

Landlord Guide

As a landlord, there are numerous rules and regulations that you are required to keep track of. Among these rules and regulations are those that surround the Housing Choice Voucher Program. Not only is it essential that you understand these rules and regulations so you can be certain you are in compliance with the law, it is also in your best interest to know how the program works. After all, the Housing Choice Voucher Program makes it possible for more people to rent a home and by working with people who are participating in the program you can fill your empty housing units while also receiving a guaranteed monthly rental payment.

Although the Housing Choice Voucher Program may seem a bit confusing and overwhelming on the surface, it is actually a fairly simple program. Here's a look at some FAQs asked by landlords who want to know more about the Housing Choice Voucher Program.

Q: What is the Housing Choice Voucher Program?

A: The Housing Choice Voucher Program is a housing assistance program designed to help low-income families. Although the program is funded through the U.S. Department of Housing and Urban Development (HUD), it is operated at the local level through the Department of Housing and Community Development (DHCD) and Housing Solutions for Southeastern Massachusetts (HSSM) as a subcontractor of DHCD.

Through the Housing Choice Voucher Program, families are provided with vouchers that can be used to help pay for the rent on the home of their choosing. Since tenants are free to choose where they want to live through the program, the vouchers are commonly referred to as "tenant-based" assistance or mobile vouchers.

The Housing Choice Voucher Program is often incorrectly referred to as the Section 8 program. In reality, the Section 8 program was established in 1974 and was later changed to the Housing Choice Voucher Program in 1998 when Congress merged the certificate and voucher components of the Section 8 program. Today, there are thousands of housing authorities located throughout the United States, with each being responsible for overseeing a specific geographic location. The Housing Authority makes monthly payments to the owner of the property on behalf of the family, but the family is responsible for paying the remaining monthly balance on its own.

Although rental units must meet HUD Housing Quality Standards and must pass inspection before it can qualify for the program, the family is responsible for finding the accommodations and for negotiating the terms on its own. If the property passes the inspection and meets quality standards, HSSM will then form a contract with the landlord called the Housing Assistance Payment contract (HAP).

Q: What type of housing units can participate in the Housing Choice Voucher Program?

A: The Housing Choice Voucher Program provides rental assistance for apartments, homes, condos and duplexes.

Q: Are restrictions placed on where program participants may seek housing?

A: Each Housing Authority and Regional Agency works within a certain geographic location. Program participants are restricted to finding housing within the geographic location that is serviced by a particular Housing Authority and Regional Agency. Housing Solutions oversees Plymouth and Bristol counties, but can transfer a participant anywhere in the continental U.S., Puerto Rico, and Hawaii.

Q: What type of criteria is the housing required to meet?

A: The housing must be decent, safe and sanitary while also meeting the Housing Quality Standards. These standards include having all of the following:

An alternative exit in case of fire

A cooking stove or range

A kitchen sink with hot and cold running water

A refrigerator that is of appropriate size for the unit

Space for storage, food preparation and serving

Facilities and services for food waste disposal

At least one window in living and sleeping rooms

A working light fixture in the bathroom and kitchen

At minimum of two electric outlets in the kitchen, living room and each bedroom

Adequate air circulation

Free from dangerous levels of sewer gas, carbon monoxide, dust, fuel gas and other harmful air pollutants

A flush toilet

A fixed tub or shower with hot and cold running water

A fixed basin with hot and cold running water

A kitchen, living room, bathroom and at least one bedroom or a living-sleeping room

Screens on all exterior doors and windows that are accessible from the outside

No serious defects, such as large holes, bulging or loose surface materials, on floors, ceilings and walls

A firm and weather tight roof

Q: Are there limitations placed on rental amounts?

A: Each Housing Authority and Regional Agency is responsible for determining rent limitations. HSSM performs a rent reasonableness survey in order to determine a reasonable rate for the area and to ensure the rent is comparable to that being paid by those who are not involved in the program. Furthermore, HSSM will not approve a unit if the rental cost is more than 40% of the tenant's income at initial lease-up.

Q: Are landlords required to lease to people who have Housing Authority vouchers?

A: No. As a landlord, you have the freedom to rent to whoever you like, so long as you are not discriminating against potential tenants based on color, race, religion, sex, familial status or national origin. HSSM does not require landlords to house families involved in the program, nor does it screen families. Rather, HSSM only determines program eligibility and leaves the responsibility of screening families up to the landlord. So long as you require all potential tenants to complete an application and screening process, you are fully within your rights as a landlord.

