

**City of Glendale
Community Housing Division**



**Section 8 Housing Choice Voucher
Rental Assistance Program**

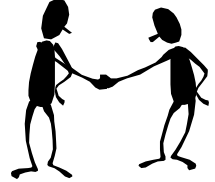
**Participant
Handbook**

Revised March, 2010



Welcome to the City of Glendale Section 8 Housing Choice Voucher Rental Assistance Program

This packet contains information that you will find helpful in understanding the Section 8 Housing Choice Voucher (HCV) Rental Assistance program.



As a tenant, you will read about your responsibilities while in the program as well as your landlord's responsibilities.

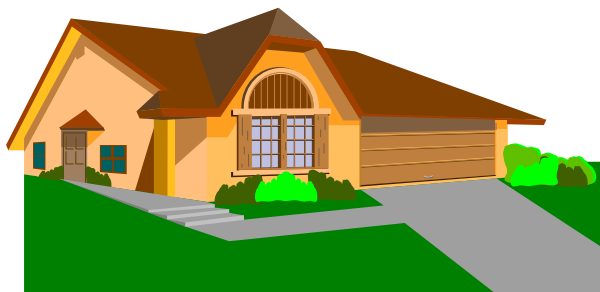
As a landlord, you will understand your role and responsibilities as a housing provider as well as learn about the responsibilities of your Section 8 tenants.

In order to be successful in the program, there must be a good working relationship between the landlord, the tenant and the housing authority.

Please read the information carefully and if you have any questions, contact your Housing Assistance Representative.

For more information regarding the laws and your rights as a tenant, you may obtain a copy of the Residential Landlord & Tenant Act at:

http://www.azsos.gov/public_services/publications/residential_landlord_tenant_Act/



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Participant Handbook

Welcome to the Glendale Section 8 Program!

A. PROGRAM INFORMATION

The Section 8 Housing Choice Voucher program is a free-choice approach to assisted housing. The family may choose to rent anywhere in the private rental market, as long as it meets certain requirements for eligible housing types, rent limits, rent reasonableness and Housing Quality Standards (HQS). The landlord retains private property rights, including management, tenant selection, and maintenance. Once an individual or family receives a voucher, they will have 60 days to select suitable housing that meets their particular needs.

After a voucher holder locates a suitable apartment or house, Glendale Community Housing Division (CHD) will inspect it to be sure it is decent, safe, and sanitary. CHD will determine if the rent is reasonable and within the amount allowed by HUD. The individual or family will then sign a lease with the landlord. The landlord will sign a Housing Assistance Payment contract (HAP) with CHD, which states the subsidy amount due from CHD. Both the lease and the HAP contract will list the names of all family members approved to live in your unit.

The U.S. Department of Housing and Urban Development (HUD) determines the rules and regulations for the Section 8 Program, and also provides the funding. CHD strictly enforces HUD program rules and regulations.

As this program is federally funded, the number of vouchers and the amount of assistance available will depend upon the level of funding provided by HUD.

The Section 8 Housing Choice Voucher program provides for a rental payment subsidy on behalf of an eligible client. The client (tenant) is responsible for the tenant portion of the rent. CHD pays the subsidy amount directly to the landlord. The landlord/owner has certain responsibilities, which are established through federal program regulation. This handbook will help you to understand your rights and responsibilities as a participant of a Section 8 property.

It is important to understand that the program regulations can change at any time throughout assistance. Federal program changes will affect all participants when implemented. CHD also retains the right to modify the program in order to best administer the funding provided and to assist the maximum number of families.

The Glendale Section 8 Housing Choice Voucher program complies with all Equal Opportunity requirements. CHD is in conformity with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the American with Disabilities Act.

B. PARTICIPANT INFORMATION

1. How To Rent Through Section 8

Once you are determined to be eligible, you will be given a Voucher (form HUD-52646). Many people call the voucher “searching papers.” It verifies that the person named on the form has been approved for the Section 8 Housing Choice Voucher program and can look for housing under the subsidy program.

You should read the information on the Voucher very carefully, as it lists your obligations and responsibilities required to participate in the Section 8 Housing Choice Voucher program. It also states the unit size (determined by the number of bedrooms) for which you qualify. You cannot choose a unit larger than stated on the voucher. CHD will review requests for reasonable accommodation. All required documentation must be submitted.

A sample copy of the voucher is included in this packet.

2. How Long Is The Voucher Good?

The term of the voucher is 60 days. This means you have 60 days from the date you receive your voucher to find suitable housing.

3. Voucher Term Extension

For reasonable cause, you may request an extension of time to find suitable housing, but the total time period may not exceed 120 calendar days.

To obtain an extension, you must request it in writing, explaining why you need the extension to look for a unit to rent. Your request must be submitted **before** the expiration date on your voucher. In this packet is a log you must use to document your efforts to find a unit. This completed log must accompany your request.

If you have adequately documented your efforts to the satisfaction of CHD, and additional time can reasonably be expected to result in success, CHD will grant your request, or grant an additional 60 days, whichever is less. (Remember, the total time looking for suitable housing cannot be more than 120 days.)

