CHAPTER 1. HISTORY OF FEDERAL HOUSING AND COMMUNITY DEVELOPMENT LAW

§ 1:1 Overview of federal role § 1:2 —Housing programs — — Housing production § 1:3 § 1:4 --- Housing management ---Subsidy mechanisms § 1:5 § 1:6 ———Tax-exempt bonds ———Direct loans § 1:7 § 1:8 — — —Interest-rate subsidies ———Rent subsidies § 1:9 § 1:10 —Development programs § 1:11 — — Urban renewal § 1:12 --- Model cities — —Community development block grants § 1:13 § 1:14 — —Enterprise zones § 1:15 -Mortgage finance programs § 1:16 ——Conventional mortgages § 1:17 - Federal Housing Administration § 1:18 ——Department of Veterans Affairs § 1:19 ——Rural housing § 1:20 ——Secondary market § 1:21 —Housing counseling Local housing plans § 1:22 § 1:23 —Housing assistance plans § 1:24 -Comprehensive homeless assistance plans § 1:25 —Comprehensive housing affordability strategies § 1:26 —Consolidated plan § 1:27 ——Contents of local plans § 1:28 § 1:29 ———Housing market analysis --Strategic plan § 1:30 ———Action plan § 1:31 § 1:32 ———Certifications § 1:33 ——Contents of state plans § 1:34 ——Contents of consortia plans

— — Consultations and citizen participation

§ 1:35

§ 1:36	— — —Consultations
§ 1:37	— — Citizen participation
§ 1:38	——Submission of plans
§ 1:39	———HUD review and approval of plans
§ 1:40	— — —Amendments to plans
§ 1:41	Protection for victims of domestic violence
§ 1:42	Coronavirus (COVID-19) Relief
§ 1:43	—Rental housing assistance
§ 1:44	—Homeowner assistance
§ 1:45	—Rural housing
§ 1:46	—Homeless assistance
§ 1:47	—Mortgage relief
§ 1:48	—Community development
§ 1:49	—Tax provisions
§ 1:50	Major federal housing laws
§ 1:51	—National Housing Act
§ 1:52	—United States Housing Act of 1937
§ 1:53	—Housing Act of 1949
§ 1:54	—Housing Act of 1959
§ 1:55	—Department of Housing and Urban Development Act
§ 1:56	—Housing and Urban Development Act of 1968
§ 1:57	—Emergency Home Finance Act of 1970
§ 1:58	—Housing and Community Development Act of 1974
§ 1:59	—Housing and Community Development Act of 1977
§ 1:60	—Housing and Urban-Rural Recovery Act of 1983
§ 1:61	—Stewart B. McKinney Homeless Assistance Act
§ 1:62	—Housing and Community Development Act of 1987
§ 1:63	—Department of Housing and Urban Development
	Reform Act of 1989
§ 1:64	—Cranston-Gonzalez National Affordable Housing Act
0.4.05	of 1990
§ 1:65	——HOME program
§ 1:66	——HOPE program
§ 1:67	——National Homeownership Trust
§ 1:68	——Low-income Housing Preservation and Resident
0 1 00	Homeownership Act
§ 1:69	——Other provisions
§ 1:70	—Housing and Community Development Act of 1992
§ 1:71	——Housing programs
§ 1:72	——Secondary mortgage market
§ 1:73	—Multifamily Assisted Housing Reform and
	Affordability Act
§ 1:74	—Quality Housing and Work Responsibility Act
§ 1:75	—American Homeownership and Economic
	Opportunity Act of 2000

§ 1:76 —American Dream Downpayment Act
 § 1:77 —Housing and Economic Recovery Act of 2008
 § 1:78 —Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act
 § 1:79 —Housing Opportunity Through Modernization Act of 2016

CHAPTER 2. PUBLIC HOUSING

§ 2:1	Program overview
§ 2:2	—History
§ 2:3	—Structure and funding
§ 2:4	— —PHA organization
§ 2:5	——Small PHAs
§ 2:6	— —PHA consortia, joint ventures
§ 2:7	— —Voluntary transfers and consolidations of public
	housing programs
§ 2:8	Public housing agency plans
§ 2:9	—Types of plans
§ 2:10	— —Five-year plan
§ 2:11	— —Annual plan
§ 2:12	———Troubled PHAs
§ 2:13	— — —Streamlined plan
§ 2:14	—Relationship to consolidated plan and fair housing
	requirements
§ 2:15	—Development of plans
§ 2:16	——Resident, public input
§ 2:17	——Modification of plans
§ 2:18	——HUD review of plans
§ 2:19	Eligible tenants
§ 2:20	—Income limits and rent payments
§ 2:21	——Determination of income
§ 2:22	— — —Annual income
§ 2:23	— — —Adjusted income
§ 2:24	— — Verification of income
§ 2:25	— —Eligibility for admission
§ 2:26	———Targeting
§ 2:27	— — Over-income families
§ 2:28	——Rent payments
§ 2:29	— — —Income-based rent
§ 2:30	— — —Flat rent
§ 2:31	— — — Minimum rent
§ 2:32	———Ceiling rent
§ 2:33	— — —Utility allowance
§ 2:34	—Tenant selection

§ 2:35	——Economic and social mix
§ 2:36	——Selection preferences
§ 2:37	— Projects designated for elderly and disabled
	families
§ 2:38	— — Justification of designation
§ 2:39	———Review of plan
§ 2:40	— — —Relocation assistance
§ 2:41	——Site-based waiting lists
§ 2:42	—Assistance to noncitizens
§ 2:43	— —Eligibility of noncitizens
§ 2:44	— Evidence of eligibility
§ 2:45	— — — Documentation
§ 2:46	— — Verification
$\S 2:47$	— — Denial or termination of assistance
§ 2:48	— —Continuation of assistance
§ 2:49	— — Proration of assistance
§ 2:50	———Temporary deferral of termination
§ 2:51	— — —Noncitizen students
§ 2:52	Public housing funding
§ 2:53	—Capital fund
§ 2:54	——General requirements
§ 2:55	— — Eligible activities
§ 2:56	— —Ineligible activities
§ 2:57	— —Funding formula
§ 2:58	——Emergencies and natural disasters
§ 2:59	——Project development
§ 2:60	———Development proposal
§ 2:61	— — Mixed-finance development
§ 2:62	———Type of assistance
§ 2:63	———Project operations
§ 2:64	———Design and construction standards
§ 2:65	———Cost and other limitations
§ 2:66	— — Replacement reserve
§ 2:67	— —Capital fund financing program
§ 2:68	 —Obligation and expenditure of grants
§ 2:69	—Operating fund
§ 2:70	— —Eligible activities
§ 2:71	— —Funding formula
§ 2:72	— — —Asset management
§ 2:73	— — Formula calculation
§ 2:74	— — — Project expense level
§ 2:75	———Utilities
§ 2:76	— — — Other costs
§ 2:77	— — —Income
o	

```
§ 2:78
         ———Transition funding
§ 2:79
         —Other funding provisions
§ 2:80
         — — Technical assistance
§ 2:81
         -- Disasters
§ 2:82
         — —Nonrental income
§ 2:83
         ——Provision of only capital or operating assistance
§ 2:84
         ——State and local housing
         ---Sanctions
§ 2:85
§ 2:86
         Distressed public housing
§ 2:87
         —HOPE VI program
§ 2:88
         — —Funding
§ 2:89
         ——Application and selection
§ 2:90
         ——Eligible activities
         -Choice neighborhoods
§ 2:91
§ 2:92
         —Conversion to vouchers
§ 2:93
         — — Discretionary conversion
§ 2:94
         ———Conversion assessment
§ 2:95
         ———Conversion plan
§ 2:96
         -- Mandatory conversion
§ 2:97
         — — — Identification of units
         ———Plan for removal of units
§ 2:98
         — — Conversion to tenant-based assistance
§ 2:99
§ 2:100
         ———Use of funding
§ 2:101
         ———Repeal of Section 202
§ 2:102
         Project management
§ 2:103
         -Evaluation of management
§ 2:104
         ——Public housing assessment system
§ 2:105
         ———Physical condition
§ 2:106
         ———Financial condition
§ 2:107
         — — — Management operations
§ 2:108
         ———Capital fund program
         ———PHAS scoring
§ 2:109
§ 2:110
         — — Incentives
         --Remedies
§ 2:111
         ——Physical inspections
§ 2:112
         — —Financial standards
§ 2:113
         ---Audits
§ 2:114
§ 2:115
         — —Troubled PHAs
§ 2:116
         — — — Management assessment
§ 2:117
         — — —Improving performance
§ 2:118
         — — — Appointment of receiver
§ 2:119
         ———Takeover by HUD
         — — —Consolidated plan
§ 2:120
§ 2:121
         ——Alternative methods for evaluating PHAs
```

```
§ 2:122
         —Lease and grievance procedures
§ 2:123
         — —Lease terms
§ 2:124
         ———Tenant obligations
§ 2:125
         — — —PHA obligations
§ 2:126
         — — Prohibited lease terms
§ 2:127
         — Grievance procedure
§ 2:128
         ———Certain activity excluded
         — — Grievance hearing
§ 2:129
§ 2:130
         -Lead-based paint
§ 2:131
         -- Notification
§ 2:132
         — —Testing
         ——Abatement
§ 2:133
§ 2:134
         — —Liability insurance coverage
§ 2:135
         -Pest control
§ 2:136
         —Drug elimination and anti-crime efforts
§ 2:137
         — —Funding
§ 2:138
         ——Eligible activities
§ 2:139
         — — Occupancy restrictions
§ 2:140
         ———Criminal records
§ 2:141
         — — —Information from drug abuse treatment
          facilities
§ 2:142
         — — — Screening of applicants
         ———Exchange of information with law
§ 2:143
          enforcement agencies
§ 2:144
         — — — Termination of tenancy
§ 2:145
         -Non-smoking policies
§ 2:146
         -Project maintenance and operation
§ 2:147
         ——Energy conservation
§ 2:148
         — — Minimum heating standards
§ 2:149
         — — Carbon monoxide protection
§ 2:150
         — Prevailing wage requirements
         —Pet ownership
§ 2:151
         — —1983 legislation
§ 2:152
§ 2:153
         — —1998 legislation
§ 2:154
         —Demolition and disposition
§ 2:155
         ——Applications
         — —Demolition
§ 2:156
         ——Disposition
§ 2:157
§ 2:158
         ——Replacement housing
         --- Eminent domain
§ 2:159
§ 2:160
         —Tenant participation
§ 2:161
         — Resident organizations
         --- Tenant opportunities program
§ 2:162
§ 2:163
         ———Eligible activities
§ 2:164
         ———Resident management
```

```
--- Transfer of management
§ 2:165
§ 2:166
        —Home ownership
§ 2:167
        — Turnkey III program
§ 2:168
        ——HOPE 1 home ownership
        ——Section 32 resident home ownership programs
§ 2:169
§ 2:170
        ——Eligible properties
§ 2:171
        ———Eligible purchasers
        ———Protection of nonpurchasing residents
§ 2:172
§ 2:173
        — — —Financing
        --Resale
§ 2:174
§ 2:175
        ——Program approval
§ 2:176
        —Economic independence
§ 2:177
        — Family self-sufficiency program
§ 2:178
        ———Action plan
        --Selection procedure
§ 2:179
        ———Participation contract
§ 2:180
§ 2:181
        ———Tenant housing payments
§ 2:182
        ———Family account
        ———Program consolidation
§ 2:183
§ 2:184
        — Economic self-sufficiency and community service
        --Exceptions
§ 2:185
§ 2:186
        ———Treatment of income changes
        ———Penalties for noncompliance
§ 2:187
§ 2:188
        — — Moving to Work demonstration
§ 2:189
        Home rule flexible grant demonstration
§ 2:190
        —Program structure
§ 2:191
        ——Participating jurisdictions
§ 2:192
        — —Funding
§ 2:193
        -Program operation
§ 2:194
        — — Application
§ 2:195
        ——Performance standards
§ 2:196
        Indian housing
§ 2:197
        —Financial assistance
§ 2:198
        — —Grant allocations
§ 2:199
        ———FCAS component
§ 2:200
        — — Need component
§ 2:201
        --1996 minimum
        ———Undisbursed Indian housing block grant
§ 2:202
         funds
§ 2:203
        ———Carryover funds
§ 2:204
        ---Program income
§ 2:205
        — —Grant reductions
        — —Termination of other programs
§ 2:206
        ---Guaranteed loans
§ 2:207
```

