**Rental Assistance Payments**

(a) **Amount of rental assistance payments.** The rental assistance

contract shall provide that the payment on behalf of a Qualified Tenant

shall not exceed the difference between the Gross Rent and the Total

Tenant Payment.

(b) **Total tenant payment for qualified tenants who first receive**

**rental assistance on or after May 1, 1983.** Notwithstanding

Sec. 236.55(b), the Total Tenant Payment payable for these

Qualified Tenants shall be the highest of the following amounts, rounded

to the nearest dollar:

(1) 30 percent of Adjusted Monthly Income as defined in subpart A;

(2) 10 percent of one-twelfth of Annual Income as defined in subpart

A;

(3) If the family receives Welfare Assistance from a public agency

and a part of such payments, adjusted in accordance with the family's

actual housing costs, is specifically designated by such agency to meet

the family's housing costs, the monthly portion of such payments which is

so designated. If the family's Welfare Assistance is ratably reduced from

the standard of need by applying a percentage, the amount calculated

under this paragraph (b)(3) shall be the amount resulting from one

application of the percentage.

(c) **Total tenant payment for qualified tenants who were receiving**

**rental assistance on April 30, 1983 and whose assistance has been**

**continuous thereafter.** Notwithstanding Sec. 236.55(b), the

Total Tenant Payment for these Qualified Tenants shall be calculated in

accordance with paragraph (b) of this section, except that instead of 30

percent, the percentage applied to Adjusted Monthly Income shall be as

follows:

c2,L2,tp0,s30,5.4

h1Effective date of recertification

h1Percentage

j

May 1, 1983 to Sept. 30, 1983D27

Oct. 1, 1983 to Sept. 30, 1984D28

Oct. 1, 1984 to Sept. 30, 1985D29

Oct. 1, 1985 and afterD30e

(d) **Special conditions.** (1) For the purposes of this section, a

Qualified Tenant whose initial lease was effective before May 1, 1983

includes the following: A Qualified Tenant that resided in a unit

assisted under the Rental Assistance Programs or Rent Supplement Program

on April 30, 1983, and whose assistance under those programs has been

continuous thereafter; and a family that resided in a unit with the

benefit of section 8 Housing Assistance Payments on July 31, 1982 and

whose participation in the section 8, Rent Supplement or the Rental

Assistance Payment Program has been continuous thereafter. A Qualified

Tenant or family shall not be disqualified if, after that date, it moved

from one unit to another unit in the same project. For these purposes,

units in buildings located on adjacent sites and managed as one project

will be considered part of the same project even if they have separate

project numbers and separate mortgages.

(2) Notwithstanding paragraphs (b) and (c) of this section, the Total

Tenant Payment payable by a Qualified Tenant who continues to receive

assistance in the same project shall not be increased by more than 10

percent during any 12-month period as a result of application of the

percentages in paragraph (c) of this section, and application of the

revised definitions in Secs. 236.2 and 236.3. However,

this 10 percent limit does not apply to Families subject to paragraph

(b)(3) of this section, provided that the welfare agency includes as the

housing component of the Family's grant an amount equal to their entire

rent payment, without reduction. The Total Tenant Payment may be

increased by more than 10 percent during any 12-month period to the

extent that the portion of such increase above 10 percent is attributable

to increases in income or changes in family composition or family

circumstances that are unrelated to the factors set out in this paragraph

(d)(2).

(e) **Utility reimbursement.** Where applicable, the Utility

Reimbursement shall be paid to the Qualified Tenant. If the tenant and

the utility company consent, the owner may pay the Utility Reimbursement

jointly to the Qualified Tenant and the utility company, or directly to

the utility company.