
CHAPTER 1. INTRODUCTION

1-1 Purpose of This Handbook

- A. HUD-subsidized multifamily properties represent an important and valuable resource in addressing the nation's affordable housing needs. The successful delivery of this housing resource to the people who need it depends on effective occupancy policies and procedures. HUD's occupancy requirements and procedures ensure that eligible applicants are selected for occupancy, that tenants receive the proper level of assistance, and that tenants are treated fairly and consistently.
- B. This handbook describes the occupancy requirements and procedures governing the HUD-subsidized multifamily housing programs identified in paragraph 1-2. The handbook also addresses the procedures by which households apply for housing and the rights and responsibilities of in-place tenants and property owners.
- C. This handbook is addressed to tenants, owners, managers, HUD Field Office Staff, Performance-Based Contract Administrators and Traditional Contract Administrators. The first points of contact regarding information in this handbook are Office of Multifamily Housing staff in the corresponding local HUD Field Office for an area.
- D. This handbook does not supersede any Contract Administrator's or owner's rights, obligations, or requirements. Where the Handbook references HUD or Contract Administrator, the Contract Administrator will only perform those tasks required under the provisions of their Annual Contributions Contract (ACC).

1-2 Programs Subject to This Handbook

A. **Applicable Programs**

The requirements and procedures described in this handbook apply to each HUD-subsidized multifamily housing program listed in Figure 1-1.

B. **State Agency Financed Properties**

For HUD-subsidized properties financed by state agencies, this handbook covers only the applicable HUD requirements. Owners of these properties are subject to additional requirements established by states and their designated housing finance or other agencies.

- 1. State agencies may enforce state requirements, as long as they do not conflict with this handbook or HUD regulations.
- 2. State agencies must obtain written HUD approval before changing any of the HUD forms required by this handbook.

Figure 1-1: Programs Subject to This Handbook

- Section 221(d)(3) Below-Market Interest Rate (Section 221(d)(3) BMIR)
- Section 236
- Rental Assistance Payment (RAP)
- Rent Supplement
- Section 8 Project-Based Assistance
 - New Construction
 - State Agency Financed (generally are New Construction or Substantial Rehabilitation projects)
 - Substantial Rehabilitation
 - Section 202 Projects with Section 8 Assistance (Section 202/8)
 - Rural Housing Section 515 Projects with Section 8 Assistance (RHS Section 515/8)
 - Loan Management Set-Aside (LMSA)
 - Property Disposition Set-Aside (PDSA)
- Section 202 with 162 Assistance – Project Assistance Contracts (Section 202 PACs)
- Section 202 with Project Rental Assistance Contracts (Section 202 PRACs)
- Section 202 without Assistance (Income Limits Only)
- Section 811 with Project Rental Assistance Contracts (Section 811 PRACs)

C. How Applicability Varies

Not all requirements apply to all properties or tenants. Furthermore, some properties are assisted under multiple programs and are subject to multiple sets of requirements.

1. Applicability can vary by:
 - a. Type of program (e.g., Section 236 versus Section 8);
 - b. Type of Section 8 assistance (e.g., Loan Management Set-Aside versus New Construction);
 - c. Date that subsidy contracts took effect or were executed;
 - d. Date a tenant moved in or first received subsidy; and
 - e. Date a tenant was converted to Section 8 assistance.

2. When applicability does vary, a paragraph or subparagraph in this handbook entitled “Applicability” will be included to indicate which projects, units, or tenants are subject to or exempt from the requirement. The variation will be described in subsequent paragraphs.

D. Programs and Properties Not Subject to This Handbook

This handbook does not apply to:

1. HUD-owned properties;
2. Section 8 Moderate Rehabilitation Program;
3. Public housing;
4. Housing Choice Voucher Program;
5. Enhanced Voucher Program; and
6. Unassisted market rate properties and health care facilities.
7. *HUD-Veterans Affairs Supportive Housing*
8. *Mainstream Vouchers*

E. Compliance

The failure of owners to perform required functions as prescribed in this handbook may result in civil money penalties as detailed in 24 CFR part 30. Such action does not preclude the application of administrative, as well as criminal remedies where warranted. Further information concerning program enforcement can be found in HUD Handbook 4350.1, *Multifamily Asset Management and Project Servicing*.

