

CHAPTER 11. PRORATION OF ASSISTANCE

11-1.Proration Of Assistance. This paragraph applies to a mixed family other than a family receiving continued assistance under paragraph 10-4, or other than a family for which termination of assistance is temporarily deferral under paragraph 10-5. An eligible mixed family who requests prorated assistance must be provided prorated assistance. [812.11(a); 950.310(r)(3); 950.310(s)(1); 912.11(a)]

11-2.Method Of Prorating Assistance -- Section 8 Assistance Other Than Section 8 Voucher Assistance. Section 8 assistance other than Section 8 voucher assistance. For assistance other than assistance provided under the Section 8 Voucher Program, the HA shall prorate the family's assistance as follows: [812.11(b); 950.310(s)(2); 912.11(b)]

a.Step 1. Determine gross rent for the unit. Gross rent is contract rent plus any allowance for tenant-paid utilities.

b.Step 2. Determine total tenant payment in accordance with 24 CFR 813.107(a). Annual income includes income of all family members, including any family member who has not established eligible immigration status.

c.Step 3. Subtract amount determined in Step 2 from the amount determined in Step 1.

d.Step 4. Multiply the amount determined in Step 3 by a fraction for which:

(1)The numerator is the number of family members who have established eligible immigration status; and

(2)The denominator is the total number of family members.

Note: The numerator is the part of the fraction above the line; the denominator is the part of the fraction below the line.

e.Prorated housing assistance. The amount determined in Step 4 is the prorated housing assistance payment for a mixed family.

f.No effect on contract rent. Proration of the housing assistance payment does not affect contract rent to the owner. The family must pay as rent the portion of contract rent not covered by the prorated housing assistance payment.

11-3.Method Of Prorating Assistance -- Section 8 Voucher Assistance Only. For assistance under the Section 8 Voucher Program, the HA shall prorate the family's assistance as follows: [812.11(b)(2)]

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a.Step 1. Determine the amount of the pre-proration voucher housing assistance payment in accordance with 24 CFR 887.353. Annual income includes income of all family members, including any family member who has not established eligible immigration status.

b.Step 2. Multiply the amount determined in Step 1 by a fraction for

which:

(1)The numerator is the number of family members who have established eligible immigration status; and

(2)The denominator is the total number of family members.

Note: The numerator is the part of the fraction above the line; the denominator is the part of the fraction below the line.

c.Prorated housing assistance. The amount determined in Step 2 is the prorated housing assistance payment for a mixed family.

d.No effect on rent to owner. Proration of the voucher housing assistance payment does not affect rent to the owner. The family must pay as rent the portion of rent not covered by the prorated housing assistance payment.

11-4.Method Of Prorating Assistance -- Indian Housing Only. The IHA shall prorate the family's assistance by: [950.310(s)]

a.Step 1. Determining total tenant payment in accordance with 24 CFR 950.325. Annual income includes income of all family members, including any family member who has not established eligible immigration status.

b.Step 2. Subtracting the total tenant payment from a HUD-supplied "Indian housing maximum rent" applicable to the unit or the housing authority. "Indian housing maximum rent" shall be determined by HUD using the 95th percentile rent for the housing authority. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").

c. Step 3. Dividing the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy".

d. Step 4. Multiplying the member maximum subsidy by the number of family members who have citizenship or eligible immigration status ("eligible family members").

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e. Step 5. The product of steps 1-4, as set forth in this paragraph is the amount of subsidy for which the family is eligible ("eligible subsidy"). The family's rent is the "Indian housing maximum rent" minus the amount of the eligible subsidy. *

11-5. Method Of Prorating Assistance -- Public Housing Only. The HA shall prorate the family's assistance by: [912.11(b)]

a. Step 1. Determining total tenant payment in accordance with 24 CFR 913.107(a). Annual income includes income of all family members, including any family member who has not established eligible immigration status.

- b. Step 2. Subtracting the total tenant payment from a HUD-supplied "public housing maximum rent" applicable to the unit or the housing authority. Public housing maximum rent shall be determined by HUD using the 95th percentile rent for the housing authority. The result is the maximum subsidy for which the family could qualify if all members were eligible ("family maximum subsidy").
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- c. Step 3. Dividing the family maximum subsidy by the number of persons in the family (all persons) to determine the maximum subsidy per each family member who has citizenship or eligible immigration status ("eligible family member"). The subsidy per eligible family member is the "member maximum subsidy."
 - d. Step 4. Multiplying the member maximum subsidy by the number of "eligible" family members.
 - e. Step 5. The product of steps 1-4, as set forth in this paragraph is the amount of subsidy for which the family is eligible ("eligible subsidy"). The family's rent is the "public housing maximum rent" minus the amount of the eligible subsidy.
- 11-6. Methodology For Establishing Maximum Rent. Appendix H contains an explanation of the methodology that HAs may use to derive the 95th percentile which is used to calculate the Maximum Rent.