\$ 2:208 \$ 2:209 \$ 2:210 \$ 2:211 \$ 2:212 \$ 2:213 \$ 2:214	 — HUD review of plans — Eligible activities — Self-determined activities — Targeting of assistance — Tenant selection
§ 2:214 § 2:215	
СНАЕ	PTER 3. SECTION 8
§ 3:1	
§ 3.1 § 3:2	Program overview and history —Subsidy mechanism
§ 3.2 § 3:3	—Project financing
§ 3.3 § 3:4	—Types of assistance
§ 3.4 § 3:5	Eligible tenants
§ 3.6	—Selection criteria
§ 3:7	——Income
§ 3:8	— —Admission preferences
§ 3:9	——Screening of applicants
§ 3:10	
§ 3:11	——Annual income
§ 3:12	——Adjusted income
§ 3:13	· · · · · · · · · · · · · · · · · · ·
§ 3:14	— —Fair market rent
§ 3:15	— —Tenant payment
§ 3:16	— — —Minimum rent
§ 3:17	— — Utility payments
§ 3:18	— — —Treatment of earned income
§ 3:19	—Assistance to noncitizens
§ 3:20	— —Eligibility of noncitizens
§ 3:21	— —Evidence of eligibility
§ 3:22	— — —Documentation
§ 3:23	— — —Verification
§ 3:24	— —Denial or termination of assistance
§ 3:25	 —Continued provision of assistance
§ 3:26	— — —Continuation of assistance
§ 3:27	— — Proration of assistance
§ 3:28	— — —Temporary deferral of termination
§ 3:29	— — —Noncitizen students
§ 3:30	Project-based assistance
§ 3:31	—New construction/substantial rehabilitation
§ 3:32	——Contract term
§ 3:33	——Distribution limits
§ 3:34	— —Financing adjustment factor
	- -

xviii

```
§ 3:35
         — — —Incentive to refinance
§ 3:36
         — — — Availability of units
§ 3:37
         — — Refunding of tax-exempt bonds
§ 3:38
         — — Occupancy requirements
§ 3:39
         ———Elderly preference
§ 3:40
         ———Vacancy payments
§ 3:41
         — — — Debt service coverage
§ 3:42
         ——Project management
§ 3:43
         ———Lease provisions
§ 3:44
         — — —Termination of tenancy
§ 3:45
         ———Security deposit
         ———Reserve account
§ 3:46
§ 3:47
         ———Financial reporting
§ 3:48
         -New construction/substantial rehabilitation-
          Project management—Pest control
§ 3:49
         ———Smoke-free housing policies
§ 3:50
         ———Carbon monoxide protection
§ 3:51
         — —Broadband infrastructure
§ 3:52
         ——PACE financing programs
§ 3:53
         -New construction/substantial rehabilitation-
          Physical inspections
§ 3:54
         —Moderate rehabilitation
§ 3:55
         ---Basic program
§ 3:56
         ———Fair market rents
         --Contract rents
§ 3:57
§ 3:58
         ——SRO units for the homeless
§ 3:59
         ———Program funding
§ 3:60
         ———Eligible persons
         ———Outreach efforts
§ 3:61
§ 3:62
         ———Eligible housing
§ 3:63
         ———PHA selection policies
         ———Rent determinations
§ 3:64
         ———Lease provisions
§ 3:65
§ 3:66
         ———Vacancy payments
§ 3:67
         — — —Relocation assistance
§ 3:68
         —Property disposition
         — — Eligible projects
§ 3:69
§ 3:70
         — — —Relocation assistance
§ 3:71
         ———Housing standards
         — —Contract rents
§ 3:72
§ 3:73
         — —Lease terms
§ 3:74
         -Loan management
§ 3:75
         — —Eligible projects
§ 3:76
         — Project selection
§ 3:77
         ———Long-term viability
```

```
§ 3:78
         — — — Housing quality standards
§ 3:79
         ———Relocation assistance
§ 3:80
         ——Contract rents
§ 3:81
         — —Lease provisions
§ 3:82
         —Project-based vouchers
§ 3:83
         — Project selection
§ 3:84
         — —Tenant selection
         — — Housing assistance payments contract
§ 3:85
§ 3:86
         --- Unit rents
         — Pest control
§ 3:87
         — — Carbon monoxide protection
§ 3:88
         -Family Self Sufficiency
§ 3:89
§ 3:90
         —Rental assistance demonstration
§ 3:91
         Tenant-based assistance
§ 3:92
         -Rents
§ 3:93
         — —Rent reasonableness
§ 3:94
         — — Maximum rent
§ 3:95
         — — Utility allowance
§ 3:96
         —Tenant payments
§ 3:97
         ——Payment standard
§ 3:98
         ——Subsidy payment
§ 3:99
         —Tenant selection
§ 3:100
        — —Eligibility
§ 3:101
        ——Admission preferences
§ 3:102
         — —Waiting list
§ 3:103
         — — — Different programs
         ———Opening and closing of waiting list
§ 3:104
         ——Special admissions
§ 3:105
§ 3:106
         — —Information for family
§ 3:107
        -Program operation
§ 3:108
        ——Administrative plan
§ 3:109
        — — Program transfer
§ 3:110
         ——Program funding
§ 3:111
         — — —Annual contributions contract
§ 3:112
         ———Housing Assistance Payments (HAP) contract
§ 3:113
         — —Housing standards
        ———Housing eligibility
§ 3:114
§ 3:115
         ————Special housing types
§ 3:116
         -- —Housing quality standards
§ 3:117
         ———Suitability of unit
§ 3:118
        — — Maintenance and inspection
§ 3:119
         ——Approval of tenancy
§ 3:120
         --Lease term
§ 3:121
        ———Lease provisions
```