1-3 Background – Key Multifamily Subsidized Housing Programs

A. Financing Subsidies: Mortgage Insurance and Mortgage Interest Rate Subsidies

1. Section 221(d)(3) BMIR. This program insured and subsidized mortgage loans to facilitate the new construction or substantial rehabilitation of multifamily rental or cooperative housing for low- and moderate-income families. The reduced mortgage interest rate, usually from 1% to 3%, resulted in lower operating costs for these projects and therefore reduced rents. This program no longer provides subsidies for new mortgage loans, but existing Section 221(d)(3) BMIR properties continue to operate under the program. Families living in Section 221(d)(3) BMIR projects are considered subsidized because the reduced rents for these properties are made possible by subsidized mortgage interest rates.

Some BMIR projects have experienced escalating operating costs that have caused the BMIR rents to increase beyond levels that are readily affordable to lower and moderate-income tenants. In these cases, HUD may have allocated project-based rental assistance through Section 8 Loan Management Set-Aside (LMSA) to these properties to decrease vacancies and improve the project's financial position (see subparagraph C below).

2. Section 236. The Section 236 program, established by the Housing and Urban Development Act of 1968, combined federal mortgage insurance with interest reduction payments to the mortgagee for the production of low-cost rental housing. Under this program, HUD provided interest subsidies to lower a project's mortgage interest rate to as low as 1 percent. This program no longer provides insurance or subsidies for new mortgage loans, but existing Section 236 properties continue to operate under the program. The interest reduction payment results in lower operating costs and subsequently a reduced rent structure.

The Section 236 basic rent is the rent that the owner must collect to cover the property's operating costs given the mortgage interest reduction payments made to the property. The Section 236 market rent represents the rents needed to cover operating costs if the mortgage interest were not subsidized. All tenants pay at least the Section 236 basic rent for their property and, depending on their income level, may pay a rent up to the Section 236 market rent. Tenants paying less than the Section 236 market rent are considered assisted tenants.

Some Section 236 properties have experienced escalating operating costs, causing the basic rents to increase beyond levels readily affordable to many low-income tenants. To help maintain the financial health of the property, HUD may have allocated project-based rental assistance through Section 8 LMSA to a Section 236 property (see subparagraph C below). Some Section 236 properties have other forms of project-based rental assistance, such as Rent Supplement or RAP (see subparagraph C below).

3. Section 231. The Section 231 program insures mortgage loans to facilitate the construction and substantial rehabilitation of multifamily rental housing for elderly persons and/or persons with physical disabilities. In Section 231 properties, elderly persons or elderly families must occupy no less than 50 percent of the units. In units designated as elderly units, owners must restrict occupancy to an elderly person or an elderly family. Owners may admit nonelderly physically disabled families to the nonelderly units up to the percentage allowed in the Regulatory Agreement. The property may serve a greater percentage of nonelderly persons with physical disabilities than the percentage allowed in the regulatory agreement only after the owner has received written approval from HUD. This program no longer provides subsidies for new mortgage loans, but existing Section 231 properties with subsidy continue to operate under the program.

Some Section 231 properties have experienced escalating operating costs, causing the rents to increase beyond levels readily affordable to many low-income tenants. To help maintain the financial health of the property, HUD may have allocated project-based rental assistance through Section 8 LMSA to a Section 231 property (see subparagraph C below). Some Section 231 properties have other forms of project-based rental assistance, such as Rent Supplement (see subparagraph C below).

B. Direct Loans and Capital Advances

The Section 202 program has historically developed housing for the elderly and persons with disabilities. Project sponsors apply directly to HUD for development loans or capital advances. The program began in the 1960s. *Since then*, it has evolved from a loan program to a capital advance program and has been combined with other forms of assistance to make the rents affordable. Although the Section 202 program originally developed housing to serve the elderly and persons with disabilities, properties developed through the current Section 202 Capital Advance program serve only elderly families/persons. The Section 811 Capital Advance program now serves persons with disabilities. The descriptions below summarize the Section 202 program over the years and the addition of the Section 811 program.

