

# SECTION 8

## HOUSING CHOICE VOUCHER PROGRAM



Everyone Needs A Place To Call Home...



## Housing Choice Voucher Benefits...



The Housing Authority performs annual inspections and provides the Landlord a copy.



The tenant is responsible for following the Landlord's rules for maintaining occupancy.



You are guaranteed a portion of the rent if the renter suffers an unexpected loss of income.



The Landlord screens and selects their own tenants based upon their own criteria.



The Landlord collects the standard security deposit for the unit from the tenant.

# THE HOUSING CHOICE VOUCHER PROGRAM

## The Voucher Program Explained

Section 8 is a federally funded housing assistance program, which permits the Housing Authority to pay a portion of the participating family's rent each month, directly to the private Landlord. The remainder of the rent is paid to the Landlord by the family.

## Tenant Selection

The family's ability to participate in the Section 8 Program is **NOT** based upon their suitability for tenancy. Tenant selection remains the responsibility of the Landlord, not the Housing Authority. The Landlord has the right, as well as the responsibility, of determining their own tenant selection criteria, providing the criteria is in accordance with fair housing practices.

## Security Deposits

At this time, the Housing Authority does **NOT** provide Security Deposit assistance to the Section 8 Participant. The Landlord may assess the standard Security Deposit directly to the prospective tenant for the rental unit selected, as applicable under State Law.

## Section 8 Program Participation Benefits

- The Landlord screens and selects tenants based upon their own criteria.
- The Security Deposit is not limited by the Housing Authority.
- Under the Section 8 program the Housing Authority is not a party to the lease.
- The Landlord determines the rules and regulations that pertain to the rental property, and the tenant is responsible for following those rules.
- The Landlord is responsible for enforcing the lease.
- There is less risk to the Landlord should the participating family experience a loss of income, the Housing Authority's rental portion would be increased.
- The Housing Authority performs an annual inspection of the rental unit. A copy of this inspection report is then provided to the Landlord.
- The Landlord has the right to terminate the lease for serious or repeat violations of lease provisions; violations of Federal, State, or Local law; or "Other Good Cause" as defined.

## Housing Choice Voucher Lease Up...



A family's income is reviewed. If determined eligible, the family is issued a voucher.



The Voucher authorizes a family to look for an available rental unit on the market.



The "RFTA" tells the HA to begin the lease up process and send the HA Inspector.



To be eligible to participate, the Landlord must not be related to the Section 8 tenant.



The inspection will determine whether the unit is decent safe and sanitary under HQS rules.

# THE LEASE-UP PROCESS

## Section 8 Applicant

When funding becomes available, a name is pulled from the Housing Authority's waiting list and a family is called into the Housing office for a meeting called a "Briefing". During this briefing, the PHA will provide the Applicant family with an explanation of the Section 8 Program requirements, and determine their eligibility for participation.

## The Section 8 Voucher

Once the family is determined eligible for participation, they are issued a "Voucher". This is the only document which authorizes a family to look for an available rental unit on the housing market. The Voucher specifies the bedroom size necessary to meet the family's needs. (The prospective tenant may provide the Landlord with a "copy" of the Section 8 voucher.)

## The Request for Tenancy Approval

The participant family is also provided with a packet of written information, which contains the "Request for Tenancy Approval". Often referred to as the RFTA, this is the paperwork given to a prospective Landlord once the Landlord has determined they will accept the Applicant as a Tenant. The basic function of this paperwork is to notify the Housing Authority, in writing, to begin the Lease Up process.

## Determination of Landlord Eligibility

The Landlord completes the RFTA packet and returns it to the Applicant, who brings it to the Housing Authority office. Upon receipt, the HA will process this paperwork, and determine eligibility.

- To be acceptable, the Landlord may not be a parent, child, grandparent, grandchild, sister, or brother of any member of the assisted family, (*exception CFR 8.3; US Housing Act of 1937 governing reasonable accommodations to persons with disabilities*).
- In addition, conflict of interest provisions limit participation by present and or former employees, members, or officers of the Housing Authority.

