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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 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 excep-

tion 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 payments 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