1. Section 202 Direct, Low-Interest Loans. This program provided Section 202 low-interest, direct loans to develop housing for the elderly or disabled. Some of these Section 202 properties received tenant subsidies in the form of Rent Supplement or Section 8 Loan Management Set-Aside contracts (see subparagraph C below). The program was discontinued after 1976; however, many of these properties are still in service.
2. Section 202 Direct, Formula Interest Rate Loans. This program replaced the Section 202 direct, low-interest loan program. It also provided long-term, direct loans to finance housing for the elderly or persons with disabilities. However, these loans carried an interest rate based on the average yield on 30 year marketable obligations of the United States and properties were developed with 100% Section 8 assistance to help keep units affordable to low-income families. The program, commonly referred to as Section 202/8, stopped making loans in 1991, but there are many Section 202/8 properties in service. The Section 162 program was created in 1988 as a program for persons with disabilities. (See Project Assistance Contracts (PACs) in subparagraph C below).
3. Section 202 and Section 811 Capital Advances. Since October 1991, HUD has provided capital advances, rather than loans, to finance the development of rental housing for the elderly and persons with disabilities. The Section 202 Capital Advance Program provides housing for the elderly, and the Section 811 Capital Advance Program does the same for persons with disabilities. These programs replaced the Section 202 direct, formula interest rate loan program. In both the Section 202

and Section 811 programs, the development of rental housing with supportive services is subsidized with an interest-free capital advance, and repayment is not required as long as the housing remains available to very low-income elderly or very low-income persons with disabilities. The capital advances are provided together with tenant rental subsidies in the form of Project Rental Assistance Contracts (PRACS) (see subparagraph C below).

C. **Project Rental Subsidies**

The housing subsidies described below are paid to owners on behalf of tenants to keep the amount that tenants pay for rent affordable. This assistance is tied to the property and differs in that respect from tenant-based rental assistance programs (e.g., Housing Choice Vouchers) where the subsidy follows the tenant when a tenant moves to another property.

1. Rental Assistance Payment (RAP) Contracts. The RAP program was established by the Housing and Community Development Act of 1974 to provide additional rental assistance subsidy to property owners on behalf of very low-income tenants. RAP was available only to Section 236 properties and was the predecessor of the project-based Section 8 program.
2. Rent Supplement Contracts. The Rent Supplement Program was established by the Housing and Urban Development Act of 1965 and was the first project-based assistance program for mortgages insured by the Office of Housing. These contracts were available to Section 221(d)(3) BMIR, Section 231, Section 236 (insured and noninsured), and Section 202 properties for the life of the mortgage. The program was suspended under the housing subsidy moratorium of January 5, 1973. Owners of properties with Rent Supplement contracts were allowed to convert to project-based Section 8 assistance.
3. Section 8 Housing Assistance Payments (HAP) Contracts.
 - a. New Construction and Substantial Rehabilitation Contracts. Under this program, repealed by Congress in 1983, HUD provided (upon application) Section 8 project-based assistance to public housing authorities (PHAs) or private owners for up to 20 or 40 years after completion of the construction or substantial rehabilitation of rental housing. The Section 8 financial assistance provided a subsidy that helped bridge the gap between the rents needed to make a project feasible and the rents affordable to the tenants. Financing was provided by commercial lending institutions and often insured by HUD through the Federal Housing Administration (FHA) or a State Housing Finance Agency. HUD has not approved any new projects since 1983, but projects approved prior to that time may still receive subsidy.

- b. Rural Housing Section 515 Properties with Section 8 Contracts (RHS Section 515/8). The USDA Rural Housing Service Section 515 Rural Rental Housing program provides direct, below-market interest rate loans for the construction or acquisition and rehabilitation of rental housing for low- and moderate-income families (including the elderly and disabled) in rural areas. Some properties developed through this program received Section 8 rental assistance contracts to make the rental units more affordable to eligible families. New Section 515 properties are still being developed, however these new projects are no longer combined with Section 8 contracts.
 - c. Loan Management Set-Aside (LMSA) Contracts. This Section 8 program was developed to provide assistance to insured projects experiencing immediate or potentially serious financial difficulties. The assistance helped minimize defaults and reduce insurance fund claims by providing rental assistance to tenants and thereby making the project affordable to low-income families. The contracts were available for projects insured under the Section 236, Section 221(d)(4), and Section 221(d)(3) and 221 (d) (3) BMIR programs, as well as Section 202 projects.
 - d. Property Disposition Set-Aside (PDSA) Contracts. This Section 8 program was used in connection with the sale of HUD-owned properties and/or foreclosure of HUD-held mortgages for properties formerly insured under the Section 236 and Section 221(d)(3) BMIR programs or other low-income housing programs. Like LMSA contracts, this program helped ensure that the units in these properties would remain affordable to low-and moderate-income households and minimize displacement.
4. Project Assistance Contracts (PACs). Created for Section 202 properties for persons with disabilities, Section 162 provided subsidies in the form of Project Assistance Contracts to nonprofit sponsors to help make rents affordable in Section 202 projects developed for persons with disabilities. The PAC covered the difference between the HUD approved operating costs of the property and the tenant's contributions toward rent plus the debt service on the loan. HUD awarded PACs to Section 202 projects for persons with disabilities funded in fiscal years 1989 and 1990.