Once the Landlord has been determined eligible, an appointment is scheduled for the Housing Authority Inspector to visit the unit, and determine its acceptability under the Housing Quality Standards.

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# UNIT ELIGIBILITY

## Unit Eligibility is Determined by Three Factors:

1. The rent for the unit must be reasonable within the market area.
2. The rental of the unit under the Program must not violate the provisions of 24 CFR 982.205, **if the unit is located in a project which receives federal, state, or local subsidy.**
3. The unit must meet the Program's Housing Quality Standards.

## The Move-In Inspection

A Housing Authority Inspector will visit the unit and perform an HQS move-in inspection. If there are defects or deficiencies which must be corrected, the Housing Authority will notify the Landlord of what needs to be done.

Once the Housing Authority has been advised that the work has been completed, they will schedule a re-inspection. The re-inspection must be completed to verify that the unit is now in compliance with the HQS requirements, before a contract can be executed.

## General Inspections

In addition to the Initial Move-In Inspection, the Housing Authority will inspect the unit, at least annually, and will conduct periodic inspections as necessary. Any HQS life threatening deficiency must be corrected within 24 hours, all other deficiencies should be corrected within 30 days.

## Notification of Lease Approval

If the Housing Authority determines that the Program requirements have been met, the HA will compute the Tenant's rental portion, and the Housing Assistance Payment, (HAP), and notify the Owner and the Family. Arrangements will be made for the HAP Contract to be signed by the Owner, and for the Lease to be executed by the Owner and the Tenant. The Housing Assistance Payment, (HAP) Contract will then be processed.

## Notification of Lease Disapproval

If the Housing Authority determines that the lease cannot be approved for any reason, including the condition of the unit, the Housing Authority will notify the Landlord and the Family:

- a. Of the reason/s the lease was disapproved; and
- b. If the conditions requiring disapproval are corrected the Landlord /or/ Tenant should notify the Housing Authority.

### Housing Choice Voucher Inspection Benefits...



When an HQS Inspection is performed, the Landlord receives a copy of the inspection.



An Inspection is made at least once each year, as a part of the client's renewal with Section 8.



The HA may occasionally require that a Special Inspection be completed of the unit.



Inspections often alert the Landlord to any potential problems that may exist in the unit.



The inspection report will tell the Landlord what's wrong & sometimes advise on repair.

# Housing Quality Standards

In order for a rental unit to pass inspection, it must meet certain requirements of the US Department of Housing and Urban Development (HUD). Below is a listing of the most commonly failed items:

1. If the unit was built before 1978, there cannot be any chipping or peeling paint anywhere on the inside or the exterior of the unit.
2. Appliances such as the cooking stove, and refrigerator must be clean and in full working order. (Either the tenant or the owner must provide).
3. There must be a permanently installed heating system that works.
4. There must be hot and cold running water in the kitchen, and the bathroom, with no plumbing leaks or plugged drains.
5. There must be a shower or bathtub that works.
6. There must be a flush toilet that works and does not leak.
7. Bathrooms must have a window to the outside, OR an exhaust fan.
8. All ground floor windows must have attached locks and exterior doors must have locks, including working deadbolts. NO locks over 48 inches high, and all must be open-able from the interior without a key.
9. All electrical outlets must have cover plates and be in good condition.
10. There must not be any missing, broken or cracked windows.
11. The roof must not leak. (Check the ceiling for stains.)
12. The hot water heater tank **MUST** have a temperature pressure relief valve with a downward discharge full size pipe to within 6-24 inches of the floor.
13. The floor covering cannot be torn or have holes that can cause someone to trip.
14. If there are stairs and railings, they must be secure. A hand rail must be present for 4 or more consecutive stairs.
15. Working smoke detectors are required in every unit and on every level.

## Housing Choice Voucher Rental Benefits...



Rent increases are easy... Give 60 days written notice to the tenant & a copy to the HA.



You may submit your request for an increase, 60 days prior to the end of the lease term.



A S-8 client must report to the HA in writing whenever they experience a change in income.



