



# Town of Poughkeepsie Housing Choice Voucher Program

## SECTION 8

What's It All About?

A Resource Guide for Landlords

For Rent



Section 8 Recipients Welcome

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### *Attachments*

- Lead Based Paint Disclosure Form
- Lead Paint Can Poison: Are your Tenant's at Risk?
- Lead Paint Can Poison: Protect Your Family When you Repaint or Remodel
- Lead Paint Can Poison: Learn the Facts
- HQS Self-Checklist
- Request for Tenancy Approval
- Housing Assistance Payment Contract
- Tenancy Addendum

# *About the Housing Voucher Program*

The Housing Choice Voucher Program (HCV) is a national rental assistance program, funded by the U.S. Department of Housing and Urban Development (HUD). The goal of the program is to assist low and moderate income families to rent housing in the private market, by paying a portion of the family's rent each month. The program allows families to access a broader range of quality housing options, options that they might not otherwise be able to afford.

Families participating in the Town of Poughkeepsie Section 8 Program can rent a single-family home, an apartment or a condominium. Prior to receiving a subsidy, however, every unit must pass a housing inspection. Once the unit passes inspection and rent reasonableness guidelines, voucher families pay between 30 - 40 percent of their monthly income toward monthly rent and utilities and the Town of Poughkeepsie Section 8 Program pays the difference directly to the property owner.

Under the program, families, owners and Town of Poughkeepsie Section 8 Program all have rights and responsibilities.

## **Voucher families are required to:**

- comply with program rules and the terms of their lease with the property owner
- permit housing inspections by Town of Poughkeepsie Section 8 Program
- report changes in income and household composition
- keep the unit in good condition

## **Participating property owners' responsibilities are to:**

- screen all applicants for suitability as tenants
- collect the tenant's portion of the rent
- comply with landlord-tenant and fair housing laws, the terms of the lease with the tenant and their contract with Town of Poughkeepsie Section 8 Program
- permit inspections by Town of Poughkeepsie Section 8 Program
- make timely repairs to keep the property in good condition

## **As administrator of the program, Town of Poughkeepsie Section 8 Program's major responsibilities are to:**

- manage daily operations with fiscal integrity and in accordance with federal rules and regulations
- meet its goals and objectives established by the Town of Poughkeepsie Section 8 Program determine whether families and individuals are eligible for the program

- inspect units to ensure that they meet federal guidelines in terms of health and safety standards
- pay the appropriate portion of the rent to the owner in a timely manner; and
- monitor voucher participants and owners to ensure their compliance with program rules

## *Benefits of Participation*

Property owners and managers in the Town of Poughkeepsie area have made the Town of Poughkeepsie Section 8 Housing HCV Program an integral aspect of a successful real estate management strategy. Under the program, owners can lease single-family homes, apartments or condominiums in any city in the country, so long as the city has a housing authority and a voucher program.

One of the biggest misconceptions about the program is that owners lose control of their property management decisions. Nothing could be further from the truth. Just like with market tenants, owners have the right to screen voucher families for suitability, require a security deposit, collect rent, and enforce the provisions of their lease, including settling disputes with tenants and evicting those who violate the lease.

At the same time, the program offers substantial benefits. Steady cash flow, free property listings, an additional pool of applicants, lower vacancy rates, more stable tenants, as well as, the opportunity to increase the supply of affordable housing in our community, are some of the reasons that many area owners participate in the program.



# How The Program Works

For families or individuals with a voucher, there are six steps to participation in the Housing Choice Voucher Program. They are:

1. Applicants screening (approval or denial)
2. Issuance of voucher
3. Housing Search
4. Housing Quality Standards (HQS) Inspection
5. Rent Reasonableness Determination
6. Execution of Lease and HAP Contract
7. Rent & Housing Assistance Payments begin

Property owners and managers become involved at the second stage of the program—when the family with a voucher schedules an appointment to view an apartment or house for rent. If you wish, the Town of Poughkeepsie Section 8 Program will give your name and general information about the rental unit(s) to families who have been issued a voucher. Any interested families will then contact you for an appointment to see your housing unit. The Town of Poughkeepsie Section 8 Program will not steer families to specific owners or rental units, but we will furnish families with information on units that are available.

If the tenant likes the unit and also passes the owner's screening process, the owner will submit a Request For Tenancy form to Town of Poughkeepsie Section 8 Program. Town of Poughkeepsie Section 8 Program will then contact the owner to schedule a Housing Quality Standards (HQS) Inspection.

The inspection process is designed to ensure that subsidized housing meets a minimum set of health and safety standards established by the federal government. Generally, the inspection is scheduled within ten (10) days of the date that the owner indicates the unit will be ready.



After the unit passes inspection, the rent requested by the owner is reviewed to make sure that it is reasonable, compared to similar units in the neighborhood based on size, amenities and other factors. At this point, the tenant is ready to move in. The owner may collect a security deposit of up to one and one half months rent. The owner will sign a lease with the tenant and a Housing Assistance Payment or HAP contract with Town of Poughkeepsie Section 8 Program.