A form for recording your search efforts is included in this packet.

If your family includes a person with disabilities and you require an extension due to the disability, CHD will grant an extension allowing you the full 120 days search time. If CHD determines that additional search time would be a reasonable accommodation, CHD may grant an additional extension beyond the 120-day period.

If you fail to find suitable housing within the time period, including all extensions, the voucher will expire and you will no longer be considered for the Section 8 Housing Choice Voucher program.

4. Suspension of Voucher Term

Suspension of the voucher term means, “stopping the clock” on the time available to find suitable housing. The suspension will be for a period of time as determined by the CHD, from the time when you submit a request for tenancy approval, until the time when the CHD approves or denies the request.

This allows time for CHD to inspect the unit before move-in and determine if the unit meets program requirements. If the unit fails inspection or for some other reason, CHD does not approve the unit, the time spent doing so will not count against your search time available to look for another unit.

5. Payment Standard

The payment standard is the maximum amount CHD will use to calculate rent share, based on number of bedrooms. The amount used to determine the Payment Standard is the area Fair Market Rent (FMR) as determined by HUD.

The fair market rents (FMRs) are established by HUD for use in the Section 8 Housing Choice Voucher Program and other programs.

In the Housing Choice Voucher program, the FMR is the basis for determining the “payment standard amount” used to calculate the maximum monthly subsidy for an assisted family (see 24 CFR 982.503). In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities.

HUD allows the payment standard to be set by CHD at between 90% and 110% of the FMR without prior HUD approval. CHD will periodically and at least annually after publication of the FMRs, review its determination of the payment standard as necessary in order to manage the program within budget limitations. CHD will consider budgetary limitations, vacancy rates and rents in the market area, size and quality of units leased under the program, rents for units leased under the program, success rates of voucher holders in finding units, and the percentage of annual income families are paying for rent under the Voucher Program.

CHD may raise or lower the payment standard within the HUD-allowed basic range of 90 to 110% during the fiscal year, as deemed necessary to manage the program in order to serve as many families as financially possible within the budget amount and voucher baseline. However, the payment standards will be such to allow as many families as is possible to find decent, safe, sanitary, and affordable housing while staying within the funding amounts as determined by HUD.

Payment standards are not raised to allow rental of luxury units, or if the majority of voucher holders do not experience hardship.

The current FMRs are included in this handbook.

6. Area Exception Rents/Payment Standards

If housing cannot be found outside of high poverty areas or if voucher holders are having difficulty finding units for lease under the Section 8 program, CHD may request HUD to approve an exception payment standard rent for certain areas in its jurisdiction.

At this time, Section 8 clients renting in the Glendale area are not experiencing difficulty in finding affordable housing.

7. Utility Allowances

The CHD maintains a utility allowance schedule to help offset the cost of tenant-paid utilities (except telephone and cable television), for cost of tenant-supplied refrigerators and ranges, and for other tenant-paid housing services (e.g., trash collection (disposal of waste and refuse)). The utility allowance is not meant to pay your utility bills in full.

The utility allowance schedule is determined based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type in the same locality. In developing the schedule, the CHD uses normal patterns of consumption for the community as a whole and current utility rates.

The CHD reviews the utility allowance schedule annually and revises any allowance for a utility category if there has been a change of 10% or more in the utility rate since the last time the utility allowance schedule was revised. The CHD maintains information supporting the annual review of utility allowances and any revisions made in its utility allowance schedule. Participants and landlords/owners may review this information at any time by making an appointment with the CHD Office.

The CHD uses the appropriate utility allowance for the size of dwelling unit actually leased by the family (rather than the family unit size as determined under the CHD subsidy standards).

At each reexamination, the CHD applies the utility allowance from the most current utility allowance schedule.

The CHD will approve a request for a utility allowance that is higher than the applicable amount on the utility allowance schedule if a higher utility allowance is needed as a reasonable accommodation to make the program accessible to and usable by the family member with a disability.

The utility allowance will be subtracted from the family's share to determine the amount of the Tenant Rent. The Tenant Rent is the amount the family owes each month to the owner.

The amount of the utility allowance will be paid directly to the utility company to be applied to the tenant family's monthly bill. Any utility cost above the allowance is the responsibility of the tenant. The utility company will continue to send monthly billing statements to the tenant family. The utility payment will be sent to the utility

company with the highest bill owed by the tenant family. Any other utility charges will be the sole responsibility of the tenant family.

A copy of the most recent utility allowance schedule is included in this packet for your review.

8. Determining the Maximum Rent for an Assisted Unit

The Fair Market Rent (FMR) published by HUD or the exception payment standard rent (requested by CHD and approved by HUD) determines the maximum subsidy for a family.

However, CHD may set the maximum subsidy based on the HUD determined per-unit HAP cost (PUC), or at an amount determined by CHD which would allow for assistance for the maximum number of families as possible with the amount of HUD funding allocated to CHD. CHD will periodically review the maximum subsidy amounts to ensure HAP costs incurred do not exceed that which would allow for the support of decent housing of a modest nature for the maximum number of families.

