

U.S. Department of Housing and Urban Development
H O U S I N G

Special Attention of:

Transmittal Handbook
No.: 7420.5 CHG-3

Regional Administrators; Director,
Office of Regional Housing; Field Issued: 1/6/83
Office Managers/Supervisors

1. This Transmits
Changes to Handbook 7420.5, Admission of Single Persons to Low-Income
and Lower-Income Assisted Housing, dated 4/77.

2. Explanation of Changes:

The change is to delete the references to HUD-51227, Report on
Families Moving into Low-Rent Housing; HUD-52659, Application
for Tenant Eligibility and Recertification; and HUD 52675,
Report of Family Characteristics. These reports, which are
discussed in paragraph 10, Administrative Controls have been
rescinded and replaced by Form HUD-50059,
Certification/Recertification of Tenant Eligibility.

3. Filing Instructions:

Remove:

Page 3 dated 10/82
Page 4 dated 4/77

Insert:

Page 3 dated 1/83

Assistant Secretary for Housing-
Federal Housing Commissioner

H: Distribution: W-3-1, W-1, W-2, W-3, W-4, R-1 R-2, R-3, R-3-1(H), R-3-2,
R-4, R-4-1, R-4-2, R-5, R-5-1, R-5-2

U.S. Department of Housing and Urban Development
H O U S I N G

Special Attention of:

Transmittal Handbook No.: 7420.5 CHG-2

Regional Administrators; Directors,
Office of Regional Housing; Field
Office Managers/Supervisors

Issued: 10/4/82

1. This Transmits:
Changes to Handbook 7420.5, Admission of Single Persons to Low-Income and
Lower-Income Assisted Housing, dated 4/77.

2. Explanation of Changes:

These changes are to implement changes made to the United States Housing
Act of 1937 by the Housing and Community Development Amendments of 1978,
which increases the limitation on the percentage of assisted units that
may be occupied by single, non-elderly persons from 10 to 15 percent of
the units within the jurisdiction of a PHA.

3. Filing Instructions:

Remove:
Handbook 7420.5
Pages 1 thru 4
10/82
dated 4/77

Insert:
Handbook 7420.5 CHG
Pages 1 thru 3 dated
Page 4 dated 4/77
Appendix 1, dated 10/82

General Deputy Assistant
Secretary-
Deputy Federal Housing
Commissioner

H: Distribution: W-3-1, W-1, W-2, W-3, W-4, R-1, R-2, R-3, R-3-1(H), R-3-2,
R-4, R-4-1, R-4-2, R-5, R-5-1, R-5-2

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
H O U S I N G

TRANSMITTAL NO. 1

7420.5

April 19, 1977

1. This Transmits.
Handbook 7420.5, Admission of Single Persons to Low-Income and
Lower-Income Assisted Housing, dated 4/77.
2. Explanation of Material Transmitted.
This Handbook implements changes made to the United States
Housing Act of 1937 by the Housing Authorization Act of 1976,
which extends eligibility for public housing and Section 8 to
include, under certain circumstances, presently ineligible
Single Persons.

Assistant Secretary for Housing-
Federal Housing Commissioner

H:DISTRIBUTION: W-1, W-2, W-3, W-3-1, W-4, R-1, R-2, R-3,
R-3-1 (HPMC & HM), R-3-2, R-4, R-4-1, R-4-2,
R4FA, R-5, R-5-1, R-5-2

7420.5

ADMISSION OF SINGLE PERSONS
TO LOW-INCOME AND LOWER-INCOME
ASSISTED HOUSING HANDBOOK

APRIL 1977

HUD STAFF
A HUD HANDBOOK
HOUSING

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

ADMISSION OF SINGLE PERSONS
TO LOW-INCOME AND LOWER
INCOME ASSISTED HOUSING
HANDBOOK

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ADMISSION OF SINGLE PERSONS
TO LOW-INCOME AND LOWER-
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HANDBOOK

