

## § 908.112

transmission function, shall be considered Section 8 Administrative expenses, or eligible public and Indian housing operating expenses that can be included in the public and Indian housing operating budget. At the HA's option, the cost of the computer software may include service contracts to provide maintenance or training, or both.

(b) *Sources of funding.* For public and Indian housing, costs may be covered from operating subsidy for which the HA is already eligible, or the initial cost may be covered by funds received by the HA under HUD's Comprehensive Improvement Assistance Program (CIAP) or Comprehensive Grant Program (CGP). For Section 8 programs, the costs may be covered from ongoing administrative fees or the Section 8 operating reserve.

### § 908.112 Extension of time.

The HUD Field Office may grant an HA an extension of time, of a reasonable period, for implementation of the requirements of § 908.104, if it determines that such electronic submission is infeasible because of one of the following:

- (a) Lack of staff resources;
- (b) Insufficient financial resources to purchase the required hardware, software or contractual services; or
- (c) Lack of adequate infrastructure, including, but not limited to, the inability to obtain telephone service to transmit the required data.

## PART 941—PUBLIC HOUSING DEVELOPMENT

### Subpart A—General

- Sec.
- 941.101 Purpose and scope.
  - 941.102 Development methods and funding.
  - 941.103 Definitions.

### Subpart B—PHA Eligibility and Program Requirements

- 941.201 PHA eligibility.
- 941.202 Site and neighborhood standards.
- 941.203 Design and construction standards.
- 941.205 PHA contracts.
- 941.207 Displacement, relocation, and acquisition.
- 941.208 Other Federal requirements.
- 941.209 Audit.

## 24 CFR Ch. IX (4–1–03 Edition)

### Subpart C—Application and Proposal

- Sec.
- 941.301 Application.
  - 941.302 Annual contributions contract; drawdowns and advances.
  - 941.303 Site acquisition proposal.
  - 941.304 Full proposal content.
  - 941.305 Technical processing and approval.
  - 941.306 Maximum project cost.

### Subpart D—Project Development

- Sec.
- 941.401 Site and property acquisition.
  - 941.402 Project design and construction.
  - 941.403 Acceptance of work and contract settlement.
  - 941.404 Completion of development.

### Subpart E—Performance Review

- 941.501 HUD review of PHA performance; sanctions.

### Subpart F—Public/Private Partnerships for the Mixed Finance Development of Public Housing Units

- Sec.
- 941.600 Purpose.
  - 941.602 Applicability of other requirements.
  - 941.604 Definitions.
  - 941.606 Proposal.
  - 941.608 Technical processing and approval.
  - 941.610 Evidentiary materials and other documents.
  - 941.612 Disbursement of grant funds.
  - 941.614 HUD monitoring and review.
  - 941.616 Sanctions.

AUTHORITY: 42 U.S.C. 1437b, 1437c, 1437g, and 3535(d).

SOURCE: 45 FR 60838, Sept. 12, 1980, unless otherwise noted. Redesignated at 49 FR 6714, Feb. 23, 1984.

### Subpart A—General

#### § 941.101 Purpose and scope.

(a) *Purpose.* The U.S. Housing Act of 1937 (Act), 42 U.S.C. 1437, authorizes HUD to assist public housing agencies (PHAs) with the development and operation of low-income housing projects and financial assistance in the form of grants (42 U.S.C. 1437c, 1437g, and 1437l). The purpose of the program is to develop units which serve the needs of public housing residents over the long term and have the lowest possible life cycle costs, taking into account future operating and replacement costs, as well as original capital investments.

(b) *Scope.* This part is the regulation under which a PHA develops low-income housing (excluding Indian housing), herein called public housing.

(c) *Approved information collections.* The following sections of this part have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (42 U.S.C. 3501-3520) and assigned the OMB approval numbers indicated:

Approval No.	Sections
2577-0033	941.207, 941.301, 941.303, 941.304, 941.606, 941.610.
2577-0036	941.205, 941.404.
2577-0039	941.402.

[61 FR 38016, July 22, 1996, as amended at 64 FR 13511, Mar. 19, 1999]

EFFECTIVE DATE NOTES: At 61 FR 38016, July 22, 1996, § 941.101 was revised. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget. When approval is obtained, HUD will publish notice of the effective date in the FEDERAL REGISTER.

#### § 941.102 Development methods and funding.

(a) *Methods.* A PHA may use any generally accepted method of development including, but not limited to, conventional, turnkey, acquisition with or without rehabilitation, mixed-finance, and force account.

(1) *Conventional.* Under this method, the PHA is responsible for selecting a site or property and designing the project. The PHA advertises for competitive bids to build or rehabilitate the development on the PHA-owned site. The PHA awards a construction contract in accordance with 24 CFR part 85. The contractor receives progress payments from the PHA during construction or rehabilitation and a final payment upon completion of the project in accordance with the construction contract. The conventional method may be used for either new construction or rehabilitation.

(2) *Turnkey.* The turnkey method involves the advertisement and selection of a turnkey developer by the PHA, based on the best housing package for a site or property owned or to be purchased by the developer. Following

HUD approval of the PHA's full proposal, the developer prepares the design and construction documents. The PHA and the developer execute the contract of sale to implement the PHA's full proposal. The developer is responsible for providing a completed housing project, which includes obtaining construction financing. Upon completion of project construction or rehabilitation in accordance with the contract of sale, the PHA purchases the development from the developer. This method may be used for either new construction or rehabilitation.

(3) *Acquisition.* The acquisition method involves a purchase of existing property that requires little or no repair work. Any needed repair work is completed after acquisition, either by the PHA contracting to have the work done or by having the staff of the PHA perform the work.

(4) *Mixed-finance.* This method involves financing from both public and private sources and may involve ownership of the public housing units by an entity other than the PHA. This method of development may be carried out by a PHA only in accordance with the requirements set forth in subpart F.

(5) *Force account.* The force account method involves use of PHA staff to carry out new construction or rehabilitation. A PHA may only develop a full proposal based on the force account method if HUD has determined that the PHA has the capability to develop successfully the public housing units using this method.

(b) *Funding.* A PHA may develop public housing with:

(1) Development funds reserved by HUD for that purpose;

(2) Modernization funds under section 14 of the Act (42 U.S.C. 1437l), to the extent authorized by law and under procedures approved by HUD; and/or

(3) Funds available to it from any other source, consistent with § 941.306(e), or as may be otherwise approved by HUD.

(c) *Limit on number of units.* (1) *General.* A PHA may not develop public housing pursuant to this part beyond the lesser of the number of units that the PHA had under ACC on August 21, 1996, or the number of units for which it was receiving operating subsidy on