TABLE OF CONTENTS

§ 3:122	———Security deposit
§ 3:123	——Assistance payments
§ 3:124	— — —Termination of contract
§ 3:125	— — Family break-up
§ 3:126	———Denial or termination of assistance
§ 3:127	——Owner responsibilities
§ 3:128	———Refusal to accept tenants
§ 3:129	— — —Management
§ 3:130	———Breach of contract
§ 3:131	——Tenant responsibilities
§ 3:132	— —PHA management
§ 3:133	— — —Indicators
§ 3:134	———Performance rating
§ 3:135	———Corrective actions
§ 3:136	—Portability
§ 3:137	——Tenant's right to move
§ 3:138	——Portability procedures
§ 3:139	———Administration by receiving PHA
§ 3:140	———Billing
§ 3:141	—Mobility demonstration
§ 3:142	—Family self-sufficiency program
§ 3:143	——Program consolidation
§ 3:144	—Enhanced vouchers
§ 3:145	—Veterans Affairs supportive housing
§ 3:146	Home ownership programs
§ 3:147	—Cooperative housing
§ 3:148	—Manufactured housing
§ 3:149	—First-time buyers
§ 3:150	——Eligible families
§ 3:151	——Other limitations
§ 3:152	———Home ownership counseling
§ 3:153	——Eligible properties
§ 3:154	——Assistance payments
§ 3:155	— — Portability
§ 3:156	———Moving with continued assistance
§ 3:157	— — — Denial or termination of assistance
§ 3:158	———Recapture of assistance
§ 3:159	——Down payment assistance
§ 3:160	—Lease-purchase programs
§ 3:161	Program administration
§ 3:162	—Owner participation
§ 3:163	—Administrative fees
§ 3:164	—Contract rent adjustments
§ 3:165	— —Annual adjustment factors
	·

§ 3:166 ——Comparability § 3:167 ———Court rulings § 3:168 ———Section 801 § 3:169 — — Rent comparability studies § 3:170 ———Restriction on rent reductions § 3:171 —Contract renewals § 3:172 — — Mark-to-market program ———Eligible projects § 3:173 § 3:174 — — Program administration § 3:175 — — — Mortgage restructuring and rental assistance sufficiency plan § 3:176 ———Section 8 renewals — — —Long-term affordability § 3:177 § 3:178 — — — Mortgage restructuring — — Project sale or transfer § 3:179 --Tenant protections § 3:180 § 3:181 — — — Monitoring and compliance § 3:182 — — — Administrative appeal § 3:183 — — —Income tax considerations — —Other contracts § 3:184 § 3:185 — — Mark-up-to-market renewals § 3:186 --Renewal rents § 3:187 ———Exception rents § 3:188 — — Subsequent rent adjustments ———Preservation projects § 3:189 § 3:190 ———Tenant protections § 3:191 -Transfer of unused budget authority § 3:192 —Bifurcation of contracts

CHAPTER 4. HOME INVESTMENT PARTNERSHIP PROGRAM

- § 4:1 Program requirements
 § 4:2 —Purposes
 § 4:3 —Uses of funds
 § 4:4 —Assistance types
 § 4:5 Eligible activities
 § 4:6 Eligible costs
- § 4:7 ——Investment types
- $\S 4:8$ ——Prohibited uses of funds
- § 4:9 ——Cost limits
- § 4:10 ——Property standards
- § 4:11 —Program administration
- § 4:12 ——Program agreement
- § 4:13 ——Income targeting

```
§ 4:14
        ———Rental housing
§ 4:15
        — — — Home ownership assistance
§ 4:16
        — — Mixed-use projects
§ 4:17
        -- Matching requirement
        — — Sources
§ 4:18
        --Crediting
§ 4:19
        ———Recognition
§ 4:20
        — — Reduction
§ 4:21
§ 4:22
        — Other requirements
        — — —Labor
§ 4:23
§ 4:24
        — — Environmental review
§ 4:25
        ———Fair housing and equal opportunity
§ 4:26
        — — — Displacement and relocation
        --Lead-based paint
§ 4:27
§ 4:28
        — — — Conflict of interest
        — — —Suspension of requirements
§ 4:29
§ 4:30
        -- Monitoring
        ——HUD reviews
§ 4:31
§ 4:32
        — —Misuse of funds
§ 4:33
        Funding allocation
§ 4:34
        -Formula
        — —Formula factors
§ 4:35
§ 4:36
        ——Allocation process
        —Participating jurisdictions
§ 4:37
§ 4:38
        ——Local governments
§ 4:39
        ---Consortia
§ 4:40
        — —Insular areas
§ 4:41
        —Reallocation of funds
§ 4:42
        — —Competitive reallocations
§ 4:43
        — Formula reallocation
§ 4:44
        -Trust funds
§ 4:45
        ——Treasury account
§ 4:46
        — —Local account
§ 4:47
        ——Account management
§ 4:48
        ———Set-up report
        -- Disbursements
§ 4:49
§ 4:50
        ——Program income
§ 4:51
        --- Reductions
§ 4:52
        --- Repayments
        —Distribution of assistance
§ 4:53
§ 4:54
        Rental housing
§ 4:55
        —Tenant-based assistance
        ——Contract term
§ 4:56
        ——Maximum subsidy
§ 4:57
```

```
§ 4:58
         — —Housing standards
§ 4:59
         ——Section 8 status
§ 4:60
         ——Security deposits
§ 4:61
         —Project-based assistance
§ 4:62
         — —Rent limitations
§ 4:63
         — — Affordability requirement
§ 4:64
         — — Determination of income
         — —Tenant selection
§ 4:65
§ 4:66
         — —Lease requirements
§ 4:67
         -ECHO housing
§ 4:68
         Home ownership
§ 4:69
         —Affordability requirements
§ 4:70
         — —Home purchases
§ 4:71
         — Rehabilitation of owner-occupied housing
§ 4:72
         ——Conversion of rental housing
§ 4:73
         —Restrictions
         ---Resale
§ 4:74
§ 4:75
         — Recapture
§ 4:76
         —Downpayment assistance
§ 4:77
         -Formula
§ 4:78
         ——Eligible activities
§ 4:79
         -Preservation
§ 4:80
         Model programs
§ 4:81
         —Rental housing production
         —Rental rehabilitation
§ 4:82
§ 4:83
         —Rehabilitation loans
§ 4:84
         —Sweat equity
         —Home repair services
§ 4:85
§ 4:86
         -Energy conservation
§ 4:87
         -Second mortgage assistance
§ 4:88
         —In rem properties
§ 4:89
         —Cost-saving technologies
§ 4:90
         Community housing development organizations
§ 4:91
         —Funding set-aside
§ 4:92
         —Development assistance
         — Technical assistance and site control loans
§ 4:93
§ 4:94
         ——Seed money loans
§ 4:95
         -Education and organizational support
§ 4:96
         — —Eligible activities
§ 4:97
         — — Delivery of assistance
§ 4:98
         — — — Nonprofit intermediaries
§ 4:99
         — — Other organizations
§ 4:100
         —Operating expenses
§ 4:101
         —Tenant protections
```

- $\S~4{:}102$ Support for state and local strategies
- § 4:103 —Capacity development
- § 4:104 —Asset recycling
- § 4:105 HOME program for Indians

CHAPTER 5. OTHER HUD SUBSIDY PROGRAMS

- § 5:1 Overview
- § 5:2 Rental housing
- § 5:3 —Section 221(d)(3)
- § 5:4 ——Below Market Interest Rate program
- § 5:5 ——Market rate program
- § 5:6 —Section 236
- § 5:7 ——Financing
- § 5:8 ——Subsidy mechanism
- § 5:9 ——Tenant rents
- § 5:10 ——Rental assistance
- § 5:11 ——Occupancy requirements
- § 5:12 ——Assistance to noncitizens
- § 5:13 ———Evidence of eligibility
- $\S 5:14$ — Denial or termination of assistance
- § 5:15 ———Continuation of assistance
- § 5:16 ———Proration of assistance
- § 5:17 ———Temporary deferral of termination
- § 5:18 ———Noncitizen students
- § 5:19 ——Low-income use restrictions
- § 5:20 ——Rehabilitation grants and loans
- § 5:21 ———Refinancing
- § 5:22 —Other rental programs
- § 5:23 ——Rent supplement
- § 5:24 ——Section 23
- § 5:25 —Management
- § 5:26 ——Physical inspections
- § 5:27 ——Financial reporting
- § 5:28 ——Rent control
- $\S 5:29$ Pest control
- § 5:30 ——Smoke-free housing policies
- § 5:31 — Use of marijuana
- § 5:32 —PACE financing programs
- § 5:33 Home ownership
- § 5:34 —Section 235
- § 5:35 ——Subsidy mechanism
- § 5:36 ——Subsidy recapture
- § 5:37 ——Refinancing