CHAPTER 1. BASIC POLICIES AND APPLICABILITY

1. PURPOSE. This Handbook provides instructions and technical guidance to HUD field offices in implementing the provisions of 24 CFR, Chapter VIII, Part 812, Definition of Family and Other Related Terms; Occupancy by Single Persons, (shown in Appendix 1) which set forth the requirements and criteria for admission of single persons who are not elderly, handicapped, disabled, displaced, or the remaining member of a tenant family to low-income and lower-income housing assisted under the United States Housing Act of 1937.
2. BACKGROUND. Prior to the amendments contained in the Housing Authorization Act of 1976, the United States Housing Act of 1937 strictly limited the definition of family to family units consisting of more than one person with the exception of an elderly person, or the remaining member of a tenant family. The Housing Authorization Act of 1976, which became law on August 3, 1976, expanded the definition of family to include other single persons with the provision that the number of the units occupied by such persons be limited to no more than 10 percent of the units under the jurisdiction of any PHA. The Housing and Community Development Act of 1978 increased the percentage limitation of assisted units from 10 to 15 percent.
3. BASIC POLICIES.
 - a. Part 812 permits Single Persons (as defined therein) to occupy low-income or lower-income projects:
 - (1) When they reside in housing which has been or is being converted to a low-income or lower-income project,
 - (2) Where the HUD Field Office Manager/Supervisor has determined that a project or a portion of a project, which has been or is being converted to a low-income or lower-income project is not suitable for occupancy by the elderly, disabled, or the handicapped, or
 - (3) When the project is experiencing sustained vacancies and there is no likelihood of filling vacant units with eligible applicants.

In addition, Part 812 permits PHAs to issue Certification of Family Participation to Single Persons who are otherwise eligible where the PHA determines it is appropriate because rehabilitation of an existing structure resulting in increased rents would require the Single Person to either pay more than 25 percent of his/her income or move.

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- b. As required by the Act, Part 812 provides that no more than 10 percent of the units assisted under the Act within the jurisdiction of any PHA may be occupied by Single Persons. Further, the regulation requires that priority for admission to the projects be given to single persons who are eligible because they qualify as "elderly," "disabled," "handicapped," or "displaced," over other single persons except in those cases where the Field Office Director has determined that a project or a portion of a project is not suitable for occupancy by elderly, handicapped, or disabled persons because of design or location.
4. APPLICABILITY. The provisions of this Handbook are applicable to all housing assisted under the United States Housing Act of 1937.
5. FIELD OFFICE RESPONSIBILITIES.
- a. The Field Office Director shall be responsible for approving applications from PHAs and housing owners for authority to house Single Persons in accordance with the provisions of this Handbook and the Regulation.
 - b. The Attorney-Advisor shall assist in determining the jurisdiction of PHAs for the purpose of assuring that the limitation on the number of units authorized to be occupied .by Single Persons does not exceed 10 percent of the units within the jurisdiction of the PHA. Where projects are located in an area which does not appear to be within the jurisdiction of a PHA, the Attorney-Advisor shall request guidance from the Office of General Counsel, Headquarters.
 - c. The Director, Housing Management Division shall:
 - (1) Identify the projects under management and in the production pipeline that would be most likely to benefit from the admission of Single Persons.
 - (2) Issue invitations to PHAs and housing owners to apply for authority to admit Single Persons.
 - (3) Review applications from PHAs and housing owners for authority to admit Single Persons.
 - (4) Monitor the performance of PHAs and housing owners who have the authority to admit Single Persons.

