

that this limit will be 40 years if (A) the project is owned or financed by a loan or loan guarantee from a state or local agency, (B) the project is intended for occupancy by non-elderly families and (C) the project is located in an area designated by HUD as one requiring special financing assistance.

(b) *Term for manufactured home parks.* For manufactured home units or spaces in substantially rehabilitated manufactured home parks, the term of the Contract will be 20 years.

(c) *Staged projects.* If the project is completed in stages, the term of the Contract must relate separately to the units in each stage. The total Contract term for the units in all stages, beginning with the effective date of the Contract for the first stage, may not exceed the overall maximum term allowable for any one unit under this section, plus two years.

[48 FR 12707, Mar. 28, 1983, and 49 FR 17449, Apr. 24, 1984]

#### § 881.503 Cross-reference.

All of the provisions of §§ 880.503, 880.504, 880.505, 880.506, 880.507, and 880.508 of this chapter apply to projects assisted under this part, subject to the requirements of § 881.104.

[61 FR 13592, Mar. 27, 1996]

### Subpart F—Management

#### § 881.601 Cross-reference.

All of the provisions of part 880, subpart F, of this chapter apply to projects assisted under this part, subject to the requirements of § 881.104.

[61 FR 13592, Mar. 27, 1996]

## PART 882—SECTION 8 MODERATE REHABILITATION PROGRAMS

### Subpart A—Applicability, Scope and Basic Policies

Sec.

882.101 Applicability.

882.102 Definitions.

882.103–882.122 [Reserved]

882.123 Conversion of Section 23 Units to Section 8 and Section 23 monitoring.

882.124 Audit.

### Subparts B–C [Reserved]

### Subpart D—Special Procedures for Moderate Rehabilitation—Basic Policies

882.401 Eligible properties.

882.402 [Reserved]

882.403 ACC, housing assistance payments contract, and lease.

882.404 Physical condition standards; physical inspection requirements.

882.405 Financing.

882.406 [Reserved]

882.407 Other Federal requirements.

882.408 Initial contract rents.

882.409 Contract rents at end of rehabilitation loan term.

882.410 Rent adjustments.

882.411 Payments for vacancies.

882.412 Subcontracting of owner services.

882.413 Responsibility of the Family.

882.414 Security and utility deposits.

### Subpart E—Special Procedures for Moderate Rehabilitation—Program Development and Operation

882.501–882.506 [Reserved]

882.507 Completion of rehabilitation.

882.508 [Reserved]

882.509 Overcrowded and under occupied units.

882.510 Adjustment of utility allowance.

882.511 Lease and termination of tenancy.

882.512 Reduction of number of units covered by contract.

882.513 Public notice to low-income families; waiting list.

882.514 Family participation.

882.515 Reexamination of family income and composition.

882.516 Maintenance, operation and inspections.

882.517 HUD review of contract compliance.

882.518 Denial of admission and termination of assistance for criminals and alcohol abusers.

### Subparts F–G [Reserved]

### Subpart H—Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals

882.801 Purpose.

882.802 Definitions.

882.803 Project eligibility and other requirements.

882.804 Other Federal requirements.

882.805 HA application process, ACC execution, and pre-rehabilitation activities.

882.806 Agreement to enter into housing assistance payments contract.

882.807 Housing assistance payments contract.

882.808 Management.

882.809 Waivers.

882.810 Displacement, relocation, and acquisition.

## § 882.101

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

SOURCE: 43 FR 61246, Dec. 29, 1978, unless otherwise noted.

### Subpart A—Applicability, Scope and Basic Policies

#### § 882.101 Applicability.

(a) The provisions of this part apply to the Section 8 Moderate Rehabilitation program.

(b) This part states the policies and procedures to be used by a PHA in administering a Section 8 Moderate Rehabilitation program. The purpose of this program is to upgrade substandard rental housing and to provide rental subsidies for low-income families.

(c) Subpart H of this part only applies to the Section 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals.

[63 FR 23853, Apr. 30, 1998]

#### § 882.102 Definitions.

(a) *Terms found elsewhere.* The following terms are defined in part 5, subpart A of this title: *1937 Act, covered person, drug, drug-related criminal activity, federally assisted housing, guest, household, HUD, MSA, other person under the tenant's control, public housing agency (PHA), Section 8, and violent criminal activity.*

(b) In addition, the following definitions apply to this part:

*ACC reserve account* (or "project account"). The account established and maintained in accordance with § 882.403(b).

*Agreement to enter into Housing Assistance Payments Contract ("Agreement").* A written agreement between the Owner and the PHA that, upon satisfactory completion of the rehabilitation in accordance with requirements specified in the Agreement, the PHA will enter into a Housing Assistance Payments Contract with the Owner.

*Annual Contributions Contract ("ACC").* The written agreement between HUD and a PHA to provide annual contributions to the PHA to cover housing assistance payments and other expenses pursuant to the 1937 Act.

*Assisted lease* (or "lease"). A written agreement between an Owner and a Family for the leasing of a unit by the

## 24 CFR Ch. VIII (4-1-06 Edition)

Owner to the Family with housing assistance payments under a Housing Assistance Payments Contract between the Owner and the PHA.

*Congregate housing.* Housing for elderly persons or persons with disabilities that meets the HQS for congregate housing.

*Contract.* See definition of Housing Assistance Payments Contract.

*Contract rent.* The total amount of rent specified in the Housing Assistance Payments Contract as payable to the Owner by the Family and by the PHA to the Owner on the Family's behalf.

*Decent, safe, and sanitary.* Housing is decent, safe, and sanitary if it meets the physical condition standards in 24 CFR part 5, subpart G.

*Gross rent.* The total monthly cost of housing an eligible Family, which is the sum of the Contract Rent and any utility allowance.

*Group home.* A dwelling unit that is licensed by a State as a group home for the exclusive residential use of two to twelve persons who are elderly or persons with disabilities (including any live-in aide).

*Housing Assistance Payment.* The payment made by the PHA to the Owner of a unit under lease by an eligible Family, as provided under the Contract. The payment is the difference between the Contract Rent and the tenant rent. An additional payment (the "utility reimbursement") is made by the PHA when the utility allowance is greater than the total tenant payment.

*Housing Assistance Payments Contract ("Contract").* A written contract between a PHA and an Owner for the purpose of providing housing assistance payments to the Owner on behalf of an eligible Family.

*Moderate rehabilitation.* Rehabilitation involving a minimum expenditure of \$1000 for a unit, including its prorated share of work to be accomplished on common areas or systems, to:

(1) Upgrade to decent, safe and sanitary condition to comply with the Housing Quality Standards or other standards approved by HUD, from a condition below these standards (improvements being of a modest nature and other than routine maintenance); or