If it is determined Section 8 clients cannot find safe, decent and sanitary housing at the FMR amount, the maximum rent for an assisted unit can be set at 110% of the FMR at CHD discretion, without prior approval from HUD, or the exception payment standard as approved by HUD.

At this time, Section 8 clients renting in the Glendale area are not experiencing difficulty in finding affordable housing.

9. Determining a Fair Rent Amount

CHD must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, CHD must consider: location, quality, size, unit type, and age of the unit; and any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.

At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined by CHD.

Owner certification of rents charged for other units. By accepting each monthly housing assistance payment from CHD, the owner certifies that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises. The owner must give CHD information requested by CHD on rents charged by the owner for other units in the premises or elsewhere.

10. Determining the Housing Assistance Payment (HAP)

The CHD will pay a monthly housing assistance payment on your behalf directly to the landlord/owner. This is called the Housing Assistance Payment or HAP. The portion paid by the tenant is called the Total Tenant Payment or TTP.

The monthly HAP equals the gross rent, minus the higher of:

- total tenant payment; or
- minimum rent as required by law.

11. Determining the Total Tenant Payment (TTP)

The total tenant payment (TTP) is the minimum amount you must contribute toward rent and utilities regardless of the unit you select. Your TTP is calculated by a required formula based on your income. The formula looks at your income in two ways—monthly-adjusted income and monthly gross income.

Your annual income is the beginning point in the formula. Annual income must be converted into your monthly income.

The formula calculates 30% of your monthly adjusted income, and
10% of your monthly gross income.

The TTP (the amount you pay) will be the highest of the amounts:

- 10% of annual income
- OR
- 30% of adjusted monthly income
- OR
- Minimum rent as determined by CHD

Plus any rent above the payment standard or the average voucher per unit cost as determined by CHD based on current federal funding levels.

****Note – TTP will include any rent amount above the payment standard, but the TTP cannot exceed 40% of the adjusted monthly income for initial program eligibility.**

Example of TTP calculation–

Monthly adjusted income = \$600.00

30% of monthly adjusted income = $600 \times 30\% = \$180.00$

Monthly gross income = \$640.00

10% of monthly gross income = $640 \times 10\% = \$64.00$

In this example, the TTP will be \$180.00.

12. Where You Can Rent

Once you are determined eligible and receive your voucher, you can begin to look for a suitable unit.

You may lease a unit anywhere within the city limits of Glendale. As a new voucher holder, you must successfully complete a 12-month lease on a rental unit in Glendale.

Moving outside of Glendale is called portability, and is discussed in Section 15 below.

If the head of household or spouse of the assisted family does **not** have a legal residence in Glendale at the time of application, you will not have any right to lease a unit outside of the CHD jurisdiction for the 12-month period beginning when you are first admitted to the program. During this period, you may only lease a unit located in the jurisdiction of the CHD (City of Glendale).

CHD maintains an inventory of available local units in the administrative office. Copies of individual rental listings are available for you to take with you. These listings are courtesy of the landlord/owner, who may or may not choose to place a unit on the list.

Families participating in the Voucher Program will not be allowed to move more than once in any 12-month period and under no circumstances will CHD allow a participant to improperly break a lease. For reasonable cause or reasonable accommodation, CHD may consider allowing more than one move in a 12-month period.

13. Determining Unit Size (Subsidy Standard)

The CHD will issue a voucher for a specific bedroom size – the bedroom size is a factor in determining the family’s level of assistance. The following guidelines will determine each family’s unit size without overcrowding or over-housing:

These standards are based on the assumption that each bedroom will accommodate no more than two (2) persons. Two adults will share a bedroom unless related by blood.

At the initial eligibility, the family voucher size will be determined using the subsidy standards below. This will not change unless the family size exceeds the maximum number per bedroom or living/sleeping area. Upon continued assistance but not for eligibility, the living room may be considered as a sleeping area.

In determining bedroom size, the CHD will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children currently under a 50% or more joint custody decree, children who are temporarily away at school or temporarily in foster-care.

When children are in the process of adoption or custody, a court order or documentation received from the court is necessary. Before CHD will increase a bedroom size, CHD requires evidence that the court will approve the adoption or custody arrangement, or has been given physical custody.

A request to add a person to a household may be approved if the change does not cause an increase to the size of the unit, or if it is a reasonable accommodation. CHD reserves the right to review each case to determine the merits of each request.

Number of Bedrooms	Number of Persons	
	Minimum	Maximum
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8

Bedroom size will also be determined using the following guidelines:

- A. Children of the same sex **will** share a bedroom.
- B. Children of the opposite sex, both under the age of **6 years** will share a bedroom.
- C. Adults and children under the age of **4 years** may share a bedroom.
- D. Foster–adults and children will not be required to share a bedroom with family members.
- E. Live-in aides will get a separate bedroom.

The CHD will review a request for an exception to normal occupancy standards when a family requests a larger size than the guidelines allow and documents a medical reason why the larger size is necessary. For a medical necessity, family must provide:

Proof of medical necessity on doctor’s letterhead—no prescriptions forms will be acceptable proof.

