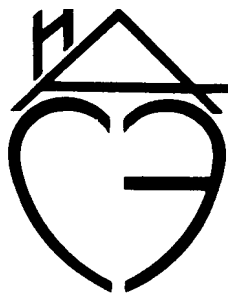


HOUSING AUTHORITY CITY OF ELKHART

Housing Choice Voucher Program



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EST. 1962

Housing Choice Voucher Program Landlord Packet Information

So, you have decided to explore the possibility of renting your house, apartment or mobile home to a Housing Choice Voucher program participant.

The Housing Choice Voucher Assistance payments program is an excellent opportunity for you to receive a fair monthly rent and at the same time, help someone who is in need.

This program allows the normal landlord-tenant relationship. The Program's responsibility is to provide the assistance payments and enforce the client's family obligations and the HAP contract initiated with the landlord.

The Basic Steps for becoming a Participating Landlord.

Tenant Selects Unit

A potential tenant is interested in your unit. They inform you that they have been approved for assistance through the Housing Choice Voucher Program. It is suggested that you request to view their voucher to ensure that they have been approved and the voucher dates are current.

HUD requires the PHA to aid families in their housing search by providing the family with a list of landlords or other parties known to the PHA who may be willing to lease a unit to the family, or to help the family find a unit. Although the PHA cannot maintain a list of owners that are pre-qualified to participate in the program, owners may indicate to the PHA their willingness to lease a unit to an eligible HCV family, or to help the HCV family find a unit.

A landlord can have their units placed on the landlord listing. These can be submitted by completing a Rental Property Submission. This can be located at our website ehai.org. Select Housing Choice Voucher Program from the main menu and forms for download will be at the top of the web page.

Tenancy Approved by Owner

The owner must approve the family as a suitable renter. The PHA will know that the owner has approved the family when a Request for Tenancy Approval is submitted.

Tenancy and Unit Approved

The PHA determines if the unit qualifies under the rent reasonable certification. This includes the Housing Quality Standards inspection. An initial inspection will be

completed within 15 days of submission of the Request for Tenancy Approval (RTA). If any HQS violations are identified, the owner will be notified of the deficiencies and given a time frame to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended for good cause. The PHA will reinspect the unit within 5 business days of the date the owner notified the agency that the required corrections were completed.

If the time period for correcting the deficiencies (or any approved extension) has elapsed, or the unit fails HQS at the time of the reinspection, the PHA will notify the owner and the family that the unit has been rejected and that family must search for another unit. The PHA may agree to conduct a second reinspection, for good cause, at the request of the family and the owner.

Housing Assistance Payment Contract and Lease

Once the unit qualifies and passes the Housing Quality Standards inspection the tenancy can be approved. The owner must provide a signed lease and the PHA will provide the Housing Assistance Payment (HAP) contract to the owner.

Housing Assistance Payments

The assistance payments from the PHA payment will be made in either the 1st of the month check run or the mid-month check run once the paperwork and data entry is completed. This may be delayed if the documentation to calculate rent is not received promptly from either the tenant or an outside agency. The PHA will continue to make assistance payments while the client is eligible.

Introduction

The Section 8 program, now known as the Housing Choice Voucher Program, was enacted as part of the Housing & Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Quality Housing and Work Responsibility Act (QHWRA) of 1999 updates many of the governing regulations.

Objectives:

The Housing Choice Voucher program is designed to achieve three major objectives:

- To provide decent, safe and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
- To promote freedom of housing choice.
- To provide an incentive to private property owners to rent to very low income families by offering timely assistance payments.

In addition, the Elkhart Housing Authority has the following goals for our Housing Choice Voucher Program:

- To assist the local economy by increasing the occupancy rate and the amount of money flowing to the community.
- To encourage self sufficiency of participant families.

Client Eligibility

The waiting list:

Each potential tenant must complete an application for the HCVP waiting list. The waiting list is opened at the first of each month and a lottery is conducted for fifty applications.

Applicants are ranked on the HCV Waiting List according to preferences and time and date.

Eligibility is determined by income, family size, criminal history and whether the applicant owes an outstanding debt to the Housing Authority or any other HUD subsidized programs.

If the client has been terminated or evicted from a government subsidized program there may be a 5 year period before they are eligible for assistance.