The Town of Poughkeepsie Section 8 Program does not require landlords to sign a model lease; all landlords must use their own standard lease when renting to Section 8 families. The lease must specify all of the following:

- Name of the owner
- Name of the tenant
- Unit rented (address, apartment number and any other information to identify the unit).
- Term of the lease (initial term and provisions for renewal)
- Amount of monthly rent to the owner
- Utilities and appliances that are to be supplied by the owner
- Utilities and appliances that are to be supplied by the tenant.



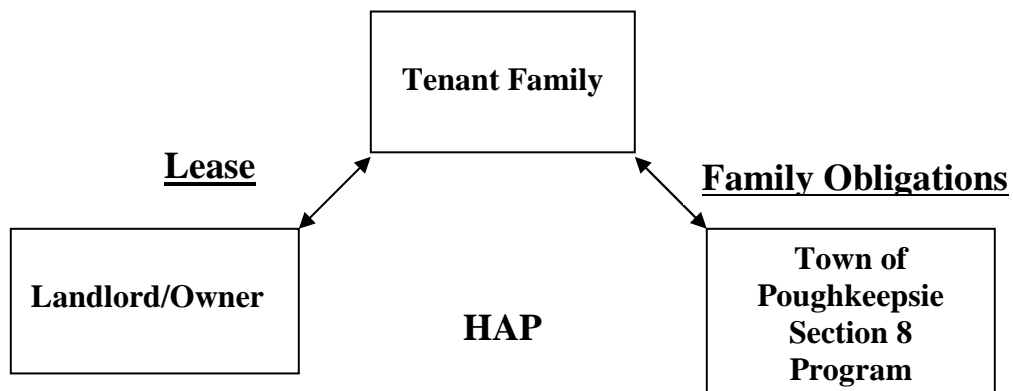
Important information about the Lease Agreement:

- The lease agreement must comply with state and local law.
- The Housing Assistance Contract (HAP) between the Town of Poughkeepsie Section 8 Program and the owner begins on the first day of the term of the lease and ends on the last day of the term of the lease.
- The initial term must be for at least one year, unless the Town of Poughkeepsie Section 8 Program approves a shorter term.

The HAP contract is the legal relationship between Town of Poughkeepsie Section 8 Program and the owner. The document outlines the rights and responsibilities of each under the voucher program. Town of Poughkeepsie Section 8 Program’s major responsibility to the owner is to make monthly payments on the tenant’s behalf in a timely manner; the owner’s major responsibility is to abide by landlord/tenant laws and keep the unit in good condition.

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## Documents which Govern Relationships



# *Passing the HQS Inspection*

Before the Town of Poughkeepsie Section 8 Program can make payments to you on behalf of a tenant family, the unit must meet HUD's minimum Housing Quality Standards. These standards have been implemented by HUD nationwide to ensure that all assisted units meet minimum health and safety standards. The booklet "A Good Place to Live" describes the general aspects of a unit that must be inspected for compliance with HQS. At the end of this Section is a Self-Inspection Checklist for your use in preparing for your HQS inspection.

## **Prepare the Unit for Inspection**

Review the information on HQS as you evaluate your rental unit. Try to correct any HQS violations before the inspection. At the time of the inspection the unit should be "move-in" ready. This will prevent delays in the beginning of the family's rental assistance. If the family is already in the unit, it is a good idea to go over the checklist with them to ensure the unit will meet the minimum requirements.

## **Participate in the Inspection**

The inspector will telephone you at your contact number to set up an inspection appointment. Take advantage of this opportunity to meet the inspector and to discuss the various aspects of the inspection. It will help you to learn more about HQS so that you will know how to best prepare for other inspections. Once you go through an inspection, you will have a keener eye as to what the inspector is looking for. If you ever have to have a housing inspection to get a mortgage, many of the items they look at are similar.



## **Make Repairs Promptly**

If the housing unit does not pass the initial inspection, you will be notified in writing of any fail items and given a reasonable time period to make the repairs. When the repairs are complete and you've notified the inspector, a follow up inspection will be scheduled. The Town of Poughkeepsie Section 8 Program is not responsible for any payments until the unit passes inspection and the family has taken occupancy. If the family moves into the unit prior to this, the family is responsible for the full amount of monthly rent.

## Ratings

There are three ratings for the conditions verified by the Inspector: Pass, Inconclusive and Fail.

- ✓ Pass means the condition meets the minimum requirement.
- ✓ Inconclusive means that more information is needed for the inspector to make a determination. For example, if the electricity and gas are not in service on the date of the inspection, the inspector will mark “inconclusive” until service is turned on and verified.
- ✓ An item marked “fail” on the inspection report means that the condition does not meet the minimum requirements and must be brought up to the standard prior to the tenant receiving rental assistance in the unit.

### Areas Inspected

- Living room
- Kitchen
- Bathroom
- Other Rooms Used for Living
- Secondary Rooms (not used for living)
- Building Exterior
- Heating and Plumbing
- General Health and Safety

## *Most Common Inspection Fail Conditions*

Non-Functioning Smoke Detectors

Missing or cracked electrical outlet cover plates

Railings not present where required

Peeling exterior and interior paint

Tripping hazards caused by permanently installed floor coverings

Cracked or broken window panes

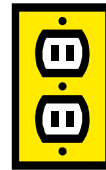
Inoperable burners on stoves or inoperable knobs

Missing burner control knobs

Inoperable bathroom fan/no ventilation

Leaking faucets or plumbing

No temperature / pressure relief valve on water heater





## *