§ 982.101 24 CFR Ch. IX (4–1–13 Edition)

(19) Restrictions, if any, on the number of moves by a participant family (see §982.314(c)); and

(20) Restrictions, if any, on the number of moves by a participant family (see §982.314(c));

(21) Approval by the Board of Commissioners or other authorized officials to charge the administrative fee reserve;

(22) Procedural guidelines and performance standards for conducting required HQS inspections; and

(23) PHA screening of applicants for family behavior or suitability for tenancy.

(Approved by the Office of Management and Budget under control number 2577–0169)

§ 982.102 Allocation of budget authority for renewal of expiring consolidated ACC funding increments.

(a) Applicability. This section applies to the renewal of consolidated ACC funding increments in the program (as described in §982.151(a)(2)) that expire after December 31, 1999 (including any assistance that the PHA has attached to units for project-based assistance under part 983 of this title). This section implements section 8(dd) of the 1937 Act (42 U.S.C. 1437f(dd)),

(b) Renewal Methodology. HUD will use the following methodology to determine the amount of budget authority to be allocated to a PHA for the renewal of expiring consolidated ACC funding increments in the program, subject to the availability of appropriated funds. If the amount of appropriated funds is not sufficient to provide the full amount of renewal funding for PHAs, as calculated in accordance with this section, HUD may establish a procedure to adjust allocations for the shortfall in funding.

(c) Determining the amount of budget authority allocated for renewal of an expiring funding increment. Subject to availability of appropriated funds, as determined by HUD, the amount of budget authority allocated by HUD to a PHA for renewal of each program funding increment that expires during a calendar year will be equal to:

(1) Number of renewal units. The number of renewal units assigned to the funding increment (as determined by HUD pursuant to paragraph (d) of this section); multiplied by

by fair share formula is distributed by a competitive process.

(24) Competitive process. For budget authority that is distributed by competitive process, the Department solicits applications from HAs by publishing one or more notices of funding availability (NOFA) in the Federal Register. See 24 CFR part 12, subpart B; and 24 CFR 791.406. The NOFA explains how to apply for assistance, and specifies the criteria for awarding the assistance. The NOFA may identify any special program requirements for use of the funding.

[60 FR 34695, July 3, 1995, as amended at 64 FR 26642, May 14, 1999]
(2) Adjusted annual per unit cost. The adjusted annual per unit cost (as determined by HUD pursuant to paragraph (e) of this section).

(d) Determining the number of renewal units—(1) Number of renewal units. HUD will determine the total number of renewal units for a PHA's program as of the last day of the calendar year previous to the calendar year for which renewal funding is calculated. The number of renewal units for a PHA's program will be determined as follows:

(i) Step 1: Establishing the initial baseline. HUD will establish a baseline number of units ("baseline") for each PHA program. The initial baseline equals the number of units reserved by HUD for the PHA program as of December 31, 1999.

(ii) Step 2: Establishing the adjusted baseline. The adjusted baseline equals the initial baseline with the following adjustments from the initial baseline as of the last day of the calendar year previous to the calendar year for which renewal funding is calculated:

(A) Additional units. HUD will add to the initial baseline any additional units reserved for the PHA after December 31, 1999.

(B) Units removed. HUD will subtract from the initial baseline any units de-reserved by HUD from the PHA program after December 31, 1999.

(iii) Step 3: Determining the number of renewal units. The number of renewal units equals the adjusted baseline minus the number of units supported by contract funding increments that expire after the end of the calendar year.

(2) Funding increments. HUD will assign all units reserved for a PHA program to one or more funding increment(s).

(3) Correction of errors. HUD may adjust the number of renewal units to correct errors.

(e) Determining the adjusted per unit cost. HUD will determine the PHA's adjusted per unit cost when HUD processes the allocation of renewal funding for an expiring contract funding increment. The adjusted per unit cost calculated will be determined as follows:

(1) Step 1: Determining monthly program expenditure. The monthly program expenditure equals:

(A) Total program expenditure. The PHA's total program expenditure (the total of housing assistance payments and administrative costs) for the PHA fiscal year covered by the approved year end statement; divided by

(B) Total unit months leased. The total of unit months leased for the PHA fiscal year covered by the approved year end statement.

(2) Step 2: Determining annual program expenditure. HUD will determine the PHA's annual program expenditure. The annual program expenditure equals the monthly program expenditures (as determined under paragraph (e)(1)(ii) of this section) multiplied by 12.