Once the applicant is determined eligible, he or she must then wait until there is a vacancy on the program.

The Housing Authority does not screen for desirability as a tenant - that is the landlord's job!

Voucher issuance

Once an applicants name reaches the top of the waiting list and has they are selected to fill a vacancy on the program, a briefing session is held.

During the briefing session, a power point regarding program information is shown and clients are given all the information they need to begin looking for a house, apartment or mobile home. Each client is also issued a Voucher in the appropriate bedroom size for their family.

The client then has sixty (60) days to find a place and go under contract. An extension of thirty (30) days may be requested in the case of a documented medical necessity. A client may be given up to two extensions of thirty days each. The maximum time given to any client will never exceed a total of 120 days.

Rent limitations

The FMR is intended to represent a figure at or below which modest, decent, safe and sanitary housing can be rented on the private market. This includes the cost of utilities. If the FMR for a 2 bedroom unit is \$660 and the cost of utilities are \$100 the rent for the unit should be approximately \$560.00.

To establish FMR's, HUD uses data from the most recent census and the American Housing Survey to develop base rents.

The survey does not include substandard housing, public housing units or housing units built in the past two years.

A unit approved for participation in the program must meet two rent tests:

- The rent must be reasonable in comparison to the rents charged for comparable unassisted units.
- The unit rent must fall within the applicable FMR limitation.

The gross rent is the rent charged by the owner plus the allowance for any tenant-paid utilities (see utility allowance chart).

Owners and families are prohibited from entering into side agreements to pay for items covered under the lease and contract.

Payment Standard for the Voucher program

The Payment Standard is the amount used to calculate the housing assistance a family will receive in the Voucher program.

The current payment standards are approximately 90% of the current FMR.

If the family chooses a unit with a gross rent greater than the payment standard and the families calculated rent amount exceeds 40% of their monthly adjusted income HUD does not allow the public housing authority to approve the tenancy.

Deposits

You may set the amount of the security deposit, but it may not be greater than the security

deposit you would charge for a non-HCV renter. We emphasize that the deposit charged to a HCV renter should be comparable to those charged for unassisted units and should not exceed normal market practice.

How the deposit is handled is the decision of the landlord. It is recommended that you collect the full deposit up front. If you allow other arrangements they are between the landlord and tenant and will not be reason for a lease violation or violation of family obligations under the program rules.

We discourage applicants to complete work inside a landlords unit to meet the deposit. The law considers this employment and now the prospective tenant is your employee and qualifies under workman's compensation if they are injured while working at your property.

INFORMATION YOU NEED TO KNOW AS A PARTICIPATING LANDLORD

Request for Tenancy Approval (RTA)

Once a voucher holder has selected your unit, he or she will bring you a Request for Tenancy Approval (RTA), a Certification of Ownership, and a W-9 form. Please complete these forms. The client is responsible for returning these forms to our office and completing new income verification forms at that time. Due to identity fraud you may submit the landlord certification form and W-9 directly to the attention of the Inspector. If you choose to do this please write a brief note explaining why and the name of the client that will be submitting the remainder of the paperwork.

When we have received the RTA and other information, we will schedule the move-in inspection. The HUD Housing Quality Standards, Elkhart city codes, and requirements implemented by the Housing Authority are the standards used in performing the inspection. (A general listing of common inspection fail items is attached to the RTA forms.)

We are required by HUD to determine if the rent for the unit meets the standards for rent reasonableness. To assist our inspector in making this determination, you will receive a comparability form with the RTA packet. It is very important that you take the time to complete these forms with all required information. They will be returned if incomplete.

Once the unit has passed our inspection and the rent has been approved, the lease must be submitted and the landlord must promptly complete the HAP (Housing Assistance Payment) Contract. These can be completed in our office with a scheduled appointment or can be mailed and returned to our office promptly. Assistance Payment can not be issued until these documents are received and the HAP contract is executed.

An initial inspection will be completed to determine whether the unit meets or exceeds the Housing Quality Standards. If any Housing Quality Standards violations are identified, the owner will be notified of the deficiencies and be given a time frame to correct them. If requested by the owner, the time frame for correcting the deficiencies may be extended by the PHA for good cause. The PHA will reinspect the unit within 5 business days of the date the owner notifies the PHA that the required corrections have been made.