HDR Handbook

```
§ 5:38
         —Homeownership and opportunity for people
          evervwhere
§ 5:39
         — — Program descriptions
§ 5:40
         — — Program requirements
         ———Eligible applicants
§ 5:41
§ 5:42
         — — — Affordability
         — — — Acquisition and rehabilitation
§ 5:43
§ 5:44
         — — —Financing
         — — — Housing quality standards
§ 5:45
§ 5:46
         — — Replacement housing plan
§ 5:47
         ———Protection for nonpurchasing families
§ 5:48
         ———Operating subsidies
§ 5:49
         ———Exemption from LIHPRHA or Section 203
§ 5:50
         ——Planning grants
         ———Eligible activities
§ 5:51
         ———Selection criteria
§ 5:52
§ 5:53
         — —Implementation grants
§ 5:54
         ———Eligible activities
§ 5:55
         ———Selection criteria
         — — — Matching requirements
§ 5:56
§ 5:57
         ——Sale of units
         ———Transfer deadline
§ 5:58
§ 5:59
         ———Use of sale proceeds
§ 5:60
         ———Resale restrictions
§ 5:61
         —National Homeownership Trust
§ 5:62
         — —Organization
§ 5:63
         — Eligible home buyers
         — Forms of assistance
§ 5:64
§ 5:65
         — Repayment of assistance
§ 5:66
         -Rehabilitation grant program
§ 5:67
         Elderly and handicapped housing
         -Original Section 202 program
§ 5:68
§ 5:69
         -- Direct loans
         ——Section 8 assistance
§ 5:70
         — — — Housing Assistance Payments (HAP) contract
§ 5:71
§ 5:72
         — — — Management
§ 5:73
         ———Leasing to eligible families
§ 5:74
         ———Vacancy payments
§ 5:75
         ——Section 162 rental assistance
         — — —Amount of assistance
§ 5:76
§ 5:77
         ———Leasing to eligible families
§ 5:78
         ———Vacancy payments
         -Section 202 supportive housing for elderly
§ 5:79
§ 5:80
         ---Eligible sponsors and owners
```

TABLE OF CONTENTS

```
§ 5:81
         — — — Application requirements
§ 5:82
         ———Fund reservations
§ 5:83
         ———Delegated processing
§ 5:84
         - Site and neighborhood standards
§ 5:85
         — — Cost considerations—Cost limitations
§ 5:86
         — — —Amenities
§ 5:87
         — Project development
§ 5:88
         ———Capital advance
§ 5:89
         ———Owner deposit
§ 5:90
         — — — Displacement and relocation
§ 5:91
         — — Other requirements
         --- Project management
§ 5:92
§ 5:93
         ———Tenant selection
         — — —Rental assistance
§ 5:94
§ 5:95
         ———Provision of services
§ 5:96
         ———Lease requirements
§ 5:97
         ———Security deposits
§ 5:98
         ———Vacancy payments
§ 5:99
         ——Assisted living and service-enriched housing
§ 5:100
         — —Mixed-finance development
         --Developer's fee
§ 5:101
         ———Capital advances
§ 5:102
§ 5:103
         ———Rental assistance
§ 5:104
        ———Eligible uses of assistance
§ 5:105
        —Section 811 housing for persons with disabilities
§ 5:106
        — —Eligible tenants
§ 5:107
         — — Eligible properties
§ 5:108
         ———Property standards
§ 5:109
        — Program requirements
§ 5:110
        — — Development cost limits
§ 5:111
         — —Transfer of assistance
§ 5:112
        —Housing opportunities for persons with AIDS
§ 5:113
         — —Formula funding
§ 5:114
        ———Eligible activities
§ 5:115
         ———Rental assistance
§ 5:116
         ———Short-term supported housing
§ 5:117
        ———Community residences
§ 5:118
        — —Competitive grants
§ 5:119
         —Congregate housing
§ 5:120
        — Grant agreements
§ 5:121
        — — Eligible participants
§ 5:122
        — —Eligible activities
§ 5:123
         ——Professional assessment committee
§ 5:124
        ——Service coordinators
```

§ 5:125	—Pet ownership
§ 5:126	— — Mandatory and discretionary rules
§ 5:127	— —Lease provisions
§ 5:128	Housing assistance for the homeless
§ 5:129	—Emergency solutions grants
§ 5:130	——Allocation of funds
§ 5:131	— — Matching requirement
§ 5:132	———Reallocation of funds
§ 5:133	——Program requirements
§ 5:134	——Program components and eligible activities
§ 5:135	———Street outreach
§ 5:136	———Emergency shelter
§ 5:137	— — —Homelessness prevention
§ 5:138	———Rapid re-housing assistance
§ 5:139	———Housing relocation and stabilization services
§ 5:140	— — —Rental assistance
§ 5:141	———Homeless management information systems
§ 5:142	——Program administration
§ 5:143	—Program consolidation—Continuum of Care
§ 5:144	— — Application process
§ 5:145	— ——Selection criteria
§ 5:146	— — Eligible activities
§ 5:147	— — Uses of funds
§ 5:148	——Renewal of assistance
§ 5:149	———Site control
§ 5:150	—Supportive housing
§ 5:151	— — Eligible applicants
§ 5:152	— — Eligible activities
§ 5:153	— — — Acquisition and rehabilitation
§ 5:154	———New construction
§ 5:155	———Operating costs
§ 5:156	— ——Administrative costs
§ 5:157	— — Technical assistance
§ 5:158	——Program requirements
§ 5:159	———Participation of homeless persons
§ 5:160	———Termination of housing assistance
§ 5:161	———Limitation on stay in transitional housing
§ 5:162	— — —Site control
§ 5:163	———Resident rent
§ 5:164	—Section 8 single room occupancy dwellings
§ 5:165	—Shelter plus care
§ 5:166	——Application requirements
§ 5:167	——Selection criteria
§ 5:168	

§ 5:169 ———Types of assistance § 5:170 ———Resident rent § 5:171 ———Rent reasonableness § 5:172 ———Occupancy agreement § 5:173 ———Housing quality standards § 5:174 ——Supportive services § 5:175 —Recovery housing program —Surplus federal property § 5:176 § 5:177 -HUD-acquired one-to-four-family properties § 5:178 — —Lease with option to purchase § 5:179 ——Sale of properties for homeless -YouthBuild § 5:180 § 5:181 — — Eligible participants ——Selection criteria § 5:182 § 5:183 — — Eligible activities § 5:184 — — Housing requirements § 5:185 — — Other program requirements § 5:186 —Homelessness prevention § 5:187 Native Hawaiian housing § 5:188 —Funding § 5:189 — —Use of funds § 5:190 § 5:191 —Housing plans § 5:192 — Five-year plan § 5:193 — One-year plan § 5:194 — —Review of plans § 5:195 —Affordable housing § 5:196 — — Eligible families § 5:197 — — Eligible activities —Program requirements § 5:198 § 5:199 ——Leases § 5:200 ——Program income § 5:201 — —Labor standards § 5:202 — Environmental review