(3) Step 3: Determining adjusted annual program expenditure. HUD will determine the PHA's adjusted per unit cost. The adjusted annual per unit cost equals the annual per unit cost (as determined under paragraph (e)(2) of this section) multiplied cumulatively by the applicable published Section 8 housing assistance payments program annual adjustment factors in effect during the period from the end of the PHA fiscal year covered by the approved year end statement to the time when HUD processes the allocation of renewal funding.

(ii) Use of annual adjustment factor applicable to PHA jurisdiction. For this purpose, HUD will use the annual adjustment factor from the notice published annually in the Federal Register pursuant to part 888 that is applicable to the jurisdiction of the PHA. For a PHA whose jurisdiction spans multiple annual adjustment factor areas, HUD will use the highest applicable annual adjustment factor.

(iii) Use of annual adjustment factors in effect subsequent to most recent Year End Statement. HUD will use the Annual Adjustment Factors in effect during the time period subsequent to the time covered by the most recent HUD
approved Year End Statement and the
time of the processing of the contract
funding increment to be renewed.

(iii) Special circumstances. At its
discretion, HUD may modify the adjusted
annual per unit cost based on receipt of
a modification request from a PHA.
The modification request must dem-
onstrate that because of special cir-
cumstances application of the annual
adjustment factor will not provide an
accurate adjusted annual per unit cost.

(4) Correction of errors. HUD may cor-
rect for errors in the adjusted per unit
cost.

(f) consolidated ACC amendment to add
renewal funding. HUD will reserve allo-
cated renewal funding available to the
PHA within a reasonable time prior to
the expiration of the funding incre-
ment to be renewed and establish a new
expiration date one-year from the date
of such expiration.

(g) Modification of allocation of budget
authority—(1) HUD authority to conform
PHA program costs with PHA program fi-
nances through Federal Register notice.
In the event that a PHA’s costs in-
curred threaten to exceed budget au-
thority and allowable reserves, HUD
reserves the right, through FEDERAL
Register notice, to bring PHA pro-
gram costs and the number of families
served, in line with PHA program fi-
nances.

(2) HUD authority to limit increases of
per unit cost through Federal Register no-
tice. HUD may, by FEDERAL REGISTER
notice, limit the amount or percentage
of increases in the adjusted annual per
unit cost to be used in calculating the
allocation of budget authority.

(3) HUD authority to limit decreases to
per unit costs through Federal Register
notice. HUD may, by FEDERAL REGISTER
notice, limit the amount or percentage
of decreases in the adjusted annual per
unit cost to be used in calculating the
allocation of budget authority.

(4) Contents of Federal Register notice.
If HUD publishes a FEDERAL REGISTER
notice pursuant to paragraphs (g)(1),
(g)(2) or (g)(3) of this section, it will de-
scribe the rationale, circumstances and
procedures under which such modifica-
tions are implemented. Such cir-
cumstances and procedures shall, be
consistent with the objective of ena-
bling PHAs and HUD to meet program
goals and requirements including but
not limited to:

(i) Deconcentration of poverty and
expanding housing opportunities;

(ii) Reasonable rent burden;

(iii) Income targeting;

(iv) Consistency with applicable con-
solidated plan(s);

(v) Rent reasonableness;

(vi) Program efficiency and economy;

(vii) Service to additional households
within budgetary limitations; and

(viii) Service to the adjusted baseline
number of families.

(5) Public consultation before issuance
of Federal Register notice. HUD will de-
sign and undertake informal public
consultation prior to issuing FEDERAL
Register notices pursuant to para-
graphs (g)(1) or (g)(2) of this section.

(h) Ability to prorate and synchronize
contract funding increments. Notwith-
standing paragraphs (c) through (g) of
this section, HUD may prorate the
amount of budget authority allocated
for the renewal of funding increments
that expire on different dates through-
out the calendar year. HUD may use
such proration to synchronize the expi-
ration dates of funding increments
under the PHA’s consolidated ACC.

(i) Reallocation of budget authority. If
a PHA has performance deficiencies,
such as a failure to adequately lease
units, HUD may reallocate some of its
budget authority to other PHAs. If
HUD determines to reallocate budget
authority, it will reduce the number of
units reserved by HUD for the PHA
program of the PHA whose budget au-
thority is being reallocated and in-
crease the number of units reserved by
HUD for the PHAs whose programs are
receiving the benefit of the realloca-
tion, so that such PHAs can issue
vouchers. HUD will publish a notice in
the FEDERAL REGISTER that will de-
scribe the circumstances and proce-
dures for reallocating budget authority
pursuant to this paragraph.

[64 FR 56887, Oct. 21, 1999; 65 FR 16818, Mar.
30, 2000]

§ 982.103 PHA application for funding.
(a) a PHA must submit an applica-
tion for program funding to HUD at the
time and place and in the form re-
quired by HUD.