.

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, as determined by HUD, with adjustments for smaller and larger families. HUD may establish income limits higher or lower than 80 percent of the median income for the area on the basis of its finding that such variations are

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necessary because of the prevailing levels of construction costs or unusually high or low family income.

Manufactured home. Defined in § 887.471.

Occupancy standards. Standards that the PHA establishes for determining the appropriate number of bedrooms needed to house families of different sizes or composition.

Owner. Any person or entity having the legal right to lease or sublease decent, safe, and sanitary housing.

Participant. A family becomes a participant in the PHA's Housing Voucher Program when the PHA executes a housing voucher contract with an owner for housing assistance payments on behalf of the family.

Payment standard. An amount, adopted by a PHA for each bedroom size and Fair Market Rent area, that is used to determine the amount of assistance that is to be paid by the PHA on behalf of a family participating in the Housing Voucher Program. For additional detail see §§ 887.351 and 887.353.

Private space. Defined in § 887.503 for purposes of shared housing.

PHA jurisdiction. The area in which the PHA is not legally barred from entering into housing voucher contracts.

Receiving PHA. Defined in § 887.553 for purposes of portability.

Rent to owner. The total of the monthly amount paid under the housing voucher contract by the PHA to the owner on behalf of the family and the monthly amount the family must pay to the owner to cover the balance of rent due the owner under the lease.

Resident assistant. Defined in § 887.461 for purposes of IGRs.

Secretary. The Secretary of Housing and Urban Development, or designee.

Service agency. Defined in § 887.461 for purposes of IGRs.

Service agreement. Defined in § 887.461 for purposes of IGRs.

Shared housing. Defined in § 887.503.

Single room occupancy (SRO) housing. Defined in § 887.481.

Utility allowance. An amount that applies when the cost of utilities (except telephone) and other housing services (e.g., garbage collection) for an assisted unit is not included in the rent to owner and is instead the responsibility of the family. The allowance is

an amount equal to the estimate made or approved by the PHA (see § 887.101) of the monthly costs of a reasonable consumption of these utilities and other services for the unit by an energy-conservative household of modest circumstances, consistent with the requirements of a safe, sanitary, and healthful living environment. In the case of shared housing, the amount of the utility allowance for an assisted family is a pro rata portion of the utility allowance for the entire unit, based on the number of bedrooms in the assisted family's private space. In the case of an assisted individual sharing a one-bedroom unit with another person, the amount of the utility allowance for the assisted individual is one half the utility allowance for the entire unit.

Very low-income family. A low-income family whose annual income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families. HUD may establish income limits higher or lower than 50 percent of the median income for the area on the basis of its finding that such variations are necessary because of unusually high or low family incomes.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988, as amended at 61 FR 5213, Feb. 9, 1996]

Subparts B–G [Reserved]

Subpart H—Payment Standard and Housing Assistance Payment

§ 887.351 Determining the payment standard and the payment standard schedule.

(a) *Payment standard amount.* (1) The payment standard is an amount used to calculate the monthly housing assistance payment. (Section 887.353 states how to calculate the monthly amount of the housing assistance.)

(2) Each payment standard amount is based on the published Section 8 Existing Housing fair market rent. The PHA must establish a separate payment standard amount by unit size (single room occupancy, zero-bedroom, one-bedroom, etc.) for each fair market rent area within its jurisdiction.

(b) *Payment standard schedule.* (1) The payment standard schedule is a list of

the payment standard amounts for each unit size in a fair market rent area in the PHA's jurisdiction. A PHA must adopt and maintain a payment standard schedule for each fair market rent area in the PHA jurisdiction. A PHA may have only one payment standard schedule for each fair market rent area. Each payment standard schedule may have only one payment standard amount for each unit size in the fair market rent area.

(2) Each payment standard amount on the schedule may not be less than 80 percent of the published Section 8 Existing Housing fair market rent (in effect when the payment standard amount is adopted) for the unit size, nor more than the fair market rent or HUD-approved community-wide exception rent (in effect when the payment standard amount is adopted) for the unit size. (Community-wide exception rents are maximum gross rents approved by HUD for the Certificate Program under §882.106(a)(3) of this chapter for a designated municipality, county, or similar locality, which apply to the whole PHA jurisdiction.)