Third party verification required.

Necessity will be re-verified every three years, unless the need for the reasonable accommodation is readily apparent.

If a child is within less than six months of their sixth birthday, unit size determination can be for the larger unit with supervisor approval.

The family unit size will be determined by the CHD in accordance with the above guidelines and will determine the maximum rent subsidy for the family. The family cannot choose a larger unit than stated on the voucher, but may select a smaller unit as long as the unit is not overcrowded as determined by CHD occupancy standards. If a smaller unit is chosen, the payment standard for the smaller size will be used to calculate the subsidy.

Due to a change in the methodology HUD uses to calculate program funding along with the need to control program costs, CHD will no longer allow a family to choose a larger unit than is shown on the voucher.

14. Staying In Current Apartment and Receiving Section 8 Assistance

If your current landlord will rent under the Section 8 program, you may remain in your unit as long as it is an eligible housing type, and meets occupancy standards and health and safety standards. Your unit must pass an HQS Inspection prior to approval, and the rent must be approved by CHD.

15. Portability

Moving from one city to another while receiving assistance from the Section 8 program is called portability.

For newly eligible families, an initial 12-month probationary period must be successfully completed within the jurisdiction of the City of Glendale before any family will be reviewed for portability to another jurisdiction. CHD requires this initial lease in order to evaluate the family for suitability for the Section 8 housing choice voucher program.

If you are a voucher holder and have leased in Glendale for a minimum of 12 months on the Section 8 program, you may request portability.

It is important to understand that CHD may deny portability to a unit in another jurisdiction that would require CHD to pay a higher subsidy or has a higher payment standard, and where the receiving PHA will not absorb.

Contacting your Glendale Housing Representative is required before you should consider moving outside of Glendale while you remain on the Section 8 program. Your Representative will notify you of all requirements that you must meet prior to being approved to move.

If you choose to move without CHD approval, your voucher assistance will be terminated.

16. How To Select A Unit

The types of units that are eligible for housing assistance are single-family homes, apartments, townhouse, condominiums, or mobile homes. The unit must be in decent, safe, and sanitary condition, and be able to pass a Housing Quality Standards (HQS) inspection completed by CHD.

Once you find a unit, ask the landlord if the unit is available under the Section 8 program. If the landlord is unfamiliar with the program, CHD will explain the program to the landlord.

CHD administrative office maintains an inventory of available units that is available for you to take with you during your search.

For families that include a disabled person, CHD requests that the landlord note on the For Rent form if the unit is handicapped-accessible.

CHD cannot guarantee availability, as it does not control the local rental market.

You may also contact local realtors or apartment complexes for information on vacant units available.

17. Renting from A Relative

CHD cannot approve a unit for rent under the Section 8 program 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.

18. How to Rent Under the Section 8 Program

When you find a unit you might like to rent, make an appointment with the owner or manager to see it. Make sure you look at it inside and outside to be sure that it will fit your needs and that it is the same bedroom size as noted on your voucher or smaller. CHD will not approve housing assistance for a unit larger than noted on your voucher.

When you find a unit and the owner is willing to lease under the program, request that the landlord complete the Request for Tenancy Approval form (form HUD 52517) that your housing representative gave to you at your briefing. You must then return the completed form to your housing representative. Once your paperwork is received at the housing office, your housing representative will review the request and make an initial determination of approval of tenancy.

CHD may assist you in negotiating changes that may be required for the tenancy to be approved with the understanding that the unit must pass an inspection.

19. Getting Your Unit Approved

Once it appears the tenancy may be approved, CHD will schedule an appointment to inspect the unit within 15 days after the paperwork is turned into the housing office. The 15-day period is suspended during any period the unit is unavailable for inspection.

The CHD will promptly notify the owner and the family whether the unit and tenancy are approved.

Once the unit is approved, CHD will approve a HAP contract if all of the following conditions are met:

- The unit is eligible. The following are **NOT** eligible types of housing:
 - Public housing
 - A unit receiving project-based assistance
 - Nursing homes, board or care facilities
 - College or school dormitories
 - Penal, reformatory, medical, mental or similar public or private institutions
 - Unit occupied by its owner or by a person with any interest in the unit. (CHD may approve exceptions in order to provide reasonable accommodations to persons with disabilities. 24 CFR 982.601(3).)

- A unit receiving any duplicative Federal, State, or local housing subsidy. This does not prohibit renting a unit in a tax credit development.) (See 24 CFR §982.352(C).)
 - Housing owned in whole or in part, by the family to be assisted;
 - Housing owned by a parent, child, grandparent, grandchild, sister, or brother of any family receiving housing assistance. The HA will waive this restriction if the unit is needed as a reasonable accommodation for a family member who is a person with a disability.
- The unit is inspected by the CHD and passes a Housing Quality Standards Inspection;
 - The HAP contract is approvable and includes the language of the tenancy addendum;
 - The rent to owner is reasonable (determined by the housing authority);
 - The family's share of rent does not exceed 40% of their monthly adjusted income at initial program eligibility;
 - The owner has not been found to be debarred, suspended, or subject to a limited denial of participation by HUD or the CHD; and
 - The family continues to meet all eligibility and screening criteria.