Project Rental Assistance Contracts (PRACs). Beginning in 1991, HUD replaced the Section 202/8 and Section 202 PAC programs with assistance through PRACs for projects developed with Section 202 or Section 811 Capital Advances. The PRAC provides a rental subsidy on behalf of tenants in these properties that covers the difference between the HUD approved operating costs of the project and the tenant's contribution toward the rent.

1-4 Contract Administrators

- A. Subsidy contract administration involves a broad range of responsibilities, including program compliance functions to ensure that HUD-subsidized properties are serving eligible families at the correct level of assistance, and asset management functions to ensure the physical and financial health of HUD properties.
- B. HUD has primary responsibility for contract administration but has assigned portions of these responsibilities to other organizations that act as Contract Administrators for HUD. These Contract Administrators are generally housing agencies, such as State Housing Finance Agencies or local housing authorities. There are two types of Contract Administrators that assist HUD in performing contract administration functions.
 1. Traditional Contract Administrators. These Contract Administrators have been used for over 20 years and have Annual Contributions Contracts (ACCs) with HUD. Under their ACCs, Traditional Contract Administrators are responsible for asset management functions and HAP contract compliance and monitoring functions. They are paid a fee by HUD for their services.
 2. Performance-Based Contract Administrators (PBCAs). The use of PBCAs began as an initiative in 2000. Under a performance-based ACC, the scope of responsibilities of a Contract Administrator is more limited than that of a Traditional Contract Administrator. A PBCA's responsibilities focus on the day-to-day monitoring and servicing of Section 8 HAP contracts. PBCAs are generally required to administer contracts on a statewide basis and have strict performance and reporting requirements as outlined in their ACC.

1-5 Principles for Addressing Overlapping Federal, State, and Local Requirements

A. General

In addition to complying with this handbook, owners must comply with other federal, state, and local laws applicable to the occupancy of multifamily housing properties. If other federal, state, or local laws conflict with HUD's requirements, owners must contact the HUD Field Office or Contract Administrator for guidance. Also, when addressing complex overlapping requirements, it is always prudent for owners to seek proper counsel.

B. Statutory Program Eligibility Requirements

Federal statutory program eligibility requirements cannot be overruled by state or local law.

C. **Multiple Federal Laws**

If more than one federal law applies to a situation, the laws should be read and applied together. Where one law imposes a more restrictive requirement or standard on the owner than another, the more restrictive requirement or standard is controlling as to federal law.

D. **Overlap Between Federal and State/Local Nondiscrimination Laws**

If state or local laws impose different nondiscrimination requirements than federal law, the more rigorous standard, the one that promotes the higher level of protection for the tenant, is controlling regardless of whether the more rigorous standard is that of the state, local, or federal law.

1-6 **Handbook Organization**

A. **Organization of Chapters**

To help show the similarities across programs, this handbook is structured topically (e.g., eligibility, determining income, and calculating tenant rents) rather than by program. After introducing the key civil rights and nondiscrimination requirements applicable to these properties, the handbook describes the relevant procedures and requirements organized by the major types of occupancy functions (e.g., eligibility determination, waiting list management). It covers the requirements at key steps in admitting tenants and also the occupancy responsibilities for owners and tenants after initial occupancy (e.g., recertifications, unit transfers).

B. **Format**

Each chapter describes the key requirements and procedures relevant to that topic. The handbook also uses several types of helpful aids to assist the reader in understanding program requirements. These include:

1. **Examples.** These are brief descriptions of situations that help explain the occupancy topic being covered.
2. **Figures.** These are reference charts, tables, or technical information.
3. **Exhibits.** Exhibits are similar to figures but are usually more detailed charts with technical information or samples of documents. Exhibits are identified in the text of a chapter, but they appear at the end of a chapter to avoid interrupting the narrative flow.
4. **Glossary.** The glossary contains definitions of key technical terms used in the handbook.
5. **Appendices.** Appendices contain more extensive technical information, sample formats, forms, and instructions for preparing forms. Appendices appear at the end of the handbook.