(c) *Increasing payment standard amounts on the payment standard schedule.* The PHA, in its discretion, may adopt annual increases of payment standard amounts on the payment standard schedule so that families can continue to afford to lease units with assistance under the Housing Voucher Program.

(d) *Decreasing payment standard amounts on the payment standard schedule.* When revised Section 8 Existing Housing fair market rents are published for effect in the FEDERAL REGISTER and any fair market rent or HUD-approved community-wide exception rent is lower than the corresponding payment standard amount on the PHA's payment standard schedule, the PHA must adopt a new payment standard amount not more than the revised FMR or the HUD-approved community-wide exception rent.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.353 Determining housing assistance amounts.

(a) *General*—(1) *Using the payment standard.* A PHA uses the payment

standard schedule to determine the appropriate payment standard for a particular family, based on the family size and composition and the PHA occupancy standards. Once the PHA determines the appropriate payment standard amount from the schedule, the PHA subtracts 30 percent of the family's monthly adjusted income (as computed under Part 813) to arrive at the monthly housing assistance payments that the PHA will make to the owner on behalf of the family. (For example, if a family qualifies for a four-bedroom housing voucher under the PHA occupancy standards and has monthly adjusted income of \$500, and the payment standard amount for a four-bedroom housing voucher is \$600, the housing assistance payment for the family is the payment standard amount (\$600) minus 30 percent of the family's monthly adjusted income (\$150) which is \$450.) Before entering into a housing voucher contract with the owner for this amount, the PHA must also complete the "minimum rent" calculation in paragraph (a)(2) of this section.

(2) *Minimum rent.* The housing assistance payment may not be more than the amount by which the rent to owner plus any applicable utility allowance exceeds 10 percent of the family's monthly gross income, determined in accordance with Part 813. (Except for the minimum rent calculation, actual rent to owner for a unit does not affect the amount of the housing assistance payment.)

(3) *Shopper's incentive.* If a unit rents for less than the payment standard, the family benefits by paying less than 30 percent of its monthly adjusted income toward rent, subject to the minimum rent calculation. If a unit rents for more than the payment standard, the housing assistance payment is not increased, nor is the family told it must find another unit, as in the Certificate Program. Instead, the family pays the entire difference between the rent and the housing assistance payment.

(b) *When changes in the payment standard apply to an existing housing assistance payment*—(1) *General.* The payment standard that is applied to a family may be changed only:

(i) At regular reexamination (see paragraph (b)(2) of this section); or

(ii) At the time a family moves to another unit (see paragraph (b)(3) of this section).

(2) *Rules at regular reexamination.* At regular reexamination, the PHA must apply a different payment standard if one of the following circumstances applies:

(i) If the PHA has increased the payment standard applicable to the family, the increased payment standard is used;

(ii) If the PHA has adopted new occupancy standards, the payment standard for the appropriate unit size under the PHA's new occupancy standards is used;

(iii) If the family's size or composition has changed, the payment standard for the appropriate unit size is used.

(3) *Rule when a family moves.* When a family moves to another unit, the PHA must apply a different payment standard if one of the following circumstances applies:

(i) If the PHA has increased or decreased the payment standard applicable to the family, the new payment standard is used;

(ii) If the PHA has adopted new occupancy standards, the payment standard for the appropriate size under the PHA's new occupancy standards is used;

(iii) If the family's size or composition has changed, the payment standard for the appropriate unit size is used.

(4) *Request for interim reexamination.* Redetermination of the housing assistance payment as a result of an interim reexamination under § 887.357 does not affect the payment standard applicable to the family.

(c) *No housing assistance payments for vacancies.* If a family moves out of the unit, the owner must notify the PHA promptly, and the PHA may not make any additional housing assistance payments to the owner for any month after the month during which the family moves. The owner may retain the housing assistance payment for the month during which the family moves.