CHD will promptly notify the family and owner whether the assisted tenancy is approved.

CHD will prepare the HAP contract when the unit is approved for tenancy.

IMPORTANT NOTE!

CHD will not pay any housing assistance to the owner until the unit passes inspection and the contract is signed.

20. Background Checks

CHD performs the following checks prior to determining eligibility for the program.

- Income eligibility
- Employment history
- Information pertinent to determining level of benefits
- Money owed to other housing authorities
- Criminal background check
- Sex offender status

Additional screening is the responsibility of the owner and is allowed as long as the screening is the same as would happen with any non-subsidized tenant.

Upon the request of a prospective landlord, CHD will provide any factual information or third party written information they have relevant to a voucher holder's history of, or ability to comply with material standard lease terms or any history of drug trafficking, drug-related criminal activity or any violent criminal activity.

Any household members who are at least 16 years of age or older being added to a lease during tenancy must go through the criminal background check process.

21. Information Given to the Landlord

CHD requires all adult family members who are at least 18 years of age, and each family head and spouse, regardless of age, to sign HUD Form 9886, *Authorization for Release of Information and Privacy Act Notice*. The *Authorization for Release of Information and Privacy Act Notice* states how family information will be released and includes the *Federal Privacy Act Statement*. A copy of this form is included in this packet.

Upon request by the landlord, CHD will release the following additional information:

- your current and prior addresses,
- names and addresses of your former landlords;
- Factual information or third party verification relating to your history or family member's history as a tenant;
- Your ability to comply with lease terms;
- Any history of drug-trafficking;
- Any drug-related criminal activity or any violent criminal activity.

Failure or refusal to sign the release statement will cause you to be ineligible for assistance under the Section 8 program.

22. Reporting Family and Income Changes

Changes to household income must be reported within 10 days to CHD, in writing.

Changes to family composition must also be reported within 10 days, in writing.

All changes should also be reported to the landlord.

A Change Report is available for this purpose. A copy is in this packet for your use. Additional copies are available at the CHD administrative office.

23. Verification of Family Information

CHD will verify all information supplied by the family regarding family size and household income.

CHD is connected to online verification systems with the Arizona Department of Economic Security, Social Security Administration, nationwide wage verification systems, and other state and national sources of income information. Any information found through these sources and not reported by the family may be considered program fraud and will result in denial of housing assistance and termination from the

program. You must repay any subsidy paid on your behalf due to failure to report complete and correct income information.

CHD reserves the right to take legal action as deemed appropriate.

24. Rent Increases

Your landlord can request an increase in rent annually, with a 60-day notice to you and CHD. It must be approved by CHD in order for the HAP contract to be renewed. CHD will review the increase for reasonableness based on rents charged for comparable non-assisted units in the jurisdiction.

25. Tenant Rights During the Foreclosure of a Rental Property

In May, 2009, President Obama signed into law the Protecting Tenants at Foreclosure Act of 2009 (PTFA) (S.896, P.L. 111-22). The objective of these new tenant protections is to ensure that tenants receive appropriate notice of foreclosure and are not abruptly displaced.

This new federal law requires that a tenant under any bona fide tenancy or bona fide lease entered into before the notice of foreclosure has the right to occupy the premises until the end of the remaining term of the lease. The only exception to preserving the remaining term of the lease is for a purchaser who will occupy the unit as a primary residence. In this situation:

- The foreclosed owner of a home cannot force a Section 8 family to vacate the property prior to a sale of the property.
- The new owner may terminate the tenancy effective on the date of the transfer to the owner if the owner:
 1. Will occupy the unit as a primary residence; and
 2. Has provided the tenant with a notice to vacate at least 90 days before the effective date of such notice.

26. Annual Recertification

CHD is responsible for completing an annual reexamination and verification for continuing eligibility. It will consist of verifying family income and composition (family size).

About three months before your anniversary date, you will be sent a packet to complete and return.

Your unit must also have an annual inspection for HQS compliance. You will be notified of the date and time. Your cooperation is necessary and mandatory. Failure to allow for an annual inspection can result in the loss of your rental assistance.

27. **Change to TTP Amount**

TTP Decreases: If a change in family circumstances or income results in a rent decrease, the adjustment in rent will be effective the first day of the month following the date of reported change.

If there is a delay in reporting and the delay is not the fault of the family, the reduction will be effective the first of the month after the interim reexamination should have been completed, not when it was reported.

If the family caused a delay in processing or did not report the change in a timely manner, the change will be effective the first of the month after the TTP amount is determined. Reductions in TTP are not retroactive if the delay is family-caused.

TTP Increases: An increase will be effective the first day of the second month after the month in which the family receives notice of the new TTP amount.

If the family causes a delay, then the TTP increase will be effective on the date it would have been effective had the process not been delayed (even if this means a retroactive increase).