6. Index. The index provides key paragraph and page references for important terms and technical concepts covered in this handbook.

C. **Key Terms**

1. There are a number of key technical terms used in this handbook, which are defined in the Glossary because they have very specific definitions established by federal statute, regulations, or program requirements. At the beginning of each chapter, a figure provides a list of the key terms used in that chapter, which are defined in the Glossary. It is important that readers familiarize themselves with the definitions of these terms presented in the Glossary, as well as with the content of the chapter.
2. Uses of “Disability” and “Persons with Disabilities”. In this handbook, the terms “disability” and “persons with disabilities” have more than one definition.
 - a. One set of definitions for these terms are used when determining a family’s eligibility under multifamily subsidized housing programs that assist persons with disabilities. See Figure 3-6 and the Glossary for the definitions used when determining eligibility.
 - b. Separate and distinct definitions of these terms apply to requirements and procedures addressing civil rights protections. See the Glossary for these definitions.
 - c. See paragraph 2-23 for more information about the use of these terms in the handbook.

1-7 **Additional Program Resources**

A. **Relevant HUD Handbooks**

The following additional HUD handbooks are useful references when performing occupancy functions.

1. HUD Handbook 4350.1, *Multifamily Asset Management and Project Servicing*.
2. HUD Handbook 4350.2, *Section 8 Loan Management Set-Aside for Projects with HUD-Insured and HUD-Held Mortgages*.
3. HUD Handbook 4350.5, *Subsidy Contract Administration and Field Office Monitoring*.
4. HUD Handbook 4381.5, *HUD Management Agent Handbook*.
5. HUD Handbook 4571.1, *Section 202 Direct Loan Program for Housing for the Elderly or Handicapped*.

6. HUD Handbook 4571.2, *Section 811 Supportive Housing for Persons with Disabilities*.
7. HUD Handbook 4571.3, *Section 202 Supportive Housing for the Elderly*.
8. HUD Handbook 8025.1, *Implementing Affirmative Fair Housing Marketing Requirements for Multifamily Housing*.

B. Other HUD Publications and Information

HUD provides public access to departmental policies, procedures, and notices and other important program information through the Internet. HUD encourages clients to utilize its websites as the most efficient means for obtaining the most recent and up-to-date information on HUD programs. The following websites and documents contain valuable information on issues affecting multifamily housing:

1. HUD Website. <http://portal.hud.gov/portal/page/portal/HUD>. Users can obtain updates on new HUD priorities, plans, and initiatives and read housing-related newsclips. A site map lists key subject areas included in the website; a search mechanism allows users to find information contained in the website or to retrieve HUD forms. The website also connects users to local HUD Field Office websites.
2. HUD Office of Multifamily Housing Website. http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh. This website provides current information and resources from the Office of Multifamily Housing. It includes up-to-date policy information, information about Contract Administrators, and information about the Tenant Rental Assistance Certification System (TRACS). The following is one of the relevant links found on this website: http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/hs_grent. This website contains links to HUD fact sheets about determining rents for the following programs:
 - Below-Market Interest Rate (BMIR);
 - Project-Based Section 8;
 - Section 202/162 PAC and Section 202/811 PRAC;
 - Section 236;
 - Rent Supplement; and
 - Rental Assistance Payment.
3. HUD Office of Fair Housing Intranet Website for Civil Rights Front-End Reviews. <http://hudatwork.hud.gov/po/e/FEReview/cr-review.cfm>. This website provides guidance on responsibility for civil rights front-end monitoring reviews. This reference is an internal Departmental site that is available only to HUD staff. It contains the following materials:
 - Final Rule for Compliance Procedures for Affirmative Fair Housing Marketing Nomenclature Change;

