

## Appendix C

### Relevant Statutes, Regulations, and Notices

#### I. Renewal and Restructuring of Expiring Section 8 Contracts

##### **Statutes:**

- Multifamily Assisted Housing Reform and Affordability Act of 1997, Pub. L. No. 105-65, Title V, 111 Stat. 1343, 1384 (Oct. 27, 1997), *codified at* 42 U.S.C.A. § 1437f (Historical and Statutory Notes, “Multifamily Housing Assistance”), *as amended by* Pub. L. No. 106-74, §531 (Oct. 20, 1999);
- Pub. L. No. 105-276, §549, 112 Stat. 2461 (Oct. 21, 1998), *codified at* 42 U.S.C. §1437f(c)(8) (restoring the requirement that owners provide one-year’s notice of expiration or termination commencing Oct. 21, 1998);
- Pub. L. No. 106-74, §535, 113 Stat. 1121 (Oct. 20, 1999) (removing requirement that notice state reasons for notices served after effective date).

##### **Regulations:**

- Interim Regulations: 63 Fed. Reg. 48,926 (Sept. 11, 1998) (new 24 C.F.R. §401 and 402)
- Final Regulations (amending the interim regulations): 65 Fed. Reg. 15,452 (March 22, 2000) (new 24 C.F.R. §401 and 402)

##### **Notices and Other Administrative Issuances:**

[HUD Notices available from: [www.hudclips.org/sub\\_nonhud/cgi/hudclips.cgi](http://www.hudclips.org/sub_nonhud/cgi/hudclips.cgi)]

- HUD, Section 8 Renewal Policy Guide (Jan. 19, 2001)
- HUD Notice H 99-36 “Project-Based Section 8 Contracts Expiring in Fiscal Year 2000” (Dec. 29, 1999)
- HUD Notice H 98-34 “Project-Based Section 8 Contracts Expiring in Fiscal Year 1999” (Oct. 16, 1998).
- HUD, Operating Procedures Guide (for PAE administration of Mark to Market Restructuring or “Mark to Market Lites”), available from HUD’s Office of Multifamily Housing Assistance Restructuring (OMHAR) Web site: <http://www.hud.gov/omhar/readingrm/opglinks.html>.

#### II. Prepayment Of HUD-Subsidized Mortgages

##### **Statutes:**

- Pub. L. No. 105-276, §219, 112 Stat. 2487 (Oct. 21, 1998) (authority for prepayments of “eligible low-income housing” upon giving HUD, tenants and local government at least 150 days, but no more than 270 days written notice).
- Section 250 of the National Housing Act, *codified at* 12 U.S.C. §1715z-15 (standards and procedures governing prepayments of other multifamily mortgages requiring HUD approval, usually those with other use restrictions).

*Note:* While the Title VI Low-Income Housing Preservation and Resident Homeownership Act of 1990 (“LIHPRHA,” *codified at* 12 U.S.C. §4101 *et seq.*) has not been repealed, Congress short-funded the program beginning in 1996 and zero-funded the program in FY ‘98, and this trend has continued up to the present.

##### **Older statutes re prepayments:**

- Pub. L. No. 104-120, § 2(b), 110 Stat. 834 (1996);
- Pub. L. No. 104-134, § 101(e), Title II, paragraph entitled “Annual Contributions for Assisted Housing,” 110 Stat. 1321 (Apr. 26, 1996);
- Pub. L. No. 104-204, 110 Stat. 2874 (Sept. 26, 1996);
- Pub. L. No. 105-65, 111 Stat. 1343 (Oct. 27, 1997);
- Pub. L. No. 105-276, 112 Stat. 2461 (Oct. 21, 1998).

**Regulations:** None issued as of January, 2001.

**Notices and Other Administrative Issuances:**

[HUD Notices available from: [www.hudclips.org/sub\\_nonhud/cgi/hudclips.cgi](http://www.hudclips.org/sub_nonhud/cgi/hudclips.cgi)]

- HUD Notice H 99-36 "Project-Based Section 8 Contracts Expiring in Fiscal Year 2000" (Dec. 29, 1999), Sec. XVI F and App. 3E.
- PIH 2000-09 "Section 8 Tenant-Based Assistance for Housing Conversion Actions in FY 2000..." (March 7, 2000, expires March 31, 2001).

**III. Authorities re Enhanced Vouchers:**

**Statutes:**

- Section 8(t) of the United States Housing Act, codified at 42 U.S.C. §1437f(t), enacted by Pub. L. No. 106-74, §538, 113 Stat. 1122 (Oct. 20, 1999), and amended by Pub. L. Nos. 106-106-246, §2801 (July 13, 2000), 106-377, §§205 and 228 (Oct. 27, 2000), and 106-569, §§902 and 903 (Dec. 27, 2000). See also Pub. L. No. 106-74, §531, 113 Stat. 1113 (Oct. 20, 1999) (MAHRAA §524(d), as amended, requiring enhanced vouchers for all Section 8 contracts that are not renewed).

**Regulations:** None issued as of January, 2001.

**Notices and Other Administrative Issuances:**

[HUD Notices available from: [www.hudclips.org/sub\\_nonhud/cgi/hudclips.cgi](http://www.hudclips.org/sub_nonhud/cgi/hudclips.cgi)]

- PIH 2000-09 "Section 8 Tenant-Based Assistance for Housing Conversion Actions in FY 2000..." (March 7, 2000, expires March 31, 2001).
- HUD, Section 8 Renewal Guide (Jan. 19, 2001).

See also PIH 99-16 "Tenant-Based Rental Vouchers for Eligible Residents of Preservation Eligible Projects Approved for Prepayment of the Mortgage or Voluntary Termination" (March 12, 1999); PIH 98-19 "Tenant-Based Rental Vouchers or Certificates for Eligible Residents of Preservation-Eligible Projects Approved for Prepayment of the Mortgage" (April 3, 1998).