

Subpart J—Housing Assistance Payments Contract and Owner Responsibility

- 982.451 Housing assistance payments contract.
- 982.452 Owner responsibilities.
- 982.453 Owner breach of contract.
- 982.454 Termination of HAP contract: Insufficient funding.
- 982.455 Termination of HAP contract: Expiration and opt-out.
- 982.456 Third parties.
- 982.457 Owner refusal to lease.

Subpart K—Rent and Housing Assistance Payment

- 982.501 Overview.
- 982.502 Negotiating rent to owner.
- 982.503 Rent to owner: Reasonable rent.
- 982.504 Maximum subsidy: FMR/exception rent limit.
- 982.505 Voucher tenancy or over-FMR tenancy: How to calculate housing assistance payment.
- 982.506 Over-FMR tenancy: HA approval.
- 982.507 Regular tenancy: How to calculate housing assistance payment.
- 982.508 Regular tenancy: Limit on initial rent to owner.
- 982.509 Regular tenancy: Annual adjustment of rent to owner.
- 982.510 Regular tenancy: Special adjustment of rent to owner.
- 982.511 Rent to owner: Effect of rent control.
- 982.512 Rent to owner in subsidized projects.
- 982.513 Other fees and charges.
- 982.514 Distribution of housing assistance payment.
- 982.515 Family share: Family responsibility.
- 982.516 Family income and composition: Regular and interim examinations.
- 982.517 Utility allowance schedule.

Subpart L—Family Obligations; Denial and Termination of Assistance

- 982.551 Obligations of participant.
- 982.552 HA denial or termination of assistance for family.
- 982.553 Crime by family members.
- 982.554 Informal review for applicant.
- 982.555 Informal hearing for participant.

Subpart M—Special Housing Types

- 982.601 Overview.

SINGLE ROOM OCCUPANCY (SRO)

- 982.602 SRO: General.
- 982.603 SRO: Lease and HAP contract.
- 982.604 SRO: Rent and housing assistance payment.
- 982.605 SRO: Housing quality standards.

CONGREGATE HOUSING

- 982.606 Congregate housing: Who may reside in congregate housing.
- 982.607 Congregate housing: Lease and HAP contract.
- 982.608 Congregate housing: Rent and housing assistance payment; FMR/exception rent limit.
- 982.609 Congregate housing: Housing quality standards.

GROUP HOME

- 982.610 Group home: Who may reside in a group home.
- 982.611 Group home: Lease and HAP contract.
- 982.612 Group home: State approval of group home.
- 982.613 Group home: Rent and housing assistance payment.
- 982.614 Group home: Housing quality standards.

SHARED HOUSING

- 982.615 Shared housing: Occupancy.
- 982.616 Shared housing: Lease and HAP contract.
- 982.617 Shared housing: Rent and housing assistance payment.
- 982.618 Shared housing: Housing quality standards.

COOPERATIVE

- 982.619 Cooperative housing.

MANUFACTURED HOME

- 982.620 Manufactured home: Applicability of requirements.
- 982.621 Manufactured home: Housing quality standards.

MANUFACTURED HOME SPACE RENTAL

- 982.622 Manufactured home space rental: Rent to owner.
- 982.623 Manufactured home space rental: Housing assistance payment.
- 982.624 Manufactured home space rental: Utility allowance schedule.

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

SOURCE: 59 FR 36682, July 18, 1994, unless otherwise noted.

Subpart A—General Information

SOURCE: 60 FR 34695, July 3, 1995, unless otherwise noted.

§982.1 Tenant-based programs: Purpose and structure.

(a) *General description.* (1) The HUD rental voucher program and the HUD rental certificate program provide rent

subsidies so eligible families can afford rent for decent, safe, and sanitary housing. Both programs are administered by State, local governmental or tribal bodies called housing agencies (HAs). HUD provides funds to an HA for rent subsidy on behalf of eligible families. HUD also provides funds for HA administration of the programs.

(2) Families select and rent units that meet program housing quality standards. If the HA approves a family's unit and lease, the HA contracts with the owner to make rent subsidy payments on behalf of the family. An HA may not approve a lease unless the rent is reasonable.

(3) In the certificate program, the rental subsidy is generally based on the actual rent of a unit leased by the assisted family. In the voucher program, the rental subsidy is determined by a formula, and is not based on the actual rent of the leased unit.

(4) In the certificate program, the unit rent generally may not exceed a HUD-published fair market rent for rental units in the local housing market. For most families, the subsidy is the difference between the unit rent and 30 percent of adjusted monthly income. In the voucher program, the subsidy for most families is the difference between 30 percent of adjusted monthly income and a "payment standard" that is based on the HUD-published fair market rent. If the unit rent is less than the voucher payment standard, the family pays a smaller share of the rent. If the unit rent is more than the payment standard, the family pays a larger share of the rent.

(b) *Tenant-based and project-based assistance.* (1) Section 8 assistance may be "tenant-based" or "project-based". In project-based programs, rental assistance is paid for families who live in specific housing developments or units. With tenant-based assistance, the assisted unit is selected by the family. The family may rent a unit anywhere in the United States in the jurisdiction of an HA that runs a certificate or voucher program.

(2) Except for project-based assistance under the certificate program (covered in 24 CFR part 983), all assistance under the certificate and voucher programs is "tenant-based". After the

family selects a suitable unit, the HA enters into a contract with the owner to make rent subsidy payments to the owner to subsidize occupancy by the family. The contract only covers a single unit and the specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates. In the tenant-based programs, the family may move to another unit with continued assistance so long as the family is complying with program requirements.

§ 982.2 Applicability.

(a) Part 982 is a unified statement of program requirements for the tenant-based housing assistance programs under Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f). The tenant-based programs are the Section 8 tenant-based rental certificate program and the Section 8 rental voucher program.

(b) Unless specifically stated in this part, requirements for both tenant-based programs are the same.

§ 982.3 HUD.

The HUD field offices have been delegated responsibility for day-to-day administration of the program by HUD. In exercising these functions, the field offices are subject to HUD regulations and other HUD requirements issued by HUD headquarters. Some functions are specifically reserved to HUD headquarters.

§ 982.4 Definitions.

(a) *Definitions found elsewhere:*

(1) *Statutory definitions.* The terms *displaced person*, *elderly person*, *low-income family*, *person with disabilities*, *public housing agency*, *State*, and *very low-income family* are defined in section 3(b) of the 1937 Act (42 U.S.C. 1437a(b)). For purposes of reasonable accommodation and program accessibility for persons with disabilities, the term *person with disabilities* means *individual with handicaps* as defined in 24 CFR 8.3.

(2) *General definitions.* The terms *1937 Act*, *Housing agency (HA)*, *HUD*, and *MSA*, are defined in 24 CFR part 5, subpart A.

(3) *Definitions under the 1937 Act.* The terms *annual contributions contract*