- Statements by the Deputy Secretary, each Assistant Secretary, and the Assistant Deputy Secretary for Field Policy and Management establishing the Department’s endorsement of program staff conducting Civil Rights Front-End and Limited Monitoring Reviews;
 - General operational procedures for conducting Civil Rights Front-End and Limited Monitoring Reviews;
 - Frequently asked questions for all programs about the rationale for processes to be followed; and
 - Procedures, checklists and data for each program to be used for the Civil Rights Front-End and Limited Monitoring Reviews.
4. HUD Office of Fair Housing and Equal Opportunity – Persons with Disabilities.
http://portal.hud.gov/portal/page/portal/HUD/topics/information_for_disabled_persons. This website contains information on the rights of persons with disabilities *who are beneficiaries of or participants in HUD-subsidized multifamily housing programs*, and *includes* the accessibility requirements of the Fair Housing Act, *Section 504, and the Americans with Disabilities Act*.
5. TRACS Website.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/trx/trxsum. This website updates readers on developments in TRACS. TRACS documents, announcements, and frequently asked questions and responses are posted on the website. Users can also participate in the TRACS discussion forum or email TRACS with questions, comments, and concerns.
6. Resident’s Rights and Responsibilities Brochure. This brochure was developed by HUD and describes the rights and responsibilities of tenants living in HUD-subsidized properties. It also highlights property-related activities where tenants have a right to participate and lists sources of additional assistance. The brochure is available *in English as well as several other languages at <http://www.hud.gov/offices/fheo/lep.xml>* or it can be ordered as noted below under subparagraph C Ordering Publications.
- HUDCLIPS Website.
http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips. HUDCLIPS is HUD’s Client Information and Policy System, which provides clients with fast, easy access to HUD’s official repository of policies, procedures, announcements, and other materials. The HUDCLIPS website contains full text searchable databases of HUD handbooks, notices, forms, letters, *Code of Federal Regulations* Title 24 and *U.S. Code* Titles 12-42. HUDCLIPS conveniently lists documents recently added to the HUD repository.
7. Inventory of Units for the Elderly and Persons with Disabilities Website:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/ht

- [o/inventorysurvey](#). This inventory is designed to assist prospective applicants with locating units in HUD insured and HUD subsidized multifamily properties that serve the elderly and/or persons with disabilities.
8. HUD User Policy Development and Research Information Service Website <http://www.huduser.org/portal/index.html>. Income limits for eligibility are located at this website under the “Data Sets” drop down menu.
 9. Multifamily Rental Housing Integrity Improvement Project (RHIP) Website http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/rhiip/mfhrhiip. This website contains brochures, newsletters, training materials, RHIP Tips and other information related to reducing errors in rent and income determinations.
 11. Enterprise Income Verification (EIV) System for Multifamily Housing Program Users Website http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/rhiip/eiv/eivhome. This website contains manuals and information relating to gaining access to the EIV system and use of the EIV system for upfront verification of a tenant’s *employment and income and to assist in the reduction of administrative and subsidy errors.*
 12. *EIV & You brochure. This brochure was developed by HUD to inform applicants and tenants about HUD’s EIV system and how they may be impacted when owners use the data in the EIV system for verification of employment and income and for reducing errors in HUD’s rental assistance programs. The brochure is available English as well as several other languages. The English version of the brochure is available at <http://www.hud.gov/offices/hsg/mfh/rhiip/eivbrochure.pdf> or it can be ordered as noted below under subparagraph C Ordering Publications.*
 13. *Promoting Fair Housing. http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh. This webpage outlines AFFH requirements for a wide range of HUD programs and includes a description of the Affirmative Fair Housing Marketing Plan (AFHMP) requirement that applies to multifamily housing programs covered by HUD’s regulations at 24 CFR 200.600 *et seq.**
 14. *HUD Office of Fair Housing and Equal Opportunity – Limited English Proficiency (LEP). <http://www.hud.gov/offices/ftheo/lep.xml>. This website contains resources on LEP issues, including the Department’s published LEP guidance for recipients of federal financial assistance. This website also contains links to translations of a wide range of vital and commonly used general and multifamily housing documents, including pertinent notices, forms, and brochures.*

C. **Ordering Publications**

*Documents can be ordered on-line from the HUD Direct Distribution Center at http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/dds.
For those who do not have Internet access, documents can be ordered by calling HUD at 800-767-7468 or faxing *to* 202-708-2313. Interested parties can also request a catalogue of publications through the above numbers.

1-8 **Handbook Waivers, Key Statutes, and Regulations**

- A. The procedures in this handbook are presented to ensure that the statutory, regulatory, and contractual obligations regarding HUD-subsidized multifamily housing are fulfilled. The HUD Multifamily HUB Director, or other designated HUB or Field Office Multifamily Housing Official, may waive directives specified in this handbook only if they are not formally required by statute or regulation.
- B. Figure 1-2 lists the regulations and statutes that pertain to the key programs and requirements covered in this handbook.