(d) *When the housing assistance payment exceeds the rent to owner.* Normally, the entire housing assistance payment, determined under paragraph

(a)(1) of this section, is paid by the PHA to the owner. When the family must pay some or all of its utilities directly, however, the housing assistance payment may occasionally exceed the rent to owner. In this case, the PHA must pay the excess (subject to the minimum rent determination in paragraph (a)(3) of this section) to the family or, with the consent of the family and the utility company, either jointly to the family and the utility company or directly to the utility company. For example, if the payment standard is \$500, and 30 percent of a family's monthly adjusted income equals \$120, the housing assistance payment would be \$380. If the rent to owner is \$350, and the utility allowance is \$150, the PHA pays \$350 to the owner and the remaining \$30 of the housing assistance payment to the family as a utility reimbursement.

(e) *Assisting more families.* If a PHA determines that some or all of the available annual contributions under its ACC are not needed for participating families, including future adjustments of housing assistance payments and portability moves, it may assist more families.

§ 887.355 Regular reexamination of family income and composition.

(a) The PHA must reexamine family income and family size and composition at least annually, and in accordance with part 813 of this chapter. At the time of the annual reexamination of family income and composition, the PHA must require the family to disclose and verify Social Security Numbers, as provided by part 5, subpart B, of this title. For requirements regarding the signing and submitting of consent forms by families for the obtaining of wage and claim information from State Wage Information Collection Agencies, see part 5, subpart B, of this title.

(b) At the first regular reexamination after June 19, 1995, the PHA shall follow the requirements of 24 CFR part 5 concerning obtaining and processing evidence of citizenship or eligible immigration status of all family members. Thereafter, at each regular reexamination, the PHA shall follow the requirements of 24 CFR part 5 concerning

verification of the immigration status of any new family member.

(c) At the regular reexamination, the PHA must adjust the housing assistance payment made on behalf of the family to reflect any changes in the family's monthly income, monthly adjusted income, size, or composition. The PHA must use the appropriate payment standard, as provided in § 887.353.

(Approved by the Office of Management and Budget under control number 2577-0083)

[53 FR 34388, Sept. 6, 1988, as amended at 54 FR 39709, Sept. 27, 1989; 56 FR 7543, Feb. 22, 1991; 60 FR 14847, Mar. 20, 1995; 61 FR 11119, Mar. 18, 1996; 61 FR 13625, Mar. 27, 1996]

§ 887.357 Interim reexamination of family income and composition.

A family may request a redetermination of the housing assistance payment at any time, based on a change in the family's income, adjusted income, size or composition. See 24 CFR 750.10(d)(2)(i) for the requirements for the disclosure and verification of Social Security Numbers at interim reexaminations involving new family members. For requirements regarding the signing and submitting of consent forms by families for the obtaining of wage and claim information from State Wage Information Collection Agencies, see 24 CFR part 760. At any interim reexamination after June 19, 1995 that involves the addition of a new family member, the PHA shall follow the requirements of 24 CFR part 5 concerning obtaining and processing evidence of citizenship or eligible immigration status of the new family member.

[56 FR 7543, Feb. 22, 1991, as amended at 60 FR 14847, Mar. 20, 1995; 61 FR 13626, Mar. 27, 1996]

§ 887.359 Changes in family size or composition.

(a) If the PHA determines that a unit does not meet the housing quality standards because of an increase in family size or a change in family composition, the PHA must issue the family a new housing voucher. The PHA must comply with requirements of § 887.261.

(b) A family may not be required to move because of a decrease in family size after initial occupancy of a unit.

The family may rent a unit with a greater number of bedrooms than indicated on the housing voucher.

§ 887.361 Adjustment of utility allowances.

(a) *Annual review.* At least annually, the PHA must determine: if there has been a substantial change in utility rates or other charges of general applicability that would require an adjustment in any utility allowance on the PHA's utility allowance schedule; or if there were errors in the original determination of the utility rates or other charges of general applicability that would require an adjustment in any utility allowances on the schedule.

(b) *Required adjustment.* If the PHA determines that an adjustment is necessary under paragraph (a) of this section, it must establish a new schedule of utility allowances, taking into account the size and type of dwelling units and other applicable factors.