28. **HQS Inspection**

Under federal regulations, CHD cannot pay for housing assistance for any unit that has not passed a Housing Quality Standards inspection (HQS). CHD will schedule an appointment for the inspection within 15 days after the paperwork is turned into the housing office. The 15-day period is suspended during any period the unit is unavailable for inspection.

HQS covers so much more than just inspections. Housing Quality Standards, or HQS dictates acceptable criteria for key aspects of housing quality. They are:

- Sanitary facilities;
- Food preparation and refuse disposal;
- Space and security;
- Thermal environment;
- Illumination and electricity;
- Structure and materials;
- Interior air quality;
- Water supply;
- Lead-based paint;
- Access;
- Site and neighborhood;
- Sanitary condition; and
- Smoke detectors.

All program housing must meet the HQS performance requirements both at the beginning of assisted occupancy, and throughout the assisted tenancy.

HUD requires CHD to inspect all units before placing them in the Section 8 program to ensure that they meet Housing Quality Standards (HQS). All units must pass the inspection. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

CHD must be allowed to inspect the unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail. If the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or arrange to allow CHD's inspector to enter the unit and complete the inspection.

For the initial inspection prior to move-in, the owner must make the unit accessible to the inspector. The family does not have to be present for the initial inspection. However, we **strongly recommend** you attend with the inspector to understand any pass/fail items, as any failed items will delay your move in.

- ** CHD inspector will not enter the unit if the only member of the household present is under 18 years of age. It is the responsibility of the tenant to reschedule the inspection when an adult family member is present. Failure to comply with HQS requirements is considered a lease violation and assistance can be terminated.

If the family misses the scheduled inspection and fails to reschedule the inspection, the CHD will only schedule one more inspection. If the family misses two inspections, the CHD will consider the family to have violated a Family Obligation and their assistance will be terminated.

For other types of inspections (quality control and special inspections) and if the family cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or arrange to allow CHD's inspector to enter the unit and complete the inspection.

Remember, without a passing HQS inspection and a signed contract, CHD will not send payments to your landlord.

29. Tenant Responsibility for HQS Items

There are family obligations pertaining to HQS:

- Maintenance and upkeep of tenant-supplied appliances;
- Turn on and payment of utilities not paid for by landlord;
- Repair of damages caused by a household member or guest (beyond ordinary wear and tear);

If failure to maintain HQS obligations causes a life-threatening situation, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days.

If the family has caused a violation of the HQS, the CHD will take prompt and vigorous action to enforce the family obligations. The CHD may terminate assistance for the family in accordance with 24 CFR 982.552.

30. Staying on the Housing Choice Voucher Program

A family is eligible for rental assistance as long as your portion of the rent does not equal the contract rent. Once your payment portion is the same as the full amount of the unit rent, you will be responsible for paying the full amount and CHD will pay

zero (\$0) to the landlord. You can remain on the program for an additional 180 days, at which point, the HAP contract will be terminated and you will no longer be considered a participant.

A family can leave the program at any time, but CHD must be notified so that HAP payments to the landlord can stop. Once you leave the program, you must reapply and have your name put on the waiting list in order to participate again.

31. Fraud in the Program

The Section 8 Housing Choice Voucher program is federally funded and therefore program requirements must be met, regulations followed, and government funds properly utilized. Incidences of fraud, willful misrepresentation, or intent to deceive with regard to the Section 8 Housing Choice Voucher program are criminal acts and will be prosecuted to the fullest extent of the law.

32. Termination from the Program

Any violation of the lease or family obligations can result in termination. It is very important that you understand your obligations and responsibilities while in the program. The following are reasons to terminate assistance or to deny admission for assistance:

- The CHD must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.
- The CHD must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information.
- The family must submit required evidence of citizenship or eligible immigration status. CHD must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status.

The CHD may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

- If the family violates any family obligations under the program.
- If any member of the family has been evicted from federally assisted housing in the last five years;
- If a PHA has ever terminated assistance under the program for any member of the family.
- If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- If the family currently owes rent or other amounts to the CHD or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

- If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- If the family breaches an agreement with the CHD to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. (The CHD, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)
- If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.
- If the family has engaged in or threatened abusive or violent behavior toward CHD personnel.
- If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.
- If the family has been engaged in criminal activity or alcohol abuse as described in §982.553.
- If the family has a household member who has outstanding felony warrant(s). Non-felony warrants must be cleared with proof supplied to CHD. CHD will make a determination on a case-by-case basis, whether the reason for the warrant may constitute a history that may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- The CHD may at any time deny program assistance for an applicant in accordance with the CHD policy, as stated in the CHD administrative plan, on screening of applicants for family behavior or suitability for tenancy.
- If the family is evicted for serious violation of their lease (including failure to pay the family portion of the rent).

Other good cause:

- Failure by the family to accept the offer of a new lease;
- Family history of disturbances of neighbors or destruction of property, or living or housekeeping habits resulting in damage to the property or unit;
- The owner's desire to utilize the unit for personal or family use or for a purpose other than use as a residential rental unit;
- A business or economic reason such as sale of the property, renovation of the unit, desire to rent at a higher rental amount.