If the time period for correcting the deficiencies (or any PHA-approved extension) has elapsed, or the unit fails HQS at the time of the reinspection, the PHA will notify the owner and the family that the unit has been rejected and that the family must search for another unit.

HUD requires that landlords use their standard lease that they use for non-assisted tenants. We can provide a blank copy of a standard lease if a landlord currently does not have a

standard lease. Our office may request that any sections that are not in compliance with HUD regulations be changed or omitted.

The HUD regulations always take precedence over lease requirements that are not allowed.

Payment

The Housing Assistance Payment will be issued once all rent calculations are determined and a copy of the lease and a signed HAP contract are in the client file.

HUD allows two calendar months for issuance of the initial HAP payment. Our agency strives to complete this within 30 days or less if all paperwork has been submitted by the client and landlord.

Please contact the Program Director if you have questions regarding the initial assistance payment.

Other Program Information

Relatives rule

The Housing Authority will not approve a unit if the owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family, unless approving the unit would provide reasonable accommodation for a family member with disabilities.

If a landlord and client commit fraud and enter into a HAP contract and lease, the Elkhart Housing Authority will require complete recovery of all monies paid on behalf of the client to the landlord and for Utility payments made to the client.

Portability

Portability is the term used to describe a family's right to move from one housing authority's jurisdiction to another location outside the jurisdiction of the original housing authority and continue to receive assistance.

If a family was a resident in Elkhart when they applied, they may use portability immediately and transfer out of the Elkhart area.

If a family applied as a non-resident of Elkhart, they must go under contract in Elkhart for at least one year prior to using portability to transfer out.

When a family wishes to transfer, the agency to which they are transferring can either absorb the family into their own program, or administer our Voucher and bill us.

A family may not exercise portability more than once in a twelve month period.

Owner

Owner Responsibilities [24 CFR 982.452, Pub.L. 109-162]

The basic owner responsibilities in the HCV program are outlined in the regulations as follows:

- Performing all of the owner's obligations under the Housing Assistance Payments (HAP) contract and the lease
- Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit
- Maintaining the unit in accordance with the Housing Quality Standards (HQS), including performance of ordinary and extraordinary maintenance
- Complying with equal opportunity requirements
- Preparing and furnishing to the PHA information required under the HAP contract
- Collecting from the family any security deposit, the tenant's contribution to rent (that part of rent to owner not covered by the housing assistance payment from the PHA), and any charges for unit damage by the family.
- Enforcing tenant obligations under the dwelling lease
- Paying for utilities and services (unless paid by the family under the lease)
- Making modifications to a dwelling unit occupied or to be occupied by a disabled person [24 CFR 100.203]
- Comply with the Violence Against Women Reauthorization Act of 2005 (VAWA) when screening and terminating tenants.

Owner Qualifications

The PHA does not formally approve an owner to participate in the HCV program. However, there are a number of criteria where the PHA may deny approval of an assisted tenancy based on past owner behavior, conflict of interest, or other owner-related issues. No owner has a right to participate in the HCV program [24 CFR 982.306(e)].

Owners Barred from Participation [24 CFR 982.306(a) and (b)]

The PHA must not approve the assisted tenancy if the PHA has been informed that the owner has been debarred, suspended, or subject to a limited denial of participation under 24 CFR part 24. HUD may direct the PHA not to approve a tenancy request if a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements, or if such an action is pending.

Leasing to Relatives [24 CFR 982.306(d), HCV GB p. 11-2]

The PHA must not approve an RTA if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family. The PHA may make an exception as a reasonable accommodation for a family member with a disability. The owner is required to certify that no such relationship exists. This restriction applies at the time that the family receives assistance under the HCV program for occupancy of a particular unit. Current contracts on behalf of owners and families that are related may continue, but any new leases or contracts for these families may not be approved.

Conflict of Interest [24 CFR 982.161; HCV GB p. 8-19]

The PHA must not approve a tenancy in which any of the following classes of persons has

any interest, direct or indirect, during tenure or for one year thereafter:

- Any present or former member or officer of the PHA (except a participant commissioner)
- Any employee of the PHA, or any contractor, subcontractor or agent of the PHA, who formulates policy or who influences decisions with respect to the programs
- Any public official, member of a governing body, or State or local legislator, who exercises functions or responsibilities with respect to the programs
- Any member of the Congress of the United States

HUD may waive the conflict of interest requirements, except for members of Congress, for good cause. The PHA must submit a waiver request to the appropriate HUD Field Office for determination.