CHAPTER 6. RURAL HOUSING

§ 6:1 Overview § 6:2 Section 502 home loans § 6:3 -Direct loans § 6:4 ——Eligible borrowers § 6:5 — — —Annual income § 6:6 ———Adjusted income — — Repayment ability § 6:7 --Other requirements § 6:8

```
§ 6:9
         — Eligible properties
§ 6:10
         ———Site requirements
§ 6:11
         ———Dwelling requirements
§ 6:12
         ———Loan purposes
§ 6:13
         — — — Manufactured housing
§ 6:14
         ———Remote rural areas
§ 6:15
         --Loan terms
         ———Payment subsidies
§ 6:16
§ 6:17
         — — —Additional assistance
§ 6:18
         — — Recapture of assistance
         ———Refinancing
§ 6:19
§ 6:20
         ——Delinquent loans
§ 6:21
         — — Deferred mortgage demonstration program
         — — — Eligibility
§ 6:22
         ———Deferral amount
§ 6:23
         — —Conditional commitments
§ 6:24
§ 6:25
         ——Nonprogram loans
§ 6:26
         -Guaranteed loans
§ 6:27
         ——Eligible borrowers
         ——Repayment ability
§ 6:28
§ 6:29
         --Preferences
         — —Eligible properties
§ 6:30
§ 6:31
         — Loan terms
§ 6:32
         — — — Maximum loan amount
         --Interest assistance
§ 6:33
         -- -Guarantee limit
§ 6:34
§ 6:35
         — — —Liability
         — —Refinancing
§ 6:36
         — —Defaults
§ 6:37
§ 6:38
         Section 515 rental or cooperative housing loans
§ 6:39
         —Financing
§ 6:40
         --Loan terms
§ 6:41
         — — —Limitation on assistance
         ———Rates and terms
§ 6:42
§ 6:43
         — —Construction financing
§ 6:44
         ——Subsequent loans
§ 6:45
         -Rental assistance
§ 6:46
         — — Eligible projects
§ 6:47
         — —Terms of agreement
         --- Other sources of assistance
§ 6:48
§ 6:49
         —Eligible applicants
§ 6:50
         —Eligible tenants
         — —Annual income
§ 6:51
         ——Adjusted income
§ 6:52
```

```
§ 6:53
         —Project development
§ 6:54
         — — Applications
§ 6:55
         ——Project location
§ 6:56
         --- Return on investment
§ 6:57
         — Project design
§ 6:58
         --Cost control
         — — —Accessibility
§ 6:59
         -- Manufactured housing
§ 6:60
§ 6:61
         — Congregate housing and group homes
§ 6:62
         —Housing management
§ 6:63
         — —Tenant selection
§ 6:64
         — — Occupancy standards
§ 6:65
         ——Tenant rents
         ——Lease terms
§ 6:66
§ 6:67
         ———Required lease provisions
         ———Prohibited lease provisions
§ 6:68
§ 6:69
         ———Tenant grievances
§ 6:70
         — — Termination and eviction
§ 6:71
         ———Pet ownership
         ——Security deposits
§ 6:72
§ 6:73
         —Rent incentives
§ 6:74
         —Project transfers and sales
§ 6:75
         — Requirements for ownership transfers or sales
§ 6:76
         Farm labor housing
§ 6:77
         -Off-farm labor housing
§ 6:78
         — —Terms for loans and grants
§ 6:79
         - Design and construction requirements
§ 6:80
         — — Occupancy
         --- Rents and operating assistance
§ 6:81
         —On-farm labor housing
§ 6:82
§ 6:83
         — Program requirements
§ 6:84
         — — Occupancy
§ 6:85
         -Section 516 grants-Rural homeless and migrant
          farm workers
§ 6:86
         ———Types of assistance
§ 6:87
         — — — Selection criteria
§ 6:88
         ———Rent payments
§ 6:89
         ———Operating assistance
§ 6:90
         Other programs
§ 6:91
         -Section 504 home repair loans and grants
§ 6:92
         — —Uses of funds
§ 6:93
         — —Financing terms
         —Housing preservation grants
§ 6:94
§ 6:95
         ——Allocation of funds
```

§ 6:96	——Application procedures
§ 6:97	— —Use of funds
§ 6:98	———Rental and cooperative housing
§ 6:99	———Ownership housing
§ 6:100	— — —Historic preservation
§ 6:101	—Rural housing vouchers
§ 6:102	—Rural homeless assistance
§ 6:103	——HUD grant program
§ 6:104	— — —Applications
§ 6:105	———Use of funds
§ 6:106	— — —Federal assistance
§ 6:107	——RHS inventory program
§ 6:108	—Mutual and self-help housing
§ 6:109	— — Organizational assistance
§ 6:110	— —Individual assistance
§ 6:111	—Condominium housing
§ 6:112	—Guaranteed rental housing loans
§ 6:113	——Eligible housing
§ 6:114	— —Financing terms
§ 6:115	— —Loan guarantee
§ 6:116	——Secondary mortgage market
§ 6:117	——Tenants and rent
§ 6:118	Enforcement
§ 6:119	—Equity skimming
§ 6:120	—Civil money penalties
§ 6:121	—Misuse of Section 515 assets, income

CHAPTER 7. HOUSING PRESERVATION

§ 7:1 Government housing inventory § 7:2 —Troubled projects § 7:3 —Financially sound projects —Comprehensive needs assessment § 7:4 § 7:5 Flexible subsidy program § 7:6 —Eligible properties § 7:7 —Conditions for assistance § 7:8 ——Financial factors § 7:9 --Project management ——Community support § 7:10 --Other requirements § 7:11 § 7:12 --Coordination of assistance § 7:13 ———Displacement and relocation —Types of assistance § 7:14 --Operating assistance

— — — Application

xxxii

§ 7:15 § 7:16

```
§ 7:17
         ———Funding priorities
§ 7:18
         — — —Amount of assistance
§ 7:19
         — — —Owner contributions
§ 7:20
         ———Repayment of assistance
§ 7:21
         ——Capital improvements
§ 7:22
         — — Application
         ———Funding priorities
§ 7:23
         — — —Amount of assistance
§ 7:24
§ 7:25
         — — —Owner contribution
§ 7:26
         ———Loan terms
         ———Effect on tenant rents
§ 7:27
§ 7:28
         Transfer of physical assets
§ 7:29
         —Full or modified review
         -Review criteria
§ 7:30
         ---Ownership and management
§ 7:31
§ 7:32
         ——Physical inspection
         — —Financial needs
§ 7:33
§ 7:34
         ——Special circumstances
§ 7:35
         —Subsidy requirements
§ 7:36
         — — Disposition of flexible subsidy
§ 7:37
         ——Subsidy layering review
§ 7:38
         —Transfer from nonprofit to for-profit owners
§ 7:39
         ——Approval of transfer
§ 7:40
         — —Financial considerations
§ 7:41
         — — Prepayment restrictions
§ 7:42
         --Rents
§ 7:43
         Multifamily property management and disposition
§ 7:44
         —Covered properties
§ 7:45
         -Management of inventory
§ 7:46
         --- Maintenance
§ 7:47
         — — Management contract
§ 7:48
         — Partial mortgage insurance claims
§ 7:49
         -Property disposition
§ 7:50
         ——Disposition plan
§ 7:51
         — —Foreclosure sales
§ 7:52
         ——Sales of HUD-owned projects
§ 7:53
         --Grants and loans
§ 7:54
         ——Alternative uses of projects
§ 7:55
         — — — Reconstruction
§ 7:56
         ———Decision not to preserve a project
§ 7:57
         — — Relocation assistance
§ 7:58
         — — Uniform relocation act
         — — Other displacement
§ 7:59
         ———Temporary relocation
§ 7:60
```

```
§ 7:61
         —Affordability requirements
§ 7:62
         ——Subsidized projects
§ 7:63
         — — Unsubsidized projects
§ 7:64
         ———Discounted sales price
§ 7:65
§ 7:66
         ———Use and rent restrictions
§ 7:67
         ———Short-term loans
         — — Up-front grants
§ 7:68
§ 7:69
         — — Tenant-based Section 8
§ 7:70
         —Transfer of assistance
§ 7:71
         -Mortgage sales
§ 7:72
         ——Subsidized projects
§ 7:73
         ———Current mortgages
         --Delinquent mortgages
§ 7:74
§ 7:75
         — — Unsubsidized projects
§ 7:76
         — —Rental subsidies
§ 7:77
         —Tenant participation in project operations
§ 7:78
         — —Rental assistance
§ 7:79
         — Rent increases
§ 7:80
         — Other covered actions
§ 7:81
         HUD prepayment approval
§ 7:82
         Multifamily sales by nonprofit owners
§ 7:83
         Low-Income Housing Preservation and Resident
         Homeownership Act of 1990
§ 7:84
         —Eligible projects
§ 7:85
         ——Permissible actions
§ 7:86
         — —Basis for decision
         -Procedures
§ 7:87
§ 7:88
         — Notice of intent
§ 7:89
         ——Appraisals
§ 7:90
         — — Types
         -- —Guidelines
§ 7:91
§ 7:92
         ——HUD response
§ 7:93
         ——Second notice of intent
§ 7:94
         ——Submission of plan of action
§ 7:95
         — — Termination of affordability restrictions
§ 7:96
         — — Extension of affordability restrictions
§ 7:97
         — — Revisions
§ 7:98
         --- Approval of plan of action
         — — POA for prepayment
§ 7:99
§ 7:100
        ———POA for incentives
§ 7:101
         --- Amendments to use agreements
§ 7:102
         ——State projects
§ 7:103
         ———Processing
```

TABLE OF CONTENTS

§ 7:104	— — Notice of intent
§ 7:105	———Preservation agreement
§ 7:106	
§ 7:107	——State responsibilities
§ 7:108	—Incentives
§ 7:109	——Permissible incentives
§ 7:110	——Amount of incentives
§ 7:111	— — Federal cost limit
§ 7:112	———Preservation rents
§ 7:113	——Section 241 loans
§ 7:114	— — Rehabilitation loans
§ 7:115	———Equity and acquisition loans
§ 7:116	— — Rental assistance
§ 7:117	——Housing standards
§ 7:118	—Courses of action
§ 7:119	——Continuation of ownership
§ 7:120	— —Voluntary project sales
§ 7:121	———Notification of qualified purchasers
§ 7:122	— — Bona fide offer
§ 7:123	— — Failure to consummate sale
§ 7:124	———Reimbursement of assistance
§ 7:125	———Seller financing
§ 7:126	——Mandatory project sales
§ 7:127	——Resident home ownership
§ 7:128	— — —Home ownership program
§ 7:129	———Sales to eligible families
§ 7:130	———Restrictions on resales
§ 7:131	— — Use of recaptured funds
§ 7:132	———Protection of nonpurchasing families
§ 7:133	— — — Assumption of federally assisted mortgage
§ 7:134	—Other program requirements
§ 7:135	——Assistance for displaced tenants
§ 7:136	———Relocation expenses
§ 7:137	— — Continued occupancy
§ 7:138	——Preemption of state and local laws
§ 7:139	——Consultation
§ 7:140	— —Technical assistance and capacity building
§ 7:141	———Funds
§ 7:142	— — —Intermediaries
§ 7:143	
§ 7:144	Emergency Low-Income Housing Preservation Act of
,	1987
§ 7:145	—Eligible projects
§ 7:146	