The family also has the right to terminate the lease without cause upon proper notice (30 days notice) to the owner and to CHD after the first year of the lease.

33. How to Request An Informal Hearing

Both applicants and participants have the right to request an informal hearing. Applicants are given the opportunity to request an informal review of the decision to deny assistance. Participants are given the opportunity to request an informal review of CHD decisions regarding their assistance.

Applicants:

- The review may be conducted by any person or persons designated by CHD, other than a person who made or approved the decision under review or a subordinate of this person.
- The applicant must be given an opportunity to present written or oral objections to the CHD decision.
- CHD must notify the applicant of its final decision after the informal review, including a brief statement of the reasons for the final decision.

When informal review is not required.

CHD is not required to provide the applicant an opportunity for an informal review for any of the following:

- Discretionary administrative determinations by CHD.
- General policy issues or class grievances.
- A determination of the family unit size under CHD subsidy standards.
- A CHD determination not to approve an extension or suspension of a voucher term.
- A CHD determination not to grant approval of the tenancy.
- A CHD determination that a unit selected by the applicant is not in compliance with HQS.
- A CHD determination that the unit is not in accordance with HQS because of the family size or composition.

Participants:

CHD must give a participant family an opportunity for an informal hearing to consider whether the following decisions relating to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and CHD policies:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance (if any) for tenant-paid utilities from CHD utility allowance schedule.
- A determination of the family unit size under CHD subsidy standards.
- A determination that a family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under CHD subsidy standards,

or CHD determination to deny the family's request for an exception from the standards.

- A determination to terminate assistance for a participant family because of the family's action or failure to act.
- A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under CHD policy and HUD rules.

When hearing is not required.

CHD is not required to provide a participant family an opportunity for an informal hearing for any of the following:

- Discretionary administrative determinations by CHD.
- General policy issues or class grievances.
- Establishment of CHD schedule of utility allowances for families in the program.
- A CHD determination not to approve an extension or suspension of a voucher term.
- A CHD determination not to approve a unit or tenancy.
- A CHD determination that an assisted unit is not in compliance with HQS. (However, CHD must provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the HQS caused by the family.)
- A CHD determination that the unit is not in accordance with HQS because of the family size.
- A determination by CHD to exercise or not to exercise any right or remedy against the owner under a HAP contract.

Where a hearing is required

Under this section, CHD must proceed with the hearing in a reasonably expeditious manner upon the request of the family.

- The family must be given the opportunity to examine before CHD hearing any CHD documents that are directly relevant to the hearing. The family must be allowed to copy any such document at the family's expense. If CHD does not make the document available for examination on request of the family, CHD may not rely on the document at the hearing.
- CHD hearing procedures may provide that CHD must be given the opportunity to examine at CHD offices before CHD hearing any family documents that are directly relevant to the hearing. CHD must be allowed to copy any such document at CHD's expense. If the family does not make the document available for examination on request of CHD, the family may not rely on the document at the hearing.
 - The term "documents" includes records and regulations.
- At its own expense, the family may be represented by a lawyer or other representative.
- The hearing may be conducted by any person or persons designated by CHD, other than a person who made or approved the decision under review or a subordinate of this person.
- CHD and the family must be given the opportunity to present evidence, and may question any witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family shall be based on a preponderance of the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the family.

When CHD is not bound by a hearing decision:

- Concerning a matter for which CHD is not required to provide an opportunity for an informal hearing under this section, or that otherwise exceeds the authority of the person conducting the hearing under CHD hearing procedures.
- If CHD determines that it is not bound by a hearing decision, CHD must promptly notify the family of the determination, and of the reasons for the determination.

C. TENANT OBLIGATIONS AND RESPONSIBILITIES

In order to receive rental subsidy assistance under the Section 8 Housing Choice Voucher program, every family and individual has obligations and responsibilities. You must comply with these obligations and responsibilities in order to remain in the program.

A. Supply required information

The family must supply any information that CHD or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status. Information includes any requested certification, release, or other documentation.

The family must supply any information requested by CHD or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

The family must disclose and verify Social Security Numbers and must sign and submit consent forms for obtaining information.

Any information supplied by the family must be true and complete.

B. Housing Quality Standard (HQS) breach caused by the family

The family is responsible for any HQS breach caused by the family or its guests.

C. Allowing CHD Inspection

The family must allow CHD to inspect the unit at reasonable times and after at least a 24-hour notice, unless a perceived emergency situation exists.

D. Family Notice of Move or Lease Termination

The family must notify the CHD and the owner before the family moves out of the unit or terminates the lease by a notice to the owner.

E. Owner Eviction Notice

The family must promptly give the CHD a copy of any owner eviction notice it receives.

F. Use of Address

The family may not allow a person who is not on the lease to use the address of the subsidized unit as a mailing address.

G. Use and Occupancy of the Unit

The family must use the assisted unit for a residence by the family. The unit must be the family's only residence.