Any waiver request submitted by the PHA must include [HCV Guidebook pp.11-2 and 11-3]:

- Complete statement of the facts of the case;
 - Analysis of the specific conflict of interest provision of the HAP contract and justification as to why the provision should be waived;
 - Analysis of and statement of consistency with state and local laws. The local HUD office, the PHA, or both parties may conduct this analysis. Where appropriate, an opinion by the state's attorney general should be obtained;
 - Opinion by the local HUD office as to whether there would be an appearance of impropriety if the waiver were granted;
 - Statement regarding alternative existing housing available for lease under the HCV program or other assisted housing if the waiver is denied;
 - If the case involves a hardship for a particular family, statement of the circumstances and discussion of possible alternatives;
 - If the case involves a public official or member of the governing body, explanation of his/her duties under state or local law, including reference to any responsibilities involving the HCV program;
 - If the case involves employment of a family member by the PHA or assistance under the HCV program for an eligible PHA employee, explanation of the responsibilities and duties of the position, including any related to the HCV program;
 - If the case involves an investment on the part of a member, officer, or employee of the PHA, description of the nature of the investment, including disclosure/divestiture plans.
- Where the PHA has requested a conflict of interest waiver, the PHA may not execute the HAP contract until HUD has made a decision on the waiver request.

Termination of tenancy

During the term of the lease, the owner may terminate tenancy for serious or repeated lease violations, violations of federal, state or local law which directly relate to the occupancy or use of the unit or premises, or other good cause.

Non-payment by the Housing Authority is not grounds for termination of the lease.

The following types of criminal activity by the tenant, household member, guest, or another person under the tenant's control shall be cause for termination of tenancy:

- Any criminal activity that threatens the safety or right to peaceful enjoyment of premises by other residents.
- Any criminal activity that threatens the health, safety, or right of peaceful enjoyment of their residences by persons residing in the immediate vicinity
- Any drug-related criminal activity on or off the premises.

Eviction

The owner must give the tenant written notice of grounds for eviction at or before the commencement of the eviction action.

The owner must give the Housing Authority a copy of any such notice to the family.

During the term of the lease, the owner may only evict the tenant from the unit by instituting court action. A legal eviction will result in the clients' loss of assistance.

Termination of tenancy by the family

The family may terminate tenancy after the first year of the lease. Clients are required to complete a 12 month program participation before relocating. Only under special circumstances can a client relocate during the initial 12 month lease.

The family must give the owner and the Housing Authority at least thirty days written notice prior to moving out of the unit. Clients are required to complete a Notice to Vacate form in our office which requires the landlord to sign. This is done to ensure that the landlord has been notified.

It is encouraged that the landlord complete a unit inspection when the client submits the notice to vacate. If the client is in violation of program rules and the owner notifies the agency of the discrepancies the correction may be corrected prior to allowing the client to re-locate.

HAP Contract terminations

Breach of contract by the owner:

- Violation of any obligation under the HAP contract and Federal Regulations, including failure of the unit to pass inspection.
- Violation of any obligation under any other HAP contract with the Elkhart Housing Authority.
- Fraud, bribery or any other corrupt or criminal act involving a federal housing program.
- Illegal drug or violent criminal activity.

Termination of family assistance

The Housing Authority may terminate assistance to a family for reasons including:

- Violation of any family obligation.

- Any member of the family has ever been evicted from public housing.
- If a Housing Authority has terminated assistance under a federally assisted program within the past three years.
- If any family member commits drug-related or violent criminal activity.
- If the Housing Authority determines that any family member is illegally using a controlled substance.
- If the Housing Authority determines that any family member's abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- If any family member commits fraud, bribery or any other corrupt or criminal act regarding any federal housing program.
- If the family currently owes rent or other amounts to the Elkhart Housing Authority or to another housing authority or government subsidized housing program.
- If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damage to the unit, or other amounts owed by the family under the lease.
- If the family has engaged in, or threatened abusive or violent behavior towards Housing Authority personnel.