	IIDIV I
§ 7:147	Rural housing
§ 7:148	—Prepayment restrictions
§ 7:149	—Prepayment requests
§ 7:150	——Incentives for continued low-income use
§ 7:151	— — Types of incentives
§ 7:152	——————————————————————————————————————
§ 7:153	——Rejection of incentive offer
§ 7:154	— —Tenant protections
§ 7:155	— — Cancellation of approval
§ 7:156	—Project sales
§ 7:157	——Determination of value
§ 7:158	——Sales to nonprofits, public agencies
§ 7:159	— — Eligible nonprofit organizations
§ 7:160	— — Purchase assistance
§ 7:161	— — Prepayment acceptance
§ 7:162	Lead-based paint
§ 7:163	—Lead-Based Paint Poisoning Prevention Act
§ 7:164	— Risk assessment
§ 7:165	——Disposition of federally owned housing
§ 7:166	—Title X
§ 7:167	——Grants for hazard reduction
§ 7:168	— — — Selection criteria
§ 7:169	— — — Eligible activities
§ 7:170	— — Matching requirement
§ 7:171	——Disclosure of lead-based paint hazards
§ 7:172	— — — Scope
§ 7:173	— — Disclosure requirements
§ 7:174	-Enforcement
§ 7:175	— —Evaluation and control
§ 7:176	— — Evaluation
§ 7:177	— — —Controls
§ 7:178	Exemptions
§ 7:179	——Specific programs
§ 7:180	———Disposition of residential property by federal
	agency other than HUD
§ 7:181	———Project-based assistance provided by federal
0 = 100	agency other than HUD
§ 7:182	— — HUD-owned single family properties
§ 7:183	— — FHA-financed multifamily properties
§ 7:184	——Project-based rental assistance
§ 7:185	— — HUD-owned and mortgagee-in-possession
¢ 7.100	multifamily properties
§ 7:186	— — Rehabilitation
§ 7:187	———Acquisition, leasing, support services, or
	operation

xxxvi

CHAPTER 8. FAIR HOUSING

	
§ 8:1	Fair Housing Act
§ 8:2	—Prohibited practices
§ 8:3	——Sale or rental of housing
§ 8:4	— — — Discriminatory terms
§ 8:5	———Steering
§ 8:6	— — Other discriminatory practices
§ 8:7	——Advertising
§ 8:8	———Discriminatory representations
§ 8:9	———Fair housing poster
§ 8:10	——Blockbusting
§ 8:11	——Financing
§ 8:12	— — —Making loans
§ 8:13	———Purchasing loans
§ 8:14	———Terms and conditions
§ 8:15	— — — Appraisals
§ 8:16	———Self-testing
§ 8:17	——Real estate brokers
§ 8:18	——Coercion
§ 8:19	— — Discriminatory effect
§ 8:20	——Quid pro quo and hostile environment
	harassment
§ 8:21	——Limited proficiency in English
§ 8:22	—Discrimination against the handicapped
§ 8:23	— —Handicapped accessibility requirements
§ 8:24	———Accessibility standards
§ 8:25	———State and local government regulation
§ 8:26	— — —International Building Code
§ 8:27	— — Modification of existing dwellings
§ 8:28	— —Reasonable accommodation
§ 8:29	—Exemptions
§ 8:30	——Elderly housing
§ 8:31	———Persons age 62 and over
§ 8:32	———Persons age 55 and over
§ 8:33	——Religious organizations and private clubs
§ 8:34	——Small-scale property owners
§ 8:35	—Enforcement procedures
§ 8:36	——Complaints
§ 8:37	———Submission of complaints
. - · - ·	T

HDR Handbook

```
§ 8:38
         — — Notification of respondent
         ———HUD investigation
§ 8:39
         — —Conciliation
§ 8:40
§ 8:41
         — — — Conciliation agreement
§ 8:42
         ———Relief for aggrieved persons
§ 8:43
         ———Public interest protection
§ 8:44
         — — —Termination of efforts
         — — —Information disclosure
§ 8:45
§ 8:46
         — —Administrative enforcement
§ 8:47
         — — —Administrative law judge
§ 8:48
         — — —Hearing
         ———Order for relief
§ 8:49
§ 8:50
         ———Review by secretary
         — — Judicial review
§ 8:51
§ 8:52
         — — —Court enforcement
         — — —Attorney's fees
§ 8:53
§ 8:54
         — —Judicial action
         ———Private action
§ 8:55
         ———Enforcement by Justice Department
§ 8:56
§ 8:57
         -Enforcement by HUD, Federal Housing Finance
§ 8:58
         -Enforcement by state and local agencies
§ 8:59
         — — Certification of substantially equivalent agencies
§ 8:60
         — — —Adequacy of law
         — — Performance standards
§ 8:61
         ———Certification procedure
§ 8:62
         ——Referral of fair housing complaints
§ 8:63
§ 8:64
         ——Assistance by HUD
§ 8:65
         ———Capacity building funds
§ 8:66
         — — —Contributions funds
         ———Training funds
§ 8:67
§ 8:68
         — —Fair housing initiatives
§ 8:69
         — — —Administrative enforcement
         ———Education and outreach
§ 8:70
§ 8:71
         ———Private enforcement
§ 8:72
         — — Fair housing organizations
§ 8:73
         —Affirmatively furthering fair housing
§ 8:74
         Handicapped accessibility
§ 8:75
         —Section 504 regulations: HUD-assisted programs
§ 8:76
         — — Prohibited discrimination
§ 8:77
         — — —Accessibility standards
         ———Historic properties
§ 8:78
§ 8:79
         — Employment
§ 8:80
         ——Accessibility in housing programs
```

TABLE OF CONTENTS

§ 8:81	———New construction
§ 8:82	— — — Alterations
§ 8:83	———Existing housing
§ 8:84	———Public and Indian housing
§ 8:85	———Section 8 existing housing
§ 8:86	— — Home ownership programs
§ 8:87	— Other program accessibility
§ 8:88	— Enforcement
§ 8:89	— — — Compliance procedures
§ 8:90	———Hearings
§ 8:91	—Section 504 regulations: HUD-conducted programs
§ 8:92	— — Existing facilities
§ 8:93	——New construction and alterations
§ 8:94	— — Multifamily property disposition
§ 8:95	———Distribution of accessible units
§ 8:96	———Occupancy of accessible units
§ 8:97	—Architectural Barriers Act
§ 8:98	—Deinstitutionalization of individuals with disabilities
§ 8:99	Other civil rights laws and orders
§ 8:100	—Legislation
§ 8:101	——Post-Civil War legislation
§ 8:102	— Title VI of the Civil Rights Act of 1964
§ 8:103	——Age Discrimination Act of 1975
§ 8:104	—Executive orders
§ 8:105	—Executive order 11,063
§ 8:106	———Ban on discriminatory practices
§ 8:107	———Complaints
§ 8:108	— — Compliance
§ 8:109	———Sanctions
§ 8:110	—Executive Order 12,892
§ 8:111	—Affirmative marketing requirements
§ 8:112	—Sexual orientation and gender identity
§ 8:113	—Participation of faith-based organizations in HUD
	programs
§ 8:114	Fair lending
§ 8:115	—Community Reinvestment Act
§ 8:116	— — Meeting community credit needs
§ 8:117	— Types of institutions
§ 8:118	— —Geographic considerations
§ 8:119	— —Evaluation of performance
§ 8:120	— — Retail lending test
§ 8:121	———Federal Reserve and FDIC—Retail services
	and products test