The CHD must approve the composition of the assisted family residing in the unit. The family must promptly inform the CHD of the birth, adoption or court-awarded custody of a child. The family must request approval from the CHD to add any other family member as an occupant of the unit. No other person (i.e., no one but members

of the assisted family) may reside in the unit (except for a foster child/foster adult or live-in aide as provided in paragraph (4) of this Section).

The family must promptly notify the CHD if any family member no longer resides in the unit.

If the CHD has given approval, a foster child/foster adult or a live-in aide may reside in the unit. The CHD has the discretion to adopt reasonable policies concerning residence by a foster child/foster adult or a live-in aide and defining when the CHD consent may be given or denied.

Members of the household may engage in legal profit making activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family. Any business uses of the unit must comply with zoning requirements and the affected household member must obtain all appropriate licenses.

The family must not sublease or let the unit.

The family must not assign the lease or transfer the unit.

H. Absence from the Unit

The family must supply any information or certification requested by CHD to verify that the family is living in the unit, or relating to family absence from the unit, including any information or certification requested by CHD on the purposes of family absences. The family must cooperate with CHD for this purpose. The family must promptly notify CHD of its absence from the unit.

Absence means that no member of the family is residing in the unit. The family may be absent from the unit for up to 30 days. The family must request permission from CHD for absences exceeding 30 days. CHD will make a determination within five business days of the request. An authorized absence may not exceed 180 days. Any family absent for more than 30 days without authorization will be terminated from the program.

Authorized absences may include, but are not limited to:

- Prolonged hospitalization
- Absences beyond the control of the family (i.e., death in the family, other family member illness)
- Other absences that are deemed necessary by the CHD

I. Interest in the Unit

The family may not own or have any interest in the unit (except for owners of manufactured housing renting the manufactured home space).

J. Fraud and Other Program Violation

The members of the family must not commit fraud, bribery, or any other corrupt or criminal act in connection with the programs.

K. Crime by Household Members.

The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or

right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

L. Alcohol Abuse by Household Members.

The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

M. Other Housing Assistance.

An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

N. Welfare-to-Work Responsibilities.

A welfare-to-work family must fulfill its obligations under the welfare-to-work voucher program.

O. Other Family Obligations

Families admitted to the Section 8 program must abide by all family obligations as listed in the CHD Section 8 Administrative Plan and the Code of Federal Regulations.

D. **CHD RESPONSIBILITIES**

Section 8 Housing Choice Voucher Program is a three-way relationship. The participant and owner have certain responsibilities, as does the housing authority. CHD will do the following to ensure the Section 8 program is administered successfully:

- The CHD will comply with the consolidated ACC (HUD funding contract), the application, HUD regulations and other requirements, and the CHD Section 8 Administrative Plan.
- In administering the program, the CHD must:
- Publish and disseminate information about the availability and nature of housing assistance under the program;
- Explain the program to owners and families;
- Seek expanded opportunities for assisted families to locate housing outside areas of poverty or racial concentration;
- Encourage owners to make units available for leasing in the program, including owners of suitable units located outside areas of poverty or racial concentration;
- Affirmatively further fair housing goals and comply with equal opportunity requirements;
- Make efforts to help disabled persons find satisfactory housing;
- Receive applications from families, determine eligibility, maintain the waiting list, select applicants, issue a voucher to each selected family, and provide housing information to

- families selected, including information on the hazards of lead based paint;
- Determine who can live in the assisted unit at admission and during the family's participation in the program;
 - Obtain and verify evidence of citizenship and eligible immigration status in accordance with 24 CFR part 5;
 - Review the family's request for approval of the tenancy and the owner/landlord lease, including the HUD prescribed tenancy addendum;
 - Inspect the unit before the assisted occupancy begins and at least annually during the assisted tenancy;
 - Determine the amount of the housing assistance payment for a family and the family share of rent;
 - Determine the maximum rent to the owner and whether the rent is reasonable;
 - Make timely housing assistance payments to an owner in accordance with the HAP contract;
 - Examine family income, size, and composition at admission and during the family's participation in the program. The examination includes verification of income and other family information;
 - Establish and adjust CHD utility allowance;
 - Administer and enforce the housing assistance payments contract with an owner, including taking appropriate action as determined by the CHD, if the owner defaults (e.g., HQS violation);
 - Determine whether to terminate assistance to a participant family for violation of family obligations, and provide written notice to participant and landlord;
 - Conduct informal reviews of certain CHD decisions concerning applicants for participation in the program;
 - Conduct informal hearings on certain CHD decisions concerning participant families;
 - Provide sound financial management of the program, including engaging an independent public accountant to conduct audits; and
 - Protect the elderly and disabled participant families against significant impacts to the program resulting from adjustments deemed necessary due to changes in HUD funding levels. Significant impacts include but are not limited to the following. Elderly and disabled families will be reviewed on a case-by-case basis to ensure they are not negatively impacted by other factors not listed below:
 - a. Changes to Payment Standards;
 - b. Changes to Occupancy Standards;
 - c. Restrictions on Portability;
 - d. Setting the maximum subsidy amount;
 - Administer an FSS program, and
 - Appropriately subsidize as many families as HUD financing methods allow.