(c) *Adjustments in housing assistance payments.* The PHA must determine if adjustments to utility allowances affect the amount of housing assistance paid on behalf of the family by recalculating the minimum rent under § 887.353(a)(2).

(Information collection requirements contained in this section have been approved by the Office of Management and Budget under control number 2502-0161)

§ 887.363 Housing assistance payments equal to zero.

(a) Under the formula in § 887.353 for calculating the housing assistance payment on behalf of a family, no housing assistance payment is made whenever either 30 percent of the family's monthly adjusted income equals or exceeds the payment standard or 10 percent of the family's monthly income equals or exceeds the rent to owner plus any applicable utility allowance. Cessation of housing assistance payments does not affect the family's other rights under the lease, nor does it prevent the resumption of payments as the result of later changes in family income, family size or composition, or other relevant circumstances during the term of the housing voucher contract.

(b) When one year has elapsed since the date of the last housing assistance payment made under the housing voucher contract, the contract terminates automatically.

Subpart I [Reserved]

Subpart J—Special Housing Types

§ 887.451 Purpose of this subpart.

(a) This subpart contains the additional program requirements for the following specialized types of housing: Cooperative or mutual housing; independent group residences; manufactured homes; single room occupancy; and congregate housing. (The requirements that are unique to shared housing, another special housing type, are set out in subpart K of this part.)

(b) Except as modified by this subpart J, all of the requirements in the other subparts of this part apply to these special housing types.

§ 887.453 Cooperative or mutual housing: Definition.

“Cooperative or mutual housing” means a type of housing authorized by State law that is owned by a corporation where ownership of a share in the corporation entitles the owner to exclusive occupancy of a unit, and participation in the operation of the project.

§ 887.455 Cooperative or mutual housing: Limitation on the use of housing voucher authority.

A PHA may use its housing voucher authority to provide assistance with respect to cooperative or mutual housing, if the following circumstances exist:

(a) The cooperative or mutual housing occupancy agreement requires that the housing units be owned-occupied, unless authorization is obtained from the board to sublet a unit;

(b) The cooperative or mutual housing occupancy agreement provides that any sale of the occupant’s interest in the unit (such as a sale of a certificate in the corporation) is controlled by a formula set out in the corporation’s by-laws or occupancy agreement. The formula must be adopted by the corporation’s board of directors and must

be designed to ensure continued affordability of the cooperative or mutual housing to low-income families (as defined by HUD in part 813 of this chapter) for a period that extends at least fifteen years; and

(c) The PHA determines that providing assistance under this part will help in maintaining the affordability of this housing to low-income families.

§ 887.461 Independent group residences (IGR): Definitions.

The following additional definitions apply to independent group residences:

Independent group residence (IGR). A dwelling unit for the exclusive residential use of two to twelve elderly, handicapped, or disabled individuals (excluding any live-in resident), who are not capable of living completely independently and who require a planned program of continual supportive services. Residents of an IGR receiving Section 8 assistance must not require continual medical or nursing care, must be ambulatory or not continuously confined to a bed, and must be capable of taking appropriate actions for their own safety in an emergency.

Resident assistant. A person who lives in an independent group residence and provides on a daily basis some or all of the necessary support services to elderly, handicapped, or disabled individuals receiving Section 8 housing assistance and who is essential to these individuals’ care or well being. A resident assistant may not be related by blood, marriage, or operation of law to any of the individuals receiving section 8 housing assistance, and may not contribute any portion of his or her income or resources toward the expenses of these individuals.

Service agency. A public or private nonprofit organization that is recognized by the State as qualified to determine the supportive service needs of individuals who will reside in Independent Group Residences. The service agency may perform outreach to potential residents of Independent Group Residences and assist these individuals in applying for housing assistance, provide all or a portion of the supportive

services and may identify and coordinate appropriate local, public or private resources to furnish these services. The service agency may own or sublease an independent group residence.