§ 8:122	———Community development financing and
	services tests
§ 8:123	— — —Intermediate banks
§ 8:124	— — Small banks
§ 8:125	— — —Limited purpose banks
§ 8:126	— — — Strategic plan
§ 8:127	——Conclusions and ratings
§ 8:128	— Evaluation of Performance—Conclusions and
	ratings—Conclusions
§ 8:129	— — — Ratings
§ 8:130	——Transition rules
§ 8:131	——Sunshine requirements
§ 8:132	—Home Mortgage Disclosure Act
§ 8:133	——Applicability
§ 8:134	— —Loan information
§ 8:135	——Reporting and disclosure
§ 8:136	— —Enforcement
§ 8:137	—Antidiscrimination guidelines
§ 8:138	—State enforcement
CILAD	
	TER 9. MORTGAGE FINANCE
§ 9:1	Federal Housing Administration
§ 9:2	—Mortgage insurance
§ 9:3	— — Premiums
§ 9:4	— — —Single family mortgage programs
§ 9:5	— — — Multifamily mortgage programs
§ 9:6	——Single family insurance claims
§ 9:7	— — —Loss mitigation
§ 9:8	— — — Partial insurance claim
§ 9:9	— — Foreclosure
§ 9:10	— — — Claims without conveyance
§ 9:11	— — Deficiency judgment
§ 9:12	———Payment of insurance benefits
§ 9:13	— — Property disposition
§ 9:14	— — Multifamily insurance claims
§ 9:15	———Assignment
§ 9:16	———Partial payment of claim
§ 9:17	———Conveyance of title
§ 9:18	———Restrictions on disposition
§ 9:19	— — Multifamily nonjudicial foreclosure
§ 9:20	———Designation of commissioner
§ 9:21	———Notice of default and sale
§ 9:22	———Conditions of sale
5 <i>0.22</i>	— Buy-back program

§ 9:23

--Buy-back program

TABLE OF CONTENTS

§ 9:24	—Approval of lenders
§ 9:25	——General requirements
§ 9:26	— — Business organization
§ 9:27	——Net worth
§ 9:28	— Types of mortgagees
§ 9:29	— ——Supervised mortgagees
§ 9:30	— — — Nonsupervised mortgagees
§ 9:31	———Investing lenders and mortgagees
§ 9:32	———Governmental institutions and government-
_	sponsored enterprises
§ 9:33	 —Recertification or withdrawal of approval
§ 9:34	— —Civil money penalties
§ 9:35	—Loan processing
§ 9:36	——Single family loans
§ 9:37	— —Multifamily loans
§ 9:38	———Small project processing
§ 9:39	———Delegated processing
§ 9:40	— — — Multifamily accelerated processing
§ 9:41	———Principals with high balances of outstanding
	loans
§ 9:42	— — —Streamlined processing for low-income
	housing tax credit projects
§ 9:43	— — — Opportunity zones
§ 9:44	— — —Commercial space
§ 9:45	———Previous participation review
§ 9:46	—Risk-sharing program
§ 9:47	— —Reinsurance program
§ 9:48	 — Housing finance agency program
§ 9:49	— — —Qualified agencies
§ 9:50	— — —Level of risk
§ 9:51	— — Eligible projects
§ 9:52	—Single family programs
§ 9:53	— —Basic loan program
§ 9:54	— — —Maximum mortgage amount
§ 9:55	— — —Loan-to-value ratio
§ 9:56	— — —Minimum investment
§ 9:57	— — —Qualified mortgage
§ 9:58	— — Owner-occupancy requirement
§ 9:59	— — Loan terms
§ 9:60	— — —Assumability
§ 9:61	———PACE assessments
§ 9:62	— — —Consumer choice
§ 9:63	— —Replacement housing loans
§ 9:64	
§ 9:65	— — Rehabilitation loans
0	

0.0.0	
§ 9:66	— — Maximum mortgage amount
§ 9:67	— — —Insurance of advances
§ 9:68	———Rental housing
§ 9:69	———Limited repair program
§ 9:70	——Cooperative housing unit loans
§ 9:71	 — Neighborhood conservation loans
§ 9:72	— — Moderate-income and displaced family loans
§ 9:73	——Condominium unit loans
§ 9:74	— —Loans in areas near military installations
§ 9:75	——Loans for fee simple titles
§ 9:76	— —Graduated-payment and growing-equity
Ü	mortgages
§ 9:77	——Loans on Hawaiian home lands
§ 9:78	——Insured and guaranteed loans on Indian land
§ 9:79	— — Loan terms for guaranteed loans
§ 9:80	— — —Eligible collateral
§ 9:81	— — Default by borrower
§ 9:82	— — Direct guarantee procedure
§ 9:83	— —Adjustable-rate mortgages
§ 9:84	——Shared appreciation mortgages
§ 9:85	— —Home equity conversion mortgages
§ 9:86	— — Eligible homeowners
§ 9:87	— — Mortgage provisions
§ 9:88	——Payment options
§ 9:89	— — Mortgage insurance payments
§ 9:90	— — Refinancing
§ 9:91	— —FHA HOPE for Homeowners
§ 9:92	—Multifamily programs
§ 9:93	——Rental housing and manufactured home park
8 0.00	loans
§ 9:94	— — Maximum mortgage amount
§ 9:95	— — Loan-to-value limit
§ 9:96	——Regulation of rents
§ 9:97	——Occupancy requirements
§ 9:98	——————————————————————————————————————
§ 9:99	— — Types of projects
§ 9:100	— — Mortgage terms
§ 9:100	— — Supplementary loans
§ 9:101	— — Supplementary loans — — Neighborhood conservation loans
§ 9:102 § 9:103	— — Moderate-income and displaced family loans
§ 9:103 § 9:104	— — Mortgage limits
§ 9:104 § 9:105	— — — Regulation of rents
	— — negulation of fents
§ 9:106	— — —Single room occupancy projects — — —Mixed-income initiative
§ 9:107	— — Rental assistance demonstration
§ 9:108	— — Trental assistance demonstration

```
§ 9:109
        — Refinancing FHA-insured mortgages
§ 9:110
        ——Operating loss loans
§ 9:111
        — —Financing of existing projects
§ 9:112
        — — — Maximum mortgage amount
§ 9:113
        ———Secondary financing
§ 9:114
        — — — Manufactured home communities
§ 9:115
        ———Energy conservation
§ 9:116
        — —Loans for elderly housing
§ 9:117
        --- Nursing home mortgages
§ 9:118
        — —Condominium project loans
§ 9:119
        — —Loans in areas near military installations
        —Title I program
§ 9:120
§ 9:121
        ——Participating lenders
        --Property improvement loans
§ 9:122
        ———Loan amount
§ 9:123
§ 9:124
        ———Loan terms
§ 9:125
        ———Security
        — — Equity
§ 9:126
        — — — Home energy retrofit pilot program
§ 9:127
§ 9:128
        — — Manufactured home loans
        ———Loan amount
§ 9:129
        ———Down payments
§ 9:130
§ 9:131
        ———Loan terms
§ 9:132
        ———Title II
§ 9:133
        ——Insurance charges
        Department of Veterans Affairs
§ 9:134
        —Eligible borrowers
§ 9:135
§ 9:136
        —Guaranteed home loans
§ 9:137
        ——Amount of guaranty
§ 9:138
        — Types of loans
§ 9:139
        ———Refinancing loans
§ 9:140
        — — — Alternative mortgage instruments
§ 9:141
        — —Loan fees
        ——Processing
§ 9:142
§ 9:143
        — — Underwriting
        — — Default and foreclosure
§ 9:144
§ 9:145
        ———Loan modifications
        ———Termination of loan
§ 9:146
        — — Payment of guaranty
§ 9:147
§ 9:148
        —Guaranteed manufactured home loans
§ 9:149
        — Loan terms
§ 9:150
        — —Guaranty amount
        — Loan fee
§ 9:151
§ 9:152
        —Direct home loans
```

```
§ 9:153
        — —Loan terms
§ 9:154
        — —Use of guaranty entitlement
§ 9:155
         — —Loans to Native Americans
§ 9:156
        —Housing for disabled veterans
§ 9:157
         —Services for homeless veterans
§ 9:158
         Real Estate Settlement Procedures Act of 1974
§ 9:159
         —Disclosure
         — —Information booklet
§ 9:160
§ 9:161
        — —Good-faith estimates
§ 9:162
         — — Uniform settlement statement
§ 9:163
        -Loan servicing
§ 9:164
        — —Transfer of servicing
§ 9:165
        ——Escrow accounts
§ 9:166
        —Kickback prohibition
§ 9:167
         ——Affiliated business arrangements
§ 9:168
        — —Computerized loan origination
§ 9:169
         — — Yield spread premiums
§ 9:170
         — —Title insurance
§ 9:171
        — Enforcement
§ 9:172
         Secondary mortgage market
         -Government National Mortgage Association
§ 9:173
§ 9:174
         --- Mortgage-backed securities
§ 9:175
         ———Types of securities
§ 9:176
         ———Eligible issuers
§ 9:177
        — — Guarantees
§ 9:178
        ———Eligible collateral
         ———Payment plans
§ 9:179
         --- Real estate mortgage investment conduits
§ 9:180
         — — — Eligible collateral
§ 9:181
         ———Eligible participants
§ 9:182
§ 9:183
        —Federal National Mortgage Association and Federal
          Home Loan Mortgage Corporation
§ 9:184
         ---Overview
        — —Housing goals
§ 9:185
§ 9:186
        — — Definitions
§ 9:187
         ———Single-family goals
        ———Multifamily goals
§ 9:188
        — — — Underserved markets
§ 9:189
         ————Evaluation of performance
§ 9:190
§ 9:191
        ————Equitable housing finance plan
§ 9:192
         — — Adjustment of goals
§ 9:193
         ———Special counting requirements
         ——Capital requirements
§ 9:194
         — — Risk-based capital test
§ 9:195
```