CHAPTER 2. IMPLEMENTATION

6. DETERMINATION OF POTENTIAL APPLICABILITY. The field office shall review the low and lower-income projects (except projects receiving assistance under 24 CFR Part 882) under its jurisdiction, including those in the production pipeline to ascertain which, if any, meet any of the criteria set forth in Sec. 812.3 and estimate the potential number of units involved. For each project meeting any of the criteria set forth in Sec. 812.3, the field office shall determine the jurisdiction of the PHA in which the project is located.
7. ISSUANCE OF INVITATIONS. With respect to each project for which the field office determines a potential need for authority to house Single Persons, the field office shall issue an invitation to the PHA or the owner as appropriate to submit an application in accordance with the requirements of Sec. 812.3. The invitation shall be in the form of a letter signed by the Deputy Director, H. If it appears that the demand for authority to admit Single Persons will exceed 15 percent of the units within the area under the jurisdiction of any PHA (excluding units assisted under 24 CFR Part 882), the field office shall issue invitations to the PHA, all owners and other PHAs who own, operate or intend to acquire low-income or lower-income assisted housing projects in that jurisdiction. In that event the invitation shall contain a time limit for the submission of applications.
8. REVIEW OF APPLICATIONS. The field office shall review each application (including any from PHAs or housing owners who did not receive invitations) for authority to admit Single Persons in accordance with the criteria set forth in Sec. 812.3. The field office shall notify the applicant of the results of the review in accordance with Sec. 812.3.
9. SECTION 8 EXISTING PROJECTS. PHAs are authorized subject to limitations set forth in Section 812.3(b)(2) to issue Certificates of Family Participation to Single Persons who are otherwise eligible who would be required to pay more than 25 percent of income towards rent or to move out of a dwelling undergoing rehabilitation.
- *10. RESERVED

24 CFR Part 812

[Docket No. R-82-772]

Definition of Family and Other Related Terms; Occupancy by Single Persons

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule increases the limitation from 10 to 15 percent of assisted units that may be occupied by single, nonelderly persons within the area under the jurisdiction of a Public Housing Agency (PHA) in accordance with Section 206(c) of the Housing and Community Development Amendments of 1978. This amendment will reduce displacement of single persons in project conversions and enable projects with vacancy problems to fill more units.

EFFECTIVE DATE: October 7, 1982.

FOR FURTHER INFORMATION CONTACT: Edward C. Whipple, Chief, Rental and Occupancy Branch, Room 6236, U.S. Department of Housing and Urban Development, 451 7th Street, S.W.

Washington, D.C. 20410 [202] 426-0744. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The amendment increases the limitation on the percentage of assisted units that may be occupied by single, nonelderly persons from 10 to 15 percent of the units within the area under the jurisdiction of a PHA. The percentage limitation is reflected in 24 CFR 812.1, 812.3(b)(2)(i) and 812.3(f).

The Department published a proposed rule on March 3, 1980, Docket No. R-80-772, that proposed to amend Title 24 of the Code of Federal Regulations by revising Part 812, Definition of Family and Other Related Terms; Occupancy by Single Persons. (See 45 FR 13780). Interested parties were given until May 2, 1980, to submit comments on the proposed rule.

The Department received three comments in response to the proposed regulation. One commenter indicated approval for the amendment, stating that it will permit more low-income nonelderly nonmarried persons to obtain needed housing assistance.

A second commenter suggested that, in addition to the proposed percentage increase of nonelderly tenancy, there should also be a procedure by which a PHA would be afforded a means of screening public housing applicants who would be disruptive of community life. Such procedures have been adopted in 24 CFR Part 860, Subpart B, which was published in the Federal Register on August 8, 1975 and requires PHAs to take into consideration factors of prior conduct of an applicant in determining whether the applicant, if admitted, will have a detrimental effect on the health, physical environment or financial stability of the project. The third commenter suggested that the

requirements of this provision were too restrictive in that they acted as a deterrent to the rehabilitation of individuals who were classified as disabled or handicapped because of mental illness. The commenter assumed that if such an individual were determined to be no longer disabled or handicapped, he or she would not continue to be eligible for assistance. There is no requirement that a person determined to be eligible on the basis of disability or handicap be required to move if he or she recovers after admission. Accordingly, the 15 percent limitation and the other restrictions on the admission of single persons not otherwise eligible on the basis of handicap or other factors do not apply and, therefore, do not act as a deterrent to the rehabilitation of the disabled or handicapped. Such persons would not be counted in determining compliance with the 15 percent limitation in the locality. The Department is now publishing revisions to Part 812 as a final rule without change.