Service agreement. A written agreement, approved by the State, between the owner (including an entity with the right to sublease) of an independent group residence and the service agency or other entities providing the supportive services to the occupants of independent group residences. The agreement specifies the types and frequency of the supportive services to be furnished.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.463 Independent group residences: Selection preferences.

In addition to the preferences provided in § 887.155, a PHA may establish a preference for selecting an eligible applicant who has indicated a desire to reside in an independent group residence.

§ 887.465 Independent group residences: Additional lease requirements.

Leases for independent group residences must incorporate by reference the supportive services to be provided in accordance with the written service agreement between the owner and the service agency or other entities providing the necessary supportive services. When the owner provides the necessary supportive service, there is no service agreement and the provision of these services must be contained in the lease. The service agreement or analogous lease provisions must be approved in writing by the State before the PHA executes the housing voucher contract.

§ 887.467 Independent group residences: Housing quality standards.

The housing quality standards in § 887.251(a) apply to IGRs, except that the standards in this section apply in place of §§ 887.251 (a), (b), (c), (f), and (k).

(a) *Sanitary facilities.* The dwelling unit must contain and have ready access to a flush toilet that can be used in privacy, a fixed basin with hot and

cold running water, and a shower or tub equipped with hot and cold running water all in proper operating condition and adequate for personal cleanliness and the disposal of human waste. These facilities must utilize an approvable public or private disposal system, and must be sufficient in number so that they need not be shared by more than four occupants. Those units accommodating physically handicapped occupants with wheelchairs or other special equipment must provide access to all sanitary facilities, and must provide, as appropriate to the needs of the occupants, basins and toilets, of the appropriate heights; grab bars to toilets and to showers and/or bathtubs; shower seats; and adequate space for movement.

(b) *The kitchen facilities* of the unit must contain adequate space to store, prepare, and serve foods in a sanitary manner. A cooking stove or range, a refrigerator of appropriate size and in sufficient quantity for the number of occupants, and a kitchen sink with hot and cold running water must be present in proper operating condition. The sink must drain into an approvable private or public system. There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

(c) *Space and security.* The dwelling unit must provide the family adequate space and security. A living room, kitchen, dining area, bathroom, and other appropriate social, recreational or community space must be within the unit, and the unit must contain at least one bedroom of appropriate size for each two persons. Exterior doors and windows accessible from outside each unit must be lockable. An emergency exit plan must be developed and occupants must be apprised of the details of the plan. All emergency and safety features and procedures must meet applicable State and local standards.

(d) *Structure and material.* The unit must be structurally sound to avoid any threat to the health and safety of the occupants and to protect the occupants from the environment. Ceilings,

walls, and floors must not have any serious defects such as severe bulging or leaning, large holes, loose surface materials, severe buckling or noticeable movement under walking stress, missing parts or other significant damage. The roof structure must be firm and the roof must be weathertight. The exterior or wall structure and exterior wall surface may not have any serious defects such as serious leaning, buckling, sagging, cracks or holes, loose siding, or other serious damage. The condition and equipment of interior and exterior stairways, halls, porches, walkways, etc., must not present a danger of tripping or falling. Elevators must be maintained in safe and operating condition. Units accommodating physically handicapped occupants with wheelchairs and other special equipment may not contain architectural barriers that impede access or use, and handrails and ramps must be provided as appropriate.

(e) *Site and neighborhood* must be reasonably free from disturbing noises and reverberations and other hazards to the health, safety, and general welfare of the occupants, and must not be subject to serious adverse environmental conditions, natural or manmade, such as dangerous walks, steps, instability, flooding, poor drainage, septic tank back-ups, sewage hazards or mudslides; abnormal air pollution, smoke or dust; excessive noise, vibrations or vehicular traffic; excessive accumulations of trash; vermin or rodent infestation; or fire hazards. The unit must be located in a residential setting and be similar in size and appearance to housing generally found in the neighborhood, and be within walking distance or accessible via public and available private transportation to medical and other appropriate commercial and community service facilities.

