

**PART 245—TENANT PARTICIPATION
IN MULTIFAMILY HOUSING
PROJECTS**

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AUTHORITY: 12 U.S.C. 1715z-1b; 42 U.S.C.
3535(d).

Subpart A—General Provisions

§ 245.5 Purpose.

The purpose of this part is to recog-
nize the importance and benefits of co-
operation and participation of tenants
in creating a suitable living environ-
ment in multifamily housing projects
and in contributing to the successful
operation of such projects, including
their good physical condition, proper
maintenance, security, energy effi-
ciency, and control of operating costs.

[50 FR 32402, Aug. 12, 1985]

§ 245.10 Applicability of part.

(a) Except as otherwise expressly
limited in this section, this part ap-
plies in its entirety to a mortgagor of
any multifamily housing project that
meets the following—

(1) *Project subject to HUD insured or
held mortgage under the National Hous-
ing Act.* The project has a mortgage
that—

(i) Has received final endorsement on
behalf of the Secretary and is insured
or held by the Secretary under the Na-
tional Housing Act (12 U.S.C. 1701—
1715z-20); and

(ii) Is assisted under:

(A) Section 236 of the National Hous-
ing Act (12 U.S.C. 1715z-1);

(B) The Section 221(d)(3) BMIR Pro-
gram;

(C) The Rent Supplement Program;

(D) The Section 8 Loan Management
Set-Aside Program following conver-
sion to such assistance from the Rent
Supplement Program assistance;

(2) *Formerly HUD-owned project.* The
project—

(i) Before being acquired by the Sec-
retary, was assisted under:

(A) Section 236 of the National Hous-
ing Act (12 U.S.C. 1715z-1);

(B) The Section 221(d)(3) BMIR Pro-
gram;

(C) The Rent Supplement Program;
or

(D) The Section 8 LMSA Program fol-
lowing conversion to such assistance

from assistance under the Rent Supplement Program; and

(ii) Was sold by the Secretary subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project;

(3) *State or local housing finance agency project.* The project receives assistance under section 236 of the National Housing Act (12 U.S.C. 1715z-1) or the Rent Supplement Program (12 U.S.C. 1701s) administered through a state or local housing finance agency, but does not have a mortgage insured under the National Housing Act or held by the Secretary. Subject to the further limitation in paragraph (b) of this section, only the provisions of subparts A, B and C of this part, and of subpart E of this part for requests for approval of a conversion of a project from project-paid utilities to tenant-paid utilities or of a reduction in tenant utility allowances, apply to a mortgagor of such a project;

(4) The project receives project-based assistance under section 8 of the United States Housing Act of 1937 (this regulation does not cover tenant participation in PHAs that administer such project-based assistance);

(5) The project receives enhanced vouchers under the Low-Income Housing Preservation and Resident Homeownership Act of 1990, the provisions of the Emergency Low Income Housing Preservation Act of 1987, or the Multifamily Assisted Housing Reform and Affordability Act of 1997, as amended;

(6) The project receives assistance under the Section 202 Direct Loan program or the Section 202 Supportive Housing for the Elderly program; or

(7) The project receives assistance under the Section 811 Supportive Housing for Persons with Disabilities program.

(b) *Limitation for cooperative mortgagor.* Only the provisions of subparts A and C of this part apply to a mortgagor of any multifamily housing project described in paragraph (a) of this section if the mortgagor is a cooperative housing corporation or association.

(c) *Definitions.*

Rent Supplement Program means the assistance program authorized by sec-

tion 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

Section 8 LMSA Program means the Section 8 Loan Management Set-Aside Program implemented under 24 CFR part 886, subpart A.

Section 221(d)(3) BMIR Program means the below-market interest rate mortgage insurance program under section 221(d)(3) and the proviso of section 221(d)(5) of the National Housing Act (12 U.S.C. 1715l(d)(3) and 1715l(d)(5)).

[61 FR 57961, Nov. 8, 1996, as amended at 65 FR 36280, June 7, 2000; 68 FR 20325, Apr. 24, 2003]

§ 245.15 Notice to tenants.

(a) Whenever a mortgagor is required under subparts D or E of this part to serve notice on the tenants of a project, the notice must be served by delivery, except, for a high-rise project, the notice may be served either by delivery or by posting. If service is made by delivery, a copy of the notice must be delivered directly to each unit in the project or mailed to each tenant. If service is made by posting, the notice must be posted in at least three conspicuous places within each building in which the affected dwelling units are located and, during any prescribed tenant period, in a conspicuous place at the address stated in the notice where the materials in support of the mortgagor's proposed action are to be made available for inspection and copying. Posted notices must be maintained intact and in legible form during any prescribed notice period.

(b) For purposes of computing time periods following service of notice, service is effected, in the case of service by delivery, when all notices have been delivered or mailed and, in the case of service by posting, when all notices have been initially posted.

[50 FR 32402, Aug. 12, 1985, as amended at 61 FR 57961, Nov. 8, 1996]

Subpart B—Tenant Organizations

SOURCE: 65 FR 36281, June 7, 2000, unless otherwise noted.

§ 245.100 Right of tenants to organize.

The tenants of a multifamily housing project covered under § 245.10 have the