Figure 1-2: Regulations and *Authorities* for Key HUD Multifamily Housing Programs

A. Requirements Applicable Across All Programs		
Requirement	Regulation	Statute
General HUD Program Requirements	24 CFR, part 5	Various statutes
Title VI, Subtitle D of the Housing and Community Development Act of 1992		42 U.S.C. 13641
Fair Housing Act (Title VIII of the Civil Rights Act of 1968)	24 CFR, part 100 24 CFR, part 108	42 U.S.C. 3601 et seq.
Title VI of the Civil Rights Act of 1964	24 CFR, part 1	42 U.S.C. 2000d et seq.
Section 504 of the Rehabilitation Act of 1973	24 CFR, part 8	29 U.S.C. 794
Nondiscrimination and Equal Opportunity in Housing	*24 CFR, part 107*	*Executive Order 11063*
Collection of Data	*24 CFR, part 121*	*Fair Housing Act*
Economic Opportunities for Low and Very Low Income Persons	*24 CFR, part 135*	*12.U.S.C. 1701u*
Age Discrimination Act of 1975	24 CFR, part 146	42 U.S.C. 6101 et seq.
Tenant Participation Regulations	24 CFR, part 245	12 U.S.C. 1715z-1b

Figure 1-2: Regulations and *Authorities* for Key HUD Multifamily Housing Programs

B. Regulations and Statutes by Programs		
Program	Regulation	Statute
Section 221(d)(3) BMIR	24 CFR, part 221	12 U.S.C. 1715(l); Section 221(d)(5) of the National Housing Act
Section 236	24 CFR, part 236	12 U.S.C. 1715z-1; Section 236 of the National Housing Act
Section 202 – Direct Loan	24 CFR part 891, subpart E	12 U.S.C. 1701(q); Section 202 of the Housing Act of 1959
Section 202 – Capital Advance	24 CFR part 891, subpart B	12 U.S.C. 1701(q); Section 202 of the Housing Act of 1959 as amended by Section 801 of the Cranston-Gonzales National Affordable Housing Act
Section 811 – Capital Advance	24 CFR part 891, subpart C	42 U.S.C. 8013; Section 811 of the Cranston-Gonzales National Affordable Housing Act
Section 202/811 – Mixed Finance	*24 CFR part 891, subpart F*	*12 U.S.C. 1701(q); Section 202 of the Housing Act of 1959 as amended by Section 801 of the Cranston-Gonzales National Affordable Housing Act 42 U.S.C. 8013; Section 811 of the Cranston-Gonzales National Affordable Housing Act*
Section 8 New Construction	24 CFR, part 880	42 U.S.C. 1437(f)(b); Section 8(b) of the United States Housing Act of 1937, as in effect before October 1, 1983.
Section 8 Substantial Rehab	24 CFR, part 881	42 U.S.C. 1437(f)(b); Section 8(b) of the United States Housing Act of 1937, as in effect before October 1, 1983.
State Agency Section 8	24 CFR, part 883	42 U.S.C. 1437(f)(b); Section 8(b) of the United States Housing Act of 1937.
RHS Section 515/8	24 CFR, part 884	42 U.S.C. 1437(f)(b); Section 8(b) of the United States Housing Act of 1937.
Section 8 LMSA	24 CFR part 886, subpart A	Not applicable.
Section 8 PDSA	24 CFR part 886, subpart C	42 U.S.C. 1437(f)(b); Section 8(b) of the United States Housing Act of 1937.
Section 202/8	24 CFR part 891, subpart E	42 U.S.C. 1437(f)(g); Section 8(g) of the United States Housing Act of 1937
PAC/PRAC	24 CFR, part 891	42 U.S.C. 8013(d)(2); Section 811 of the Cranston-Gonzales National Affordable Housing Act

Figure 1-2: Regulations and *Authorities* for Key HUD Multifamily Housing Programs

RAP	24 CFR part 236, subpart D	12 U.S.C. 1715z-1; Section 236 of the National Housing Act
Rent Supplement	24 CFR, part 215 (currently expired, but still in effect for existing contracts per 24 CFR 200.1302)	12 U.S.C. 1701(s); Section 101 of the Housing and Urban Development Act of 1965