

§ 960.209

Rent, as defined in 24 CFR part 5, subpart F.

[61 FR 54504, Oct. 18, 1996]

**§ 960.209 Reexamination of family income and composition.**

(a) *Regular reexaminations.* The PHA must reexamine the income and composition of all tenant families at least once every 12 months and determine whether the family's unit size is still appropriate. After consultation with the family and upon verification of the information, the PHA must make appropriate adjustments in the Total Tenant Payment and Tenant Rent in accordance with part 913 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. At the first regular reexamination after June 19, 1995, the PHA shall follow the requirements of 24 CFR part 5 concerning obtaining and processing information on the 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.

(b) *Interim reexaminations.* The family must comply with provisions in its lease regarding interim reporting of changes in income. If the PHA receives information concerning a change in the Family's income or other circumstances between regularly scheduled reexaminations, the PHA must consult with the family and make any adjustments determined to be appropriate. Any change in the family's income or other circumstances that results in adjustment in the Total Tenant Payment or Tenant Rent must be verified. See part 5, subpart B, of this title for the requirements for the disclosure and verification of Social Security Numbers at interim reexamina-

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tions 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 part 5, subpart B, of this title. At any interim reexamination after June 19, 1995 when there is a new family member, the PHA shall follow the requirements of 24 CFR part 5 concerning obtaining and processing information on the citizenship or eligible immigration status of the new family member.

(c) *Termination.* For provisions requiring termination of participation for failure to establish citizenship or eligible immigration status, see 24 CFR part 5 for provisions concerning assistance to certain mixed families (families whose members include those with citizenship and eligible immigration status and those without eligible immigration status) in lieu of termination of assistance.

[56 FR 7545, Feb. 22, 1991, as amended at 60 FR 14861, Mar. 20, 1995; 61 FR 11119, Mar. 18, 1996; 61 FR 13627, Mar. 27, 1996]

**§ 960.210 Restriction on eviction of families based upon income.**

No PHA shall commence eviction proceedings, or refuse to renew a lease, based on the income of the tenant family unless: (a) It has identified, for possible rental by the family, a unit of decent, safe, and sanitary housing of suitable size available at a rent not exceeding the Tenant Rent as defined and calculated in accordance with part 913 of this chapter, or (b) it is required to do so by local law.

[49 FR 21492, May 21, 1984]

**Subpart C—Continued  
Occupancy [Reserved]**

**Subpart D—Preference for Elderly  
Families and Disabled Families  
in Mixed Population  
Projects**

SOURCE: 59 FR 17667, Apr. 13, 1994, unless otherwise noted.

**§ 960.401 Purpose.**

This subpart establishes a preference for elderly families and disabled families for admission to mixed population public housing projects, as defined in § 960.405.

**§ 960.403 Applicability.**

(a) This subpart applies to all dwelling units in mixed population projects (as defined in § 960.405), or portions of mixed population projects, assisted under the U.S. Housing Act of 1937. These projects formerly were known as elderly projects.

(b) This subpart does not apply to section 23 and section 10(c) leased housing projects or the section 23 Housing Assistance Payments Program where the owners enter into leases directly with the tenants, or to the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Indian Housing Authorities. (For applicability to Indian Housing Authorities, see part 905 of this chapter.) Additionally, this subpart is not applicable to projects designated for elderly families or designated for disabled families in accordance with 24 CFR part 945.

**§ 960.405 Definitions.**

*Designated housing.* See definition of “designated housing” in 24 CFR part 945.

*Disabled families.* See definition of “disabled families” in 24 CFR part 945.

*Elderly families.* See definition of “elderly families” in 24 CFR part 945.

*Mixed population project* is a public housing project, or portion of a project, that was reserved for elderly families and disabled families at its inception (and has retained that character). If the project was not so reserved at its inception, the PHA has obtained HUD approval to give preference in tenant selection for all units in the project (or portion of project) to elderly families and disabled families. These projects formerly were known as elderly projects.

**§ 960.407 Selection preference; other preferences; single person occupancy.**

(a) A PHA must give preference to elderly families and disabled families equally in determining priority for admission to mixed population projects. A PHA may not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population project.

(b) The PHA must follow its policies and procedures for applying the Federal preferences contained in subpart B of this part when selecting applicants for admission from among elderly families and disabled families.

(c) Elderly families and disabled families who do not qualify for a Federal preference contained in subpart B of this part, and who are given preference for admission under paragraph (a) of this section over non-elderly families and non-disabled families that qualify for such a Federal preference, are not subject to the statutory 10 percent limitation on admission of families without a Federal preference over families with such a Federal preference that may initially receive assistance in any one-year period, as provided in 24 CFR 960.211(b)(2)(ii).

(d) If an elderly or disabled applicant is a single person, as this term is defined in 24 CFR part 945, the elderly single person or the disabled single person shall be given a preference for admission to mixed population projects over single persons who are neither elderly nor disabled.

(e) In offering available units to elderly families and disabled families in mixed population projects, units with accessible features should first be offered to persons with disabilities who require the accessibility features of the unit in accordance with the requirements of 24 CFR 8.27 and 24 CFR 100.202(c)(3).

**Subpart E—Exemption From Eligibility Requirements for Police Officers and Other Security Personnel**

SOURCE: 59 FR 39405, Aug. 2, 1994, unless otherwise noted.