

**§ 882.802 Definitions.**

In addition to the definitions set forth in 24 CFR part 5 and § 882.102 (except for the definition of “*Single Room Occupancy (SRO) Housing*” therein) the following will apply:

*Agreement to enter into housing assistance payments contract (Agreement).* A written agreement between the owner and the HA that, upon satisfactory completion of the rehabilitation in accordance with requirements specified in the Agreement, the HA will enter into a housing assistance payments contract with the owner.

*Applicant.* A public housing agency or Indian housing authority (collectively referred to as HAs), or a private nonprofit organization that applies for assistance under this program. HUD will require private nonprofit applicants to subcontract with public housing agencies to administer their rental assistance.

*Eligible individual (“individual”).* An individual who is capable of independent living and is authorized for admission to assisted housing under 24 CFR part 5.

*Homeless individual.* An individual as described in section 103 of the McKinney Act (42 U.S.C. 11302).

*McKinney Act.* The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

*Moderate rehabilitation.* Rehabilitation involving a minimum expenditure of \$3,000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to upgrade to decent, safe, and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below those standards (improvements being of a modest nature and other than routine maintenance).

*Private nonprofit organization.* An organization, no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual. The organization must:

- (1) Have a voluntary board;
- (2) Have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accord-

ance with generally accepted accounting principles; and

- (3) Practice nondiscrimination in the provision of assistance.

*Single room occupancy (SRO) housing.* A unit for occupancy by one person, which need not but may contain food preparation, sanitary facilities, or both.

*Statement of individual responsibility.* An agreement, in the form prescribed by HUD, between the HA and an individual to be assisted under the program, stating the obligations and responsibilities of the two parties.

[61 FR 48057, Sept. 11, 1996, as amended at 63 FR 23855, Apr. 30, 1998]

**§ 882.803 Project eligibility and other requirements.**

(a) *Eligible and ineligible properties.* (1) Except as otherwise provided in paragraph (a) of this section, housing suitable for moderate rehabilitation is eligible for inclusion under this program. Existing structures of various types may be appropriate for this program, including single family houses and multifamily structures.

(2) Housing is not eligible for assistance under this program if it is receiving Federal funding for rental assistance or operating costs under other HUD programs.

(3) Nursing homes and related facilities such as intermediate care or board and care homes; units within the grounds of penal, reformatory, medical, mental, and similar public or private institutions; and facilities providing continual psychiatric, medical, or nursing services are not eligible for assistance under this program.

(4) No Section 8 assistance may be provided with respect to any unit occupied by an owner.

(5) Housing located in the Coastal Barrier Resources System designated under the Coastal Barriers Resources Act is not eligible.

(6) Single-sex facilities are allowable under this program, provided that the HA determines that because of the physical limitations or configuration of the facility, considerations of personal privacy require that the facility (or parts of the facility) be available only to members of a single sex.