

manufactured home owner to lease a manufactured home space.

(c) *Live-in aide.* (1) If approved by the HA, a live-in aide may reside with the family to care for a person with disabilities. The HA must approve a live-in aide if needed as a reasonable accommodation so that the program is readily accessible to and usable by persons with disabilities in accordance with 24 CFR part 8. See §982.316 concerning occupancy by a live-in aide.

(2) If there is a live-in aide, the live-in aide must be counted in determining the family unit size.

**§982.621 Manufactured home: Housing quality standards.**

A manufactured home must meet all the HQS performance requirements and acceptability criteria in §982.401. A manufactured home also must meet the following requirements:

(a) *Performance requirement.* A manufactured home must be placed on the site in a stable manner, and must 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 transfers the loads imposed by the unit to appropriate ground anchors to resist wind overturning and sliding.

MANUFACTURED HOME SPACE RENTAL

**§982.622 Manufactured home space rental: Rent to owner.**

(a) *What is included.* (1) Rent to owner for rental of a manufactured home space includes payment for maintenance and services that the owner must provide to the tenant under the lease for the space.

(2) Rent to owner does not include the costs of utilities and trash collection for the manufactured home. However, the owner may charge the family a separate fee for the cost of utilities or trash collection provided by the owner.

(b) *Reasonable rent.* (1) During the assisted tenancy, the rent to owner for the manufactured home space may not exceed a reasonable rent as determined in accordance with this section. Section 982.503 is not applicable.

(2) The HA may not approve a lease for a manufactured home space until the HA determines that the initial rent to owner for the space is a reasonable rent. At least annually during the assisted tenancy, the HA must redetermine that the current rent to owner is a reasonable rent.

(3) The HA must determine whether the rent to owner for the manufactured home space is a reasonable rent in comparison to rent for other comparable manufactured home spaces. To make this determination, the HA must consider the location and size of the space, and any services and maintenance to be provided by the owner in accordance with the lease (without a fee in addition to the rent).

(4) By accepting each monthly housing assistance payment from the HA, the owner of the manufactured home space certifies that the rent to owner for the space is not more than rent charged by the owner for unassisted rental of comparable spaces in the same manufactured home park or elsewhere. The owner must give the HA information, as requested by the HA, on rents charged by the owner for other manufactured home spaces.

**§982.623 Manufactured home space rental: Housing assistance payment.**

(a) *Fair market rent.* The FMR for a manufactured home space is determined in accordance with 24 CFR 888.113(e). Exception rents do not apply to rental of a manufactured home space.

(b) *Housing assistance payment: For regular certificate tenancy.* (1) *Limit on initial rent.* For a regular tenancy, the initial rent to owner for leasing a manufactured home space may not exceed the published FMR for a manufactured home space.

(2) *Formula.* (i) During the term of a regular tenancy, the amount of the monthly housing assistance payment equals the lesser of paragraphs (b)(2)(i)(A) or (b)(2)(i)(B) of this section:

(A) Manufactured home space cost minus the higher of:

(1) The total tenant payment; or  
(2) The minimum rent as required by law.

(B) The rent to owner for the manufactured home space.

(ii) "Manufactured home space cost" means the sum of:

- (A) The amortization cost;
- (B) The utility allowance; and
- (C) The rent to owner for the manufactured home space.

(c) *Housing assistance payment: For voucher tenancy or over-FMR tenancy.*

(1) *Payment standard.* For a voucher tenancy or an over-FMR tenancy, the payment standard is used to calculate the monthly housing assistance payment for a family. The payment standard for a family renting a manufactured home space is the published FMR for rental of a manufactured home space. The amount of the payment standard is determined in accordance with §982.505(d)(4) and (d)(5).

(2) *Subsidy calculation for voucher tenancy.* During the term of a voucher tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(2)(i) or (c)(2)(ii) of this section:

(i) An amount obtained by subtracting 30 percent of the family's monthly adjusted gross income from the sum of:

- (A) The amortization cost;
- (B) The utility allowance; and
- (C) The payment standard.

(ii) The rent to owner for the manufactured home space minus the minimum rent. For a voucher tenancy, the minimum rent is the higher of:

- (A) 10 percent of monthly income (gross income); or
- (B) A higher minimum rent as required by law.

(3) *Subsidy calculation for over-FMR tenancy.* During the term of an over-FMR tenancy, the amount of the monthly housing assistance payment for a family equals the lesser of paragraphs (c)(3)(i) or (c)(3)(ii) of this section:

(i) An amount obtained by subtracting the family's total tenant payment from the sum of:

- (A) The amortization cost;
- (B) The utility allowance; and
- (C) The payment standard.

(ii) The rent to owner for the manufactured home space minus the minimum rent as required by law.

(d) *Amortization cost.* (1) In calculating the subsidy payment for a voucher tenancy, an over-FMR ten-

ancy, or a regular tenancy under the certificate program, the amortization cost may include debt service to amortize costs (other than furniture costs) included in the purchase price of the manufactured home. The debt service includes the payment for principal and interest on the loan. The debt service amount must be reduced by 15 percent to exclude debt service to amortize the cost of furniture, unless the HA determines that furniture was not included in the purchase price.

(2) The amount of the amortization cost is the debt service established at time of application to a lender for financing purchase of the manufactured home if monthly payments are still being made. Any increase in debt service due to refinancing after purchase of the home is not included in the amortization cost.

(3) Debt service for set-up charges incurred by a family that relocates its home may be included in the monthly amortization payment made by the family. In addition, set-up charges incurred before the family became an assisted family may be included in the amortization cost if monthly payments are still being made to amortize such charges.

(e) *Annual income.* In determining a family's annual income, the value of equity in the manufactured home owned by the assisted family, and in which the family resides, is not counted as a family asset.

[63 FR 23865, Apr. 30, 1998; 63 FR 31625, June 10, 1998, as amended at 64 FR 13057, Mar. 16, 1999]

EFFECTIVE DATE NOTE: At 64 FR 13057, Mar. 16, 1999, §982.623 was amended in paragraphs (c)(2)(ii) and (c)(3)(ii) by removing the phrase "monthly gross rent" and inserting in its place the phrase "rent to owner", effective Apr. 15, 1999.

**§982.624 Manufactured home space rental: Utility allowance schedule.**

The HA must establish utility allowances for manufactured home space rental. For the first twelve months of the initial lease term only, the allowances must include a reasonable amount for utility hook-up charges payable by the family if the family actually incurs the expenses because of a move. Allowances for utility hook-up