It is not anticipated that the increase of the limitation on occupancy by single, non-elderly persons will result in a significant increase in participation by such households. The regulations in both their present and revised forms authorize field offices to approve occupancy by single, non-elderly persons only when projects are being converted to assisted housing, experiencing sustained vacancies or are unsuited for occupancy by the elderly. The Act and the regulations require that single elderly and displaced individuals be afforded a priority. As a result, participation by single, non-elderly persons is expected to remain rather low because of the generally high demand for units from the elderly. The increase in the limitation will, however, permit the Department to respond more effectively in those situations where the conversion of a project would otherwise result in substantial displacement of single persons or where projects have serious vacancies.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 10278, Department of Housing and Urban Development, 451, 7th Street, S.W., Washington, D.C. 20410.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in cost

or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Pursuant to the provisions of 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

This rule was listed in the Agenda as B.33 (H-80-78) under the Office of Housing in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and Regulatory Flexibility Act. (The Catalog of Federal Domestic Assistance program number is 14.146)

List of Subjects in 24 CFR Part 812

- Low and moderate income housing.
PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

Accordingly, 24 CFR Part 812 is amended as follows:

1. By revising § 812.1 to read as follows:

§ 812.1 Purpose and scope.

The purpose of this part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act). In addition, this part prescribes criteria and procedures for occupancy in low-income and lower income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or Displaced Person or as the remaining member of a tenant family. This part also incorporates the statutory 15 percent limitation. (See § 812.3(f)) This part is applicable to all housing assisted under the Act.

2. By revising paragraphs (b)(2)(i) and (f) of § 812.3 to read as follows:

§ 812.3 Authorization to admit single persons.

(b)
(2)
(i) no more than 15 percent of the units in the PHA's Existing Housing Program for which Leases are approved by the PHA are leased by Single Persons, and

(f) Statutory 15 percent limitations pursuant to Section 3(2)(D) of the Act. The number of units authorized by the HUD Field Office to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed 15 percent of the difference between the total number of units within

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the jurisdiction assisted under the Act at the time of the authorization and the number of units under the Existing Housing Program (24 CFR Part 882, Subparts A and B) within the jurisdiction.

(Sec. 7(d) Department of HUD Act (42 U.S.C. 8535(d)); Section 206(c) of the Housing and Community Development Amendments of 1978)

Dated August 18, 1982.

Philip Abrams,

*General Deputy Assistant Secretary-Deputy,
Federal Housing Commissioner.*

[FR Doc. 82-22813 Filed 8-20-82; 8-23 am]

BILLING CODE 4210-07-01

(d) One comment suggested a wide variety of additional justifications upon which the field office could rely in authorizing Single Person eligibility, including achieving a wider economic mix in the project, a racially mixed project, and revitalization of an older, declining neighborhood. The Department has determined that it is constrained by the limitation in the Conference Report from broadening the situations where Single Persons may be eligible as suggested in this comment.

7. Several comments suggested that requiring the Field Office Director to approve an application requesting authorization for a PHA or private owner to permit Single Persons to occupy a project is too restrictive and administratively complex. (See § 812.3(c)). The Department has determined that the alternative, a 10 percent limitation for each project, would be unnecessarily restrictive. If the 10 percent limitation were applied on a project by project basis, there would be no flexibility to authorize more than 10 percent of the units in a single project to qualify for occupancy by Single Persons. Such approval, however, is not required by PHAs administering an Existing Housing Program to issue Certificates of Family Participation to Single Persons eligible under the new § 812.3(b)(2).

8. Several comments reflected misunderstanding about the effect of the preference required to be given to Elderly Families and Displaced Persons over Single Persons in § 812.3(e). These comments interpreted this Section to exclude disabled and handicapped persons from the preference. However, the definition of Elderly Families includes disabled and handicapped persons. In response to these comments, this section has been clarified to require that the preference be extended to "Elderly Families (including Disabled Persons and Handicapped Persons)."

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, a new Part 812 is added to Title 24 of the CFR, as follows:

Sec.

812.1 Purpose and scope.

812.2 Definitions.

812.3 Authorization to admit single persons.

812.4 Effect of authorization on contract provisions.

AUTHORITY: Sec. 2(f) of Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d), Department of HUD Act (42 U.S.C. 3535 (d)).

§ 812.1 Purpose and scope.

The purpose of this part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act). In addition, this part prescribes criteria and procedures for occupancy in low-income and lower-income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or as a Displaced Person or as the remaining member of a tenant family. This part also incorporates the statutory 10 percent limitation. (See § 812.3(f)). This part is applicable to all housing assisted under the Act.

§ 812.2 Definitions.

