

purchased and owned by one or more members of the family. A PHA that administers tenant-based assistance has the choice whether to offer homeownership assistance under the pilot program (whether or not the PHA has also decided to offer the homeownership option).

(b) *Applicability of homeownership option requirements.* Except as provided in this section, all of the regulations applicable to the homeownership option (as described in §§ 982.625 through 982.641) are also applicable to the pilot program.

(c) *Initial eligibility requirements.* Before commencing homeownership assistance under the pilot program for a family, the PHA must determine that all of the following initial requirements have been satisfied:

- (1) The family is a disabled family (as defined in § 5.403 of this title);
- (2) The family annual income does not exceed 99 percent of the median income for the area;
- (3) The family is not a current homeowner;
- (4) The family must close on the purchase of the home during the period starting on July 23, 2001 and ending on July 23, 2004; and
- (5) The family meets the initial requirements described in § 982.626; however, the following initial requirements do not apply to a family seeking to participate in the pilot program:

- (i) The income eligibility requirements of § 982.201(b)(1);
- (ii) The first-time homeowner requirements of § 982.627(b); and
- (iii) The mortgage default requirements of § 982.627(e), if the PHA determines that the default is due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency.

(d) *Amount and distribution of homeownership assistance payments.* (1) While the family is residing in the home, the PHA shall calculate a monthly homeownership assistance payment on behalf of the family in accordance with § 982.635 and this section.

(2) A family that is a low income family (as defined at 24 CFR 5.603(b)) as determined by HUD shall receive the full amount of the monthly home-

ownership assistance payment calculated under § 982.635.

(3) A family whose annual income is greater than the low income family ceiling but does not exceed 89 percent of the median income for the area as determined by HUD shall receive a monthly homeownership assistance payment equal to 66 percent of the amount calculated under § 982.635.

(4) A family whose annual income is greater than the 89 percent ceiling but does not exceed 99 percent of the median income for the area as determined by HUD shall receive a monthly homeownership assistance payment equal to 33 percent of the amount calculated under § 982.635.

(5) A family whose annual income is greater than 99 percent of the median income for the area shall not receive homeownership assistance under the pilot program.

(e) *Assistance payments to lender.* The PHA must make homeownership assistance payments to a lender on behalf of the disabled family. If the assistance payment exceeds the amount due to the lender, the PHA must pay the excess directly to the family. The provisions of § 982.635(d), which permit the PHA to make monthly homeownership assistance payments directly to the family, do not apply to the pilot program.

(f) *Mortgage defaults.* The requirements of § 982.638(d) regarding mortgage defaults are applicable to the pilot program. However, notwithstanding § 982.638(d), the PHA may, in its discretion, permit a family that has defaulted on its mortgage to move to a new unit with continued voucher homeownership assistance if the PHA determines that the default is due to catastrophic medical reasons or due to the impact of a federally declared major disaster or emergency. The requirements of §§ 982.627(a)(5) and 982.627(e) do not apply to such a family.

[66 FR 33613, June 22, 2001]

**§ 982.643 Homeownership option: Downpayment assistance grants.**

(a) *General.* (1) A PHA may provide a single downpayment assistance grant

for a participant that has received tenant-based or project-based rental assistance in the Housing Choice Voucher Program.

(2) The downpayment assistance grant must be applied toward the downpayment required in connection with the purchase of the home and/or reasonable and customary closing costs in connection with the purchase of the home.

(3) If the PHA permits the downpayment grant to be applied to closing costs, the PHA must define what fees and charges constitute reasonable and customary closing costs. However, if the purchase of a home is financed with FHA mortgage insurance, such financing is subject to FHA mortgage insurance requirements, including any requirements concerning closing costs (see §982.632(b) of this part regarding the applicability of FHA requirements to voucher homeownership assistance and §203.27 of this title regarding allowable fees, charges and discounts for FHA-insured mortgages).

(b) *Maximum downpayment grant.* A downpayment assistance grant may not exceed twelve times the difference between the payment standard and the total tenant payment.

(c) *Payment of downpayment grant.* The downpayment assistance grant shall be paid at the closing of the family's purchase of the home.

(d) *Administrative fee.* For each downpayment assistance grant made by the PHA, HUD will pay the PHA a one-time administrative fee in accordance with §982.152(a)(1)(iii).

(e) *Return to tenant-based assistance.* A family that has received a downpayment assistance grant may apply for and receive tenant-based rental assistance, in accordance with program requirements and PHA policies. However, the PHA may not commence tenant-based rental assistance for occupancy of the new unit so long as any member of the family owns any title or other interest in the home purchased with homeownership assistance. Further, eighteen months must have passed since the family's receipt of the downpayment assistance grant.

(f) *Implementation of downpayment assistance grants.* A PHA may not offer downpayment assistance under this

paragraph until HUD publishes a notice in the FEDERAL REGISTER.

[67 FR 64494, Oct. 18, 2002]

## PART 983—SECTION 8 PROJECT-BASED CERTIFICATE PROGRAM

### Subpart A—General Information

#### Sec.

- 983.1 Purpose and applicability.
- 983.2 Additional definitions.
- 983.3 Information to be submitted to HUD by the HA concerning its plan to attach assistance to units.
- 983.4 HUD review of HA plans to attach assistance to units.
- 983.5 Physical condition standards; physical inspection requirements.
- 983.6 Site and neighborhood standards.
- 983.7 Eligible and ineligible properties and HA-owned units.
- 983.8 Rehabilitation: Minimum expenditure requirement.
- 983.9 Prohibition against new construction or rehabilitation with U.S. Housing Act of 1937 assistance and use of flexible subsidy; pledge of Agreement or HAP contract.
- 983.10 Displacement, relocation, and acquisition.
- 983.11 Other Federal requirements.
- 983.12 Program accounts and records.
- 983.13 Special housing types.

### Subpart B—Owner Application Submission to Agreement

- 983.51 HA unit selection policy, advertising, and owner application requirements.
- 983.52 Rehabilitation: Initial inspection and determination of unit eligibility.
- 983.53 Rehabilitation: HUD field office review of applications.
- 983.54 Rehabilitation: Work write-ups.
- 983.55 New construction: HA evaluation and technical processing.
- 983.56 New construction: HUD field office review of applications.
- 983.57 New construction: Working drawings and specifications.

### Subpart C—Agreement and New Construction or Rehabilitation Period

- 983.101 Agreement to enter into HAP contract, and contract rents in Agreement.
- 983.102 Owner selection of contractor.
- 983.103 New construction or rehabilitation period.
- 983.104 New construction or rehabilitation completion.