§ 9:196 — — — Minimum capital level § 9:197 ———Critical capital level § 9:198 ———Capital classifications § 9:199 — — Supervision — — Regulations § 9:200 § 9:201 § 9:202 — — — Allocation formula § 9:203 — — —Income targeting § 9:204 ———Eligible activities § 9:205 ———Rental housing § 9:206 — — —Homeownership § 9:207 — — — Program administration § 9:208 Affordable housing program § 9:209 -Program requirements-General and targeted funds § 9:210 -Homeownership set-aside programs § 9:211 —Competitive applications § 9:212 -Monitoring § 9:213 —Compliance dates Federal Home Loan Banks—Housing goals § 9:214 § 9:215 Federal Home Loan Banks—Underserved communities § 9:216 Foreclosure prevention § 9:217 Mortgage regulation § 9:218 —Mortgage origination requirements § 9:219 —Minimum mortgage standards § 9:220 -Credit risk retention for mortgage-backed securities

CHAPTER 10. TAX PROVISIONS

§ 10:1 Low-income housing tax credit § 10:2 —Eligible properties § 10:3 — Ten-year rule § 10:4 — — Rehabilitation expenditures § 10:5 — — Multiple-building projects § 10:6 ——Passive loss transition rule § 10:7 —Low-income occupancy requirements § 10:8 ——Occupancy restrictions § 10:9 ——Rent restrictions § 10:10 — — —Imputed income limit --Over-income tenants § 10:11 § 10:12 --- Restricted use period § 10:13 ———Termination of extended use period — — Protection for low-income tenants § 10:14 § 10:15 —Calculation of credit

```
§ 10:16
         ——Eligible basis
§ 10:17
         — — — Disproportionate standards
§ 10:18
         ———Federal subsidies
§ 10:19
         ———High-cost areas
§ 10:20
         ——Qualified basis
§ 10:21
         — — Tax credit percentage
§ 10:22
         —Program administration
§ 10:23
         ——State credit ceiling
§ 10:24
         — — —Allocation of unused carryover
§ 10:25
         ———"Stacking" rule
§ 10:26
         — — — Nonprofit set-aside
§ 10:27
         ———Exclusion for bond-financed projects
§ 10:28
         ——Allocation plan
         — Project allocation
§ 10:29
§ 10:30
         ———Time of allocation
§ 10:31
         — — —Increase in qualified basis
§ 10:32
         ———Ten percent rule
§ 10:33
         — — Treasury, HUD assistance
§ 10:34
         ——Project monitoring
§ 10:35
         ———Recordkeeping
         ———Certification and review
§ 10:36
         — — —Inspections
§ 10:37
§ 10:38
         — — Notification of noncompliance
§ 10:39
         — — — Delegation of monitoring responsibilities
§ 10:40
         ———Fair housing
§ 10:41
         ——Subsidy layering guidelines
§ 10:42
         ——Recapture of credit
§ 10:43
         Rehabilitation tax credit
§ 10:44
         —Eligible properties
§ 10:45
         -Rehabilitation requirements
§ 10:46
         ——Substantial rehabilitation
§ 10:47
         ——Qualified rehabilitation expenditures
§ 10:48
         —Recapture
§ 10:49
         Tax-exempt financing
§ 10:50
         —Rental housing
§ 10:51
         —Ownership housing
§ 10:52
         — —General requirements
§ 10:53
         — —Income requirements
§ 10:54
         ———Targeted areas
         ———High housing costs
§ 10:55
§ 10:56
         — Purchase price requirements
§ 10:57
         — — Mortgage credit certificates
         — Recapture of assistance
§ 10:58
§ 10:59
         ——Qualified veterans mortgage bonds
```

§ 10:60 Syndication § 10:61 —Partnerships § 10:62 —Passive losses § 10:63 — — Definition of passive activity § 10:64 ——Deduction limits § 10:65 ——Special provisions for real estate activities § 10:66 — — —Low-income housing tax credit --- Rehabilitation tax credit § 10:67 § 10:68 ——Ordering rules § 10:69 Real estate mortgage investment conduits § 10:70 —REMIC structure § 10:71 — — Regular interests § 10:72 — —Residual interests —Eligible investments § 10:73 § 10:74 — —Qualified mortgages § 10:75 ———Obligations secured by interests in real property § 10:76 ———"Principally secured" test § 10:77 — Other permitted investments § 10:78 ———Cash flow investments § 10:79 ———Qualified reserve assets --Foreclosure property § 10:80

CHAPTER 11. COMMUNITY AND ECONOMIC DEVELOPMENT

- § 11:1 Community development block grant program
- § 11:2 —Entitlement program
- § 11:3 ——Eligible communities
- § 11:4 ——Submission requirements
- § 11:5 ——Performance reviews
- § 11:6 —State and small cities program
- § 11:7 ——Program administration
- § 11:8 ——Program reviews
- § 11:9 —Indian tribes and Alaskan native villages
- § 11:10 —National objectives
- § 11:11 ——Low- and moderate-income benefit
- § 11:12 ———Area benefit activities
- § 11:13 ———Limited clientele activities
- § 11:14 ———Housing activities
- § 11:15 ———Job creation or retention activities
- § 11:16 ——Prevention of elimination of slums and blight
- § 11:17 ——Urgent community needs
- § 11:18 —Neighborhood revitalization strategy areas
- § 11:19 —Eligible activities

```
§ 11:20
        —Ineligible activities
§ 11:21
         -Allocation of funds
§ 11:22
         — —Entitlement communities
§ 11:23
         ——States
§ 11:24
         —Expenditure of funds
§ 11:25
         —Program requirements
§ 11:26
         — Labor standards
         — — Nondiscrimination
§ 11:27
§ 11:28
         ——Program income
§ 11:29
         — —Lump-sum drawdowns
§ 11:30
         ——Sanctions for noncompliance
§ 11:31
         — — Disaster recovery funds
§ 11:32
         —Section 108 loan program
§ 11:33
         —Special purpose grants
§ 11:34
         —Grants to insular areas
§ 11:35
         —Urban Development Action Grants
§ 11:36
         Neighborhood stabilization program
§ 11:37
         Economic Development Administration
§ 11:38
         -Programs
§ 11:39
         —Eligibility
§ 11:40
         Economically distressed areas
§ 11:41
         —Empowerment zones and enterprise communities
§ 11:42
         — —Eligibility
§ 11:43
         ———Original criteria
         ———Modified criteria
§ 11:44
         — —Tax incentives
§ 11:45
         --Tax-exempt bonds
§ 11:46
         ———Employment credit
§ 11:47
§ 11:48
         — — —Increased expensing
§ 11:49
         § 11:50
         — Other benefits
         ——Designation of zones
§ 11:51
§ 11:52
         —Renewal communities
§ 11:53
         — —Eligibility
§ 11:54
         — — Designation
§ 11:55
         — —Tax incentives
§ 11:56
         — — Renewal community capital gain
§ 11:57
         — — Employment credit
§ 11:58
         — — — Commercial revitalization deduction
         ———Section 179 expensing
§ 11:59
§ 11:60
         —Opportunity zones—Designation
§ 11:61
         — —Investment of capital gains
         New Markets programs
§ 11:62
§ 11:63
         -New Markets tax credit program
```

TABLE OF CONTENTS

§ 11:64	——Community development entities
§ 11:65	— —Qualified low-income community investments
§ 11:66	— —Qualified active low-income community busines
§ 11:67	——Allocation of investment authority
§ 11:68	——Recapture of tax credits
§ 11:69	—New Markets venture capital companies
§ 11:70	——Low-income areas
§ 11:71	— —Eligibility
§ 11:72	— — Conditional approval
§ 11:73	— — Final approval
§ 11:74	— —Financial support
§ 11:75	— — — Debentures
§ 11:76	— — — Operational assistance grants
§ 11:77	Other community and economic development
	programs
§ 11:78	—Community Development Financial Institutions
	Fund
§ 11:79	——Assistance to financial institutions
§ 11:80	——Eligible activities
§ 11:81	——Capital magnet fund
§ 11:82	—Neighborhood Reinvestment Corporation
§ 11:83	—Relocation assistance
§ 11:84	—Economic opportunities for low-income persons
§ 11:85	— —Employment
§ 11:86	——Contracting
§ 11:87	—Redevelopment on former military bases
§ 11:88	—Small Business Administration programs
§ 11:89	——Development company loan program
§ 11:90	— —HUBZone program
§ 11:91	—Brownfields redevelopment
§ 11:92	— —EPA program
§ 11:93	——HUD program

APPENDICES

APPENDIX A. Table of Acts and Programs

Table of Laws and Rules

Table of Cases

Index