The following definitions shall be applicable to all housing assisted under the Act:

(a) *Disabled person*. "Disabled Person" means a person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) or in section 102(b)(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (42 U.S.C. 6001 (7)).

(b) *Displaced person*. "Displaced Person" means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(c) *Elderly family*. "Elderly Family" means a family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section, and may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(d) *Family*. "Family" means (1) two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship, (2) an Elderly Family or Single Person as defined in this part, (3) the remaining member of a tenant family, and (4) a Displaced Person.

(e) *Handicapped person*. "Handicapped Person" means a person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

(f) *Single person*. "Single Person" means a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person as defined in this Part, or as the remaining member of a tenant family.

§ 812.3 Authorization to admit single persons.

(a) *Requirement for HUD authorization*. No PHA or private owner shall admit Single Persons to any housing assisted under the Act except pursuant to an authorization issued by the HUD Field Office Director in accordance with this section, except as provided in paragraph (b) (2) of this section.

(b) *Types of projects eligible for authorization*. (1) The HUD Field Office Director may authorize any PHA or private owner to permit Single Persons to occupy any project for which the PHA or private owner has the authority to select tenants or intends to acquire that authority if (i) the project is one which has been or is intended to be converted to a low-income or lower-income project assisted under the Act, and (A) Single Persons are residing in the project at the time of conversion, or (B) the Director determines that the project is not suitable for occupancy by the elderly, disabled, or handicapped because of design or location; or (ii) the project is a low-income or lower-income project receiving assistance under the Act and is experiencing sustained vacancies as evidenced by one or more units having been vacant for a period of sixty days or more and no eligible applicants other than Single Persons are available. (2) A PHA administering a Section 8 Existing Housing Program pursuant to Part 882 of this chapter is authorized to issue a Certificate of Family Participation

to a Single Person who otherwise qualifies without specific authorization from the Field Office Director provided that (i) no more than 10 percent of the units in the PHA's Existing Housing Program for which Leases are approved by the PHA are leased by Single Persons, and (ii) the PHA determines that issuance of a Certificate to a Single Person is appropriate because rehabilitation of an existing structure (not assisted pursuant to the Act), resulting in increased rents, would require the Single Person to either pay more than 25 percent of income towards rent or move out.

(c) *Authorization for occupancy by single persons*. The Field Office Director may request the PHA or private owner to submit an application for authorization to permit Single Persons to occupy a project meeting criteria of § 812.3(b) (1). In addition, any PHA or private owner may initiate an application for such authorization. The application shall be submitted to the appropriate HUD Field Office in the form of a letter which shall include the following:

(1) Identification of the project or projects involved and the maximum number of units for which the authorization is requested.

(2) A copy of the tenant selection policy which shall govern occupancy by Single Persons or, in the case of a project receiving assistance under Parts 880, 881, 883, or 886 of this chapter, a statement that the selection criteria set forth in the Management Plan applicable to the project will be adhered to in the selection of Single Persons.

(3) A narrative justification for the request including, in cases where the request is based on vacancies in a project already receiving assistance, a description of the PHA's or private owner's efforts to attract eligible applicants other than Single Persons to the project or projects involved.

(d) *Approval*. The HUD Field Office shall notify the PHA or private owner in writing of the action taken with respect to the application which may be one of the following:

(1) Approval as requested.

(2) Approval for a lesser number of units or projects than requested and any other conditions or modifications.

(3) Disapproval, with a statement of the reasons. In the event of approval, the letter of approval shall constitute the authorization to the PHA or private owner to permit Single Persons to occupy the specified number of units under the specified conditions.

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(e) *Priority to elderly and displaced persons.* Notwithstanding any authorization to permit occupancy by Single Persons, a PHA or private owner shall extend preference to Elderly Families (including Disabled Persons and Handicapped Persons) and Displaced Persons over Single Persons unless the Field Office Director has determined pursuant to paragraph (b) (1) (i) of this section that the project or portion of such project is not suitable for occupancy by the elderly, disabled, or handicapped.

(f) *Statutory 10 percent limitation pursuant to section 3(2) (D) of the act.* The number of units authorized by the HUD Field Office to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed 10 percent of the number of units within the jurisdiction assisted under the Act at the time of the authorization minus the number of units under the Existing Housing Program within the jurisdiction.