(f) *Supportive Services.* (1) A planned program of adequate supportive service appropriate to the needs of the occupants must be provided on a continual basis by a qualified resident assistant(s) residing in the unit, or other qualified person(s) not residing in the unit, who will provide these services on a continual, planned basis. Supportive services that are provided within the unit may include the following types of

services: counseling; social services that promote physical activity, intellectual stimulation, or social motivation; training or assistance with activities of daily living, including housekeeping, dressing, personal hygiene, or grooming; provision of basic first aid skills in case of emergencies; supervision of self-administration of medications, diet, and nutrition; and assurance that occupants obtain incidental medical care, as needed, by facilitating the making of appointments at, and transportation to, medical facilities. Supportive services provided within the unit may not include the provision of continual nursing, medical, or psychiatric care.

(2) The provision for and quality of the planned program of supportive services, including the minimal qualifications, quantity, and working hours of the resident assistant(s) living in the unit or other qualified person(s) providing supportive services must be determined initially by the service agency in accordance with the standards established by the State. Compliance with these standards by the service agency must be monitored regularly throughout the term of the housing voucher contract by the PHA and the State (e.g., Department of Human Resources, Mental Health, Mental Retardation, Social Services), or a local authority (other than the service agency providing services) designated by the State to establish, maintain, and enforce these standards.

(3) A written service agreement, approved by the State and in effect between the owner and the service agency or the entities that provide the necessary supportive service, must be submitted to the PHA with the request for lease approval. The lease between the eligible individual and the owner must set forth the owner's obligation for and means of providing these services. If the owner provides the supportive services, a service agreement is not required and the provision of these services must be incorporated into the lease and must be approved by the State. (See § 887.465.)

(g) *State approval.* Independent group residences must be licensed, certified, or otherwise approved in writing by the

State (e.g., Department of Human Resources, Mental Health, Retardation, Social Services, etc.) before the execution of the initial housing voucher contract. This approval must be reexamined periodically based on a schedule established by the State. To assure that facilities and the supportive services are appropriate to the needs of the occupants, the State must also approve the written service agreement (or lease, if the provider of services is the lessor) for each independent group residence.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.469 Independent group residences: Payment standard.

The payment standard for a participant in an IGR is determined by dividing the dollar amount of the payment standard for the entire residence (for example, the 4-bedroom payment standard for a 4-bedroom residence) by the total number of potential occupants (assisted or unassisted), excluding a resident assistant (if any) occupying no more than one bedroom.

§ 887.471 Manufactured homes: Definition.

A “manufactured home” is a structure, with or without a permanent foundation, that is built on a permanent chassis, is designed for use as a principal place of residence, and meets the housing quality standards in § 887.473.

§ 887.473 Manufactured homes: Housing quality standards.

(a) *Performance requirement.* In addition to meeting the housing quality standards in § 887.251, a manufactured home unit must:

- (1) Be equipped with at least one smoke detector in working condition; and
- (2) Must be placed on the site in a stable manner and be free from hazards such as sliding or wind damage.

(b) *Acceptability criteria.* A manufactured home must be securely anchored by a tie-down device that distributes and transforms the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

§ 887.481 Single room occupancy (SRO): Definition.

“Single room occupancy housing” means a unit that contains no sanitary facilities or food preparation facilities, or contains one but not both types of facilities (as those facilities are defined in 887.251 (a) and (b), that is suitable for occupancy by an eligible individual capable of independent living.

§ 887.483 Single room occupancy: Additional eligibility criteria.

Elderly, handicapped, and disabled persons may use SRO housing only if the following conditions exist:

(a) The property is located in an area in which there is significant demand for SRO units, as determined by the HUD Field Office;

(b) The PHA and the unit of general local government in which the property is located approve the use of SRO units for this purpose; and

(c) The unit of general local government and the local PHA certify to HUD that the property meets applicable local health and safety standards for SRO housing.

§ 887.485 Single room occupancy: Housing quality standards.

The housing quality standards in § 887.251 apply to SROs, except 887.251 (a), (b), and (c). In addition, the following performance requirements apply:

(a) Each SRO unit may be occupied by no more than one person.

(b) Exterior doors and windows accessible from outside the SRO unit must be lockable.