Termination of assistance does not automatically affect the family's right to remain in occupancy without assistance. The owner may offer a new lease to the family.

The Housing Authority may terminate assistance if the preponderance of evidence indicates that a family member has engaged in criminal activity, regardless of whether the family member has been arrested or convicted.

LEAD PAINT

Are you planning to buy or rent a home built before 1978?

Many houses and apartments built before 1978 have paint that contains lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly. Federal law requires that individuals receive certain information before renting or buying a pre-1978 housing:

LANDLORDS have to disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a disclosure form about lead-based paint.

[More information on the disclosure program.](http://www.epa.gov/lead/pubs/leadinfo.htm#facts)
<http://www.epa.gov/lead/pubs/leadinfo.htm#facts>

Sample Lead Based Paint Disclosure Form.
http://www.epa.gov/lead/pubs/lesr_eng.pdf

Protect Your Family From Lead in Your Home
<http://www.epa.gov/lead/pubs/leadpdf.pdf>

The Lead Paint Rule is Effective on April 22, 2010. Safe work practices must be completed when renovating an area containing lead paint. Once the rule is in effect renovations must be completed by individuals certified by the EPA. Trainings can be attended to achieve this certification.

We always inform families of the dangers of lead paint, and ask that they notify the Housing Authority if a child has an elevated blood lead level. An amount of lead dust comparable to that found in a sugar substitute packet can cause significant brain damage to children less than six years of age.

When you sign the Request for Tenancy Approval (RTA) you are stating that you have no knowledge of any lead paint in the unit.

If you do have knowledge that there is lead paint anywhere in the unit, you are required to inform your prospective tenant and the Housing Authority.

The law requires all landlords to provide a lead paint disclosure and the Lead Paint pamphlet prior to signing the lease. You may want to provide this at the time you approve the family for occupancy.

All leases are required by law to include a lead paint statement.

Screening

We emphasize that it is your responsibility as the landlord and/or property owner to screen all prospective tenants.

Each landlord should establish a screening policy which is followed in all cases, without

exception. If it is your policy to obtain a credit report, you may want to charge the applicant an application fee to cover your costs.

We can assist you by giving you the previous landlord's name, address and phone number, and the previous address of the tenant. We encourage you to contact the previous landlord for a referral.

It is well worth the additional time you spend in screening possible tenants.

Annual recertifications

Once your tenant has gone under contract, he or she will be recertified annually on the anniversary date. For example, if the lease and contract were effective August 3rd that tenant's annual recertification will be effective the next year on August 1st.

Each unit under contract must have an annual inspection no more than 12 months after the most recent inspection. Due to HUD reporting requirements this process starts 120 days prior to the deadline date which would be 364 days after the last initial annual inspection or move in inspection. (Approximately every 10 months.) Letters are mailed in advance notifying the client and the landlord of the inspection date and time. It is recommended that landlords are present for the inspection.

If your lease indicates that you may request an annual rent increase, please contact the Inspector for the necessary forms. All rent increases must be reasonable and must qualify under the rent reasonable certification.

The client's eligibility and assistance is re-determined at this time in addition to the inspection.

Other types of inspections

If there is a problem with the unit, the landlord or the tenant may call the Housing Authority to request a special inspection.

This type of inspection can be done to verify tenant damages, repairs that have not been done in a timely manner, or a possible life-threatening emergency.

We emphasize that the landlord and tenant should first try to resolve any problems before calling the Housing Authority.

Enforce the Lease

We do ask that all landlords enforce their lease. If the client has been issued lease violations please send a copy to our attention. Lease violations include late rent payments.

Serious or repeated violations of the lease can result in the termination of assistance for the client.

It is recommended that you do periodic inspections of the unit to ensure that the tenant is in compliance with the lease.

Notify us promptly if you have questions about enforcing the lease and the actions that may be taken by our program when the client is in violation of the family obligations.

Violence Against Women Act

The [Violence Against Women and Justice Department Reauthorization Act of 2005](#) (VAWA) protects tenants and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. These provisions apply both to public housing agencies administering public housing and Section 8 programs and to owners renting to families under Section 8 rental assistance programs.

If you have any questions please feel free to contact the Housing Choice Voucher staff.