§ 812.4 Effect of authorization on contract provisions.

Notwithstanding the provisions of any contract or agreement pursuant to the Act, defining terms otherwise than as defined in § 812.2, PHAs or private owners are authorized to house Single Persons in accordance with an authorization by HUD pursuant to this part.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
*Assistant Secretary for Housing,
Federal Housing Commissioner.*

[FR Doc. 77-13229 Filed 5-6-77; 8:45 am]

[Docket No. R-77-345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Subpart D—Minimum and Maximum Rent-Income Ratios, and Minimum Rent Requirements

AGENCY: Office of Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to delete the definitions of (1) disabled person, (2) displaced family, (3) elderly family, (4) family, and (5) handicapped person from the existing rules. These definitions are no longer required since they have been superseded. The effect will be to produce a single uniform definition of family for the program.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Program Specialist, or Edward Whipple, Chief, Rental and Occupancy Branch (202-755-6596), U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTAL INFORMATION: The Department has determined that it is unnecessary to publish this amendment for comment since it merely deletes those definitions superseded by the definitions in 24 CFR Part 812. Public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, § 860.403 is hereby amended to read as follows:

§ 860.403 Definitions.

The definition of family and other related terms contained in Part 812 of this chapter shall be applicable to this subpart. For the purpose of this subpart the following terms shall have the following meaning.

(a) * * *

(b)-(e) [Reserved]

* * * * *

(j) [Reserved]

* * * * *

(Sec. 2(f) of Housing Authorization Act of 1976 (42 U.S.C. 1537a); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

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Note.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-13221 Filed 5-6-77; 8:45 am]

[Docket Nos. E-77-380; R-77-387; R-77-381;
E-77-309; R-77-378]

SECTION 8 HOUSING ASSISTANCE
PAYMENTS PROGRAM

Eligible Family

AGENCY: Office of Assistant Secretary
for Housing—Federal Housing Commis-
sioner, HUD

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the definition of "Eligible Family" in Parts 880, 881, 882, 883, and 886 of this chapter to incorporate by reference the definitions in Part 812 of this chapter, "Definition of Family and Other Related Terms and Occupancy by Single Persons." Part 812 establishes a uniform definition of family and other related terms applicable to all housing assisted under the United States Housing Act of 1937, as amended (the Act) and establishes procedures and criteria for occupancy of housing by single, non-elderly persons who are not displaced or the remaining member of a tenant family.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CON-
TACT:

Priscilla Banks, Housing Programs Specialist, or Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-8596, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Parts 880, 881, 882, and 883. James J. Tabash, Director, Insured Project Mortgage Division, 202-755-6830, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Part 886.

SUPPLEMENTARY INFORMATION:

The Department has determined that it is unnecessary to publish this amendment for comment since it merely incorporates by reference the provisions of Part 812 and public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, 24 CFR is amended by revising Part 880—Section 8 Housing Assistance Payments Program—New Construction: Part 881—Section 8 Housing Assistance Payments Program—Substantial Rehabilitation; Part 882—Section 8 Housing Assistance Payments Program—Existing Housing: Part 883—Section 8 Housing Assistance Payments Program—Housing Finance and Development Agencies and New Construction Set-Aside for Section 515 Rural Rental Housing Projects; Part 886—Section 8 Housing Assistance Payment Program—Special Allocations by deleting the definition of Eligible-family in each part and incorporating the revised definition as follows:

PART 880—SECTION 8 HOUSING ASSIST-
ANCE PAYMENTS PROGRAM—NEW CON-
STRUCTION

§ 880.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

ADMISSION OF SINGLE PERSONS
TO LOW-INCOME AND LOWER-
INCOME ASSISTED HOUSING
HANDBOOK

7420.5

APPENDIX 1

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

§ 881.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

§ 882.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 883.202 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result

of subsequent changes in Income or other relevant circumstances during the term of the Contract.

§ 883.702 Definitions.

Eligible Family ("Family"). A family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

§ 886.102 Definitions.

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

(Sec. 2(f), Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d) Dept. of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

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