

**Premises.** The building or complex in which the dwelling unit is located, including common areas and grounds.

**Program.** The tenant-based certificate program or voucher program.

**Project-based.** Rental assistance that is attached to the structure.

**Project-based certificate program (PBC).** Project-based assistance under 24 CFR part 983, using funding under the consolidated ACC for the HA certificate program.

**Project reserve.** ACC reserve account. See § 982.154.

**Public housing agency (PHA).** A Housing Agency (HA).

**Ranking preference.** A preference used by the HA to select among applicant families that qualify for federal preference.

**Reasonable rent.** A rent to owner that is not more than either:

(1) Rent charged for comparable units in the private unassisted market; or

(2) Rent charged by the owner for a comparable assisted or unassisted unit in the building or premises.

**Receiving HA.** In portability, an HA that receives a family selected for participation in the tenant-based program of another HA. The receiving HA issues a certificate or voucher, and provides program assistance to the family.

**Rental certificate.** Certificate.

**Rental certificate program.** Certificate program.

**Rental voucher.** Voucher.

**Rental voucher program.** Voucher program.

**Rent to owner.** The monthly rent payable to the owner under the lease. Rent to owner includes payment for any services, maintenance and utilities to be provided by the owner in accordance with the lease.

**Residency preference.** An HA preference for admission of families that reside anywhere in a specified area, including families with a member who works or has been hired to work in the area ("residency preference area").

**Residency preference area.** The specified area where families must reside to qualify for a residency preference.

**Special admission.** Admission of an applicant that is not on the HA waiting list, or without considering the applicant's waiting list position.

**Subsidy standards.** Standards established by an HA to determine the appropriate number of bedrooms and amount of subsidy for families of different sizes and compositions. See definition of "family unit size".

**Suspension.** Stopping the clock on the term of a family's certificate or voucher, for such period as determined by the

HA, from the time when the family submits a request for HA approval to lease a unit, until the time when the HA approves or denies the request.

**Tenant.** The person or persons (other than a live-in aide) who executes the lease as lessee of the dwelling unit.

**Tenant-based.** Rental assistance that is not attached to the structure.

**Tenant rent.** In the certificate program, total tenant payment minus any utility allowance.

**Total tenant payment.** In the certificate program, defined in 24 CFR 813.102 and 24 CFR 813.107.

**Unit.** Dwelling unit.

**United States Housing Act of 1937 (1937 Housing Act).** The basic law that authorizes the public and Indian housing programs, and the Section 8 programs. (42 U.S.C. 1437 and following sections.)

**Utility allowance.** Defined in 24 CFR 813.102.

**Utility reimbursement.** In the certificate program, the amount, if any, by which any utility allowance for family-paid utilities or other housing services exceeds the total tenant payment.

**Very low-income family.** Defined in 24 CFR 813.102.

**Violent criminal activity.** Any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another.

**Voucher (rental voucher).** A document issued by an HA to a family selected for admission to the voucher program. The voucher describes the program, and the procedures for HA approval of a unit selected by the family. The voucher also states the obligations of the family under the program.

**Voucher program.** Rental voucher program.

**Waiting list admission.** An admission from the HA waiting list.

#### § 982.5 Notices required by this part.

Where part 982 requires any notice to be given by the HA, the family or the owner, the notice must be in writing.

### Subpart B—HUD Requirements and HA Plan for Administration of Program

#### § 982.51 HA authority to administer program.

(a) The HA must be a governmental entity or public body with authority to administer the tenant-based program. The HA must provide HUD evidence, satisfactory to HUD, of such authority, and of the HA jurisdiction.

(b) The evidence submitted by the HA to HUD must include enabling

legislation and a supporting legal opinion satisfactory to HUD. The HA must submit additional evidence when there is a change that affects its status as an HA, authority to administer the program, or the HA jurisdiction.

#### § 982.52 HUD requirements.

(a) The HA must comply with HUD regulations and other HUD requirements for the program. HUD requirements are issued by HUD headquarters, as regulations, **Federal Register** notices or other binding program directives.

(b) The HA must comply with the consolidated ACC and the HA's HUD-approved applications for program funding.

#### § 982.53 Equal opportunity requirements.

(a) Participation in the tenant-based program requires compliance with all equal opportunity requirements imposed by contract or federal law, including applicable requirements under:

(1) The Fair Housing Act, 42 U.S.C. 3610–3619 (implementing regulations at 24 CFR parts 100, *et seq.*);

(2) Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (implementing regulations at 24 CFR part 1);

(3) The Age Discrimination Act of 1975, 42 U.S.C. 6101–6107 (implementing regulations at 24 CFR part 146);

(4) Executive Order 11063, Equal Opportunity in Housing (1962), as amended, Executive Order 12259, 46 FR 1253 (1980), as amended, Executive Order 12892, 59 FR 2939 (1994) (implementing regulations at 24 CFR part 107);

(5) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (implementing regulations at 24 CFR part 8); and

(6) Title II of the Americans with Disabilities Act, 42 U.S.C. 12101, *et seq.*

(b) For the application of equal opportunity requirements to an Indian Housing Authority, see 24 CFR 950.115.

(c) The HA must submit a signed certification to HUD of the HA's intention to comply with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act.

#### § 982.54 Administrative plan.

(a) The HA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be