(c) Sanitary facilities, space and security characteristics must meet local code standards for single room occupancy housing. In the absence of applicable local code standards, the requirements for habitable rooms used for living and sleeping purposes contained in the American Public Health Association’s Recommended Housing Maintenance and Occupancy Ordinance shall be used.

§ 887.487 Single room occupancy: Payment standard.

(a) The payment standard amount for SRO units is equal to 75 percent of the Section 8 Existing Housing 0-bedroom

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fair market rent, or, if HUD has approved the use of community-wide exception rents for 0-bedroom units under § 882.106(a)(3) of this chapter, the payment standard amount for SRO units is equal to 75 percent of the HUD-approved community-wide exception rent. (Community-wide exception rents are maximum gross rents approved by HUD for the Certificate Program under § 882.106(a)(3) of this chapter for a designated municipality, county, or similar locality, which apply to the whole PHA jurisdiction.)

(b) HUD may approve a higher SRO payment standard amount, not to exceed 100 percent of the Section 8 Existing Housing fair market rent or HUD-approved community-wide exception rent referred to in paragraph (a) of this section, if the PHA can justify a change based on data reflecting the SRO rent levels that exist within the entire market area.

§ 887.489 Congregate housing: Definition.

“Congregate housing” means housing for elderly, handicapped, or disabled participants, that meets the housing quality standards for congregate housing specified in § 887.491.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.491 Congregate housing: Housing quality standards.

The housing quality standards in § 887.251 apply to congregate housing, except that § 887.251(b), food preparation and refuse disposal, and the requirement in § 887.251(c) for adequate space for kitchen area, do not apply. In addition, the following standards apply:

(a) The unit must contain a refrigerator of appropriate size.

(b) The sanitary facilities described in § 887.251 (a) of this section must be contained within the unit.

(c) The central dining facility and central kitchen must be located within the building or housing complex and be accessible to the occupants of the congregate units, and must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner by a food service or persons other than the occupants. The facilities must

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be for the primary use of occupants of the congregate units and be sufficient in size to accommodate the occupants. There must be adequate facilities and services for the sanitary disposal of food waste and refuse, including facilities for temporary storage where necessary (e.g., garbage cans).

[43 FR 34388, Sept. 6, 1988, as amended at 53 FR 36450, Sept. 20, 1988]

§ 887.493 Congregate housing: Payment standard.

The payment standard amount for congregate housing units is equal to the Section 8 Existing Housing 0-bedroom fair market rent, or, if HUD has approved the use of community-wide exception rents for 0-bedroom units under § 882.106(a)(3) of this chapter and the exception rent applies throughout the PHA’s jurisdiction, the payment standard amount for congregate housing units is equal to the HUD-approved community-wide exception rent.

Subpart K—Shared Housing

§ 887.501 Applicability, scope, and purpose.

In shared housing, an assisted family shares a housing unit (such as a house or an apartment) with the other resident or residents of the unit. The authorization for use of shared housing in the Housing Voucher Program is designed to provide additional choices in living arrangements for assisted families. The PHA has discretion to determine whether to include shared housing in its Housing Voucher Program and to design the shared housing component to meet local needs and circumstances.

§ 887.503 Definitions.

For purposes of shared housing, the following definitions apply:

Common space. Space available for use by the assisted family(ies) and other occupants of the unit.

Individual lease shared housing. The type of shared housing in which the PHA enters into a separate housing voucher contract for each assisted family residing in a shared housing unit.

Private space. The portion of the dwelling unit that is for the exclusive use of an assisted family.

Shared housing. A housing unit occupied by two or more families, consisting of common space for shared use by the occupants of the units and (except in the case of a shared one-bedroom unit) separate private space for each assisted family.

§ 887.505 Types of shared housing and applicable requirements.

(a) *Shared housing types.* Individual lease shared housing is the only type of shared housing authorized under this subpart K. Related lease shared housing (see part 882, subpart C of this chapter) is not authorized under this subpart K.

(b) *Applicable requirements.* Except as modified by this subpart K, all of the requirements in the other subparts of this part apply to shared housing.

§ 887.507 PHA administration of shared housing.

(a) *PHA election.* A PHA is not required to permit use of shared housing in its Housing Voucher Program. At any time, a PHA may change a decision to include shared housing in its program. The PHA, however, must continue to administer, in accordance with applicable requirements, any shared housing voucher contracts that it has executed.

(b) *Administrative/equal opportunity housing plan.* (1) If the PHA decides to permit shared housing in its program, or to change or discontinue shared housing, it must submit an amendment to its administrative/equal opportunity housing plan for HUD approval.

(2) The administrative/equal opportunity housing plan must state the PHA's policies for operating shared housing. The plan may not set aside housing vouchers for, or otherwise restrict the use of housing vouchers to, shared housing.

§ 887.509 Housing quality standards for shared housing.

(a) *Applicability of housing quality standards to entire unit.* The entire unit must comply with the performance requirements and acceptability criteria, as provided in §§ 887.251 (a) and (b) and in §§ 887.251 (d) through (k).

(b) *Facilities available for family.* The facilities available for the use of each

assisted family in shared housing under the family's lease must include (whether in the family's private space or in the common space) a living room, sanitary facilities in accordance with § 887.251(a), and food preparation and refuse disposal facilities in accordance with § 887.251(b).

(c) *Space and security—(1) Inapplicability of § 887.251(c).* Section 887.251(c) does not apply to shared housing.

(2) *Performance requirement.* The entire unit must provide adequate space and security for all its occupants (whether assisted or unassisted). The total number of occupants in the unit may not exceed 12 persons. Each unit must contain private space containing at least one bedroom for each assisted family, plus common space for shared use by the occupants of the unit. The private space for each assisted family must contain at least one bedroom for each two persons in the family. (The two preceding sentences do not apply to the case of two individuals sharing a one-bedroom unit. However, in that situation, no other persons may occupy the unit.) Common space must be appropriate for shared use by the occupants. If any members of the family are physically handicapped (at the time of lease approval), the unit's common space and the family's private space must be accessible and usable by them.

(3) *Acceptability criteria.* The unit must contain a living room, a kitchen, bathroom(s), and bedroom(s). Persons of opposite sex, other than husband and wife or very young children, may not be required to occupy the same bedroom. Exterior doors and windows accessible from outside the unit must be lockable.

§ 887.511 Occupancy of a shared housing unit.

(a) *Who may share a unit.* (1) Persons who are not assisted under the Housing Voucher Program may reside in a shared housing unit.

(2) Except for a one-bedroom unit, an owner of a shared housing unit may reside in the unit, and a resident owner may enter into a housing voucher contract with the PHA. Housing assistance, however, may not be provided on behalf of an owner who is not an owner-shareholder in mutual or cooperative

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housing. An assisted person may not be related to a resident owner.

(3) One or more assisted families may reside in a shared housing unit. A PHA may not execute a housing voucher contract for individual lease shared housing and a housing assistance payments contract for related lease shared housing under the Certificate Program for the same unit.

(b) *Size of unit and family space.* The number of bedrooms in the private space of an assisted family initially must be the same as the number stated on the family's housing voucher, except in the case of two individuals sharing a one bedroom unit. The PHA may not approve a lease or execute a housing voucher contract for shared housing unless the unit, including the portion of the unit available for use by the assisted family under its lease, meets the housing quality standards under § 887.509.

[43 FR 34388, Sept. 6, 1988; 53 FR 36450, Sept. 20, 1988]

§ 887.513 Determining amount of housing assistance.

For purposes of computing the minimum rent under § 887.353, the PHA must prorate the rent to owner attributable to the family on the basis of a ratio that is equal to the number of bedrooms indicated on the housing voucher divided by the number of bedrooms in the unit.

§ 887.515 Payment standard for shared housing.

The payment standard for a family in a shared housing unit is determined by multiplying the dollar amount of the payment standard for the entire unit (for example, the 4-bedroom payment standard for a 4-bedroom unit) by a ratio that is equal to the number of bedrooms indicated on the family's housing voucher divided by the number of bedrooms in the unit.

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PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT ANNUAL ADJUSTMENT FACTORS

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