If a family experiences a loss of income, the HA's payment will increase to the Landlord.



There is less risk to the Landlord, because the HA can make up the difference in rent.

# APPLYING FOR A RENT INCREASE

A Landlord must request a rent increase in writing by giving proper notification to the Tenant, with a copy to the Housing Authority at least 60 days before the effective date of the increase. The increase, if approved, can be granted only on the first day of the month.

### Example #1: Received Request on **1-1-08**

60 days later the increase will become effective **3-1-08**

### Example #2: Received Request on **1-15-08**

60 days later would be 3-15-08

Since the increase can only be granted on the first day of the month the increase would not take effect until **4/1/08**

When the written request is received from the Landlord, the Housing Inspector will review and **approve** the **lowest** of the following:

- Fair Market value of the unit.
- Owners requested amount.

**Note: The file will be reviewed to ensure that an increase is due at the time. Remember, if you are under a lease, you cannot receive an increase until the conclusion of the lease period. However, you may submit your request for an increase 60 days prior to the conclusion of the lease term.**

- After a determination has been made by the Inspector and accepted by the Landlord, a rent reasonableness form will be completed. This form will be submitted to the Housing Manager for approval.
- The Housing Manager will review the request.
- If approved, a lease addendum will be executed to show the rent increase.

## Changes in a Family's Household Income

If a Tenant's family experiences a change in household income they must immediately report those changes in writing to the Housing Authority. The Tenant's rental portion will be adjusted as follows:

- **If the family's income increases**, so will their portion of the rent, the change will become effective the second month following the report and verification of the change.
- **If the family's income decreases**, so will their portion of the rent, on the first of the month following the report and verification of the change.



## Housing Choice Voucher Who's Responsible...



A Landlord can terminate tenancy if a family defaults on their lease.



Evicting a family does not mean they will lose their housing assistance.



The HA can **only** terminate a family's assistance if they break the rules of Section 8.



The HA **cannot** terminate the tenancy of a family living in a privately owned rental unit.



The Landlord must decide whether to evict a tenant from a rental unit.

# TERMINATIONS

There are three types of terminations, specified as follows:

## A Landlord's Termination of Tenancy

A Landlord may terminate the tenancy of a Section 8 Participant by serving notice on the tenant with a copy to the Housing Authority, for serious or repeated lease violations, violations of Federal, State or Local Law, or other good cause as provided in the lease, the same as with any other tenant who is NOT a Section 8 Participant.

Evicting a Section 8 Tenant does not mean that they will lose their housing assistance. In all likelihood, they will have the opportunity to locate housing elsewhere, as the Housing Authority is only permitted to terminate assistance for a breach of the agreement that the client has with the Section 8 Program.

## Termination of the HA Payment Contract (HAP)

The Housing Authority's Payment Contract with the Landlord will terminate under the following conditions:

- If the family vacates the unit, and any applicable vacancy period has passed.
- If the Landlord has evicted the Family, and any applicable vacancy period has passed.
- If the Landlord does not wish to enter into a new HAP Contract, or extend the current one.
- If the unit fails the HQS inspection, and repairs are not completed.
- If the Housing Authority terminates the family's participation in the Section 8 Program.

## HA's Termination of Assistance to the Family

Occasionally, the Housing Authority may have good cause to terminate a family's participation in the Section 8 Program. The grounds for terminating Section 8 assistance are very limited, and the violation/s of the program must be specific and verifiable.

**The Housing Authority may occasionally terminate a family's participation in the Section 8 Program due to program violations, however:**

**UNDER NO CIRCUMSTANCES DOES THE HA  
TERMINATE THE TENANCY OF THE FAMILY.**

The tenancy remains the responsibility of the Landlord, and separate action must be taken by the Landlord to evict the tenant, should the Landlord so desire. You may wish to contact your attorney for assistance in reference to 90 day's notice when terminating Section 8 tenancies, [See: CC§1954.535; Wasatch Property Management v. DeGrate, 35 Cal. 4th 1111 (2005)].