Q: Are landlords expected to treat program participants differently from those who are not receiving assistance?

A: No. Program participants are expected to abide by the same regulations as unassisted tenants.

Q: How many people can live in a unit through the Housing Choice Voucher Program?

A: DHCD places its own restrictions on unit size, which is based on the size of the family. HSSM will issue a voucher to the family, which will indicate the unit bedroom size that is required through the program.

Q: Are landlords required to accept pets through the Housing Choice Voucher Program?

A: No. Whether or not you accept pets is up to you, but it should be included on the lease if pets are allowed or not.

Q: Who pays the security deposit?

A: Tenants are required to pay their own security deposits, though you are restricted from charging a security deposit that is greater than what you charge unassisted tenants. The security deposit must be less than or equal to one month's approved contract rent (subsidy plus tenant's share). Last month's rent cannot be collected.

Q: Is the landlord required to pay for the utilities?

A: The landlord is not responsible for paying the tenant's utilities, though the tenant must have an electric, gas, and water meter that is separate from other tenants. If the tenant is responsible for paying water, Board of Health approval of appropriate low-flow devices and/or fixtures required for water sub-metering.

Q: What kind of paperwork is involved with the program?

A: Once you have reached an agreement with a potential candidate, you will need to complete a Request for Tenancy Approval form (RFTA). This form requests basic information, such as the address of the unit, the monthly rental fee, and the utilities the tenant will be required to pay. You will also be required to provide proof of ownership, a Board of Health certificate, and town assessor's card.

After your unit has passed inspection, you will be required to sign a Housing Assistance Payment contract with HSSM. Every year, you will be required to go through an annual inspection.

Q: How involved is the Housing Authority with the tenant/landlord relationship?

A: HSSM encourages landlords and tenants to resolve issues on their own, but will provide guidance if the landlord or the tenant are experiencing problems.

Q: Am I able to evict a tenant if necessary?

A: Yes. You may evict a tenant who is participating in the Housing Choice Voucher Program, so long as you provide proper legal notice, as you would with an unassisted tenant. You must also provide HSSM with a copy of the initial eviction notice once the process has been started. In order to evict the tenant, you must abide by all local and state eviction laws. Legal reasons for eviction include failure to pay rent, causing damage beyond normal wear, and tear and illegal use of the unit.

Q: What are the responsibilities of the landlord through the Housing Choice Voucher Program?

A: As the landlord, you will be responsible for screening your tenants and for selecting the family you will rent your unit out to. You will also be responsible for performing all management and renting functions as well as performing all necessary maintenance. If you are supplying utilities to the unit, you will also be responsible for the payment of these facilities. In addition, you are responsible for

complying with the Housing Assistance Payment contract (HAP) and the tenancy addendums as well as with the lease you have with your tenant.

Q: What are the responsibilities of the tenant through the Housing Choice Voucher Program?

A: Families participating in the Housing Choice Voucher Program are responsible for finding suitable housing and for providing HSSM with the income and family information needed to verify and certify program eligibility. This information must be provided at least on a biannual basis in order to maintain eligibility. Families participating in the program are also responsible for repairing any damage that they cause to the unit and must allow HSSM to inspect the unit on annual basis and as needed. Finally, families must abide by the obligations as defined by the Housing Choice Voucher and their lease.

Q: What are the responsibilities of the Housing Authority through the Housing Choice Voucher Program?

A: HSSM is responsible for determining whether or not the client is eligible to participate in the Housing Choice Voucher Program. Once eligibility is established, HSSM is responsible for processing the certification and re-certification application, for inspecting the unit, for approving the lease and for executing the Housing Assistance Payment contract. HSSM is also responsible for determining the amount of the provided assistance and for making payments to the landlord on behalf of the tenant. Finally, HSSM is responsible for monitoring the program and making certain everyone involved is in compliance with Federal, State, and Local regulations.

Q: Why would a landlord want to participate in the Housing Choice Voucher Program?

A: Landlords who participate in the Housing Choice Voucher Program enjoy rent security in terms of the portion that is paid by HSSM. Accepting program participants also helps keep vacancies low while providing landlords with good residents to fill their empty units.

If you are interested in renting your unit, please visit www.gosection8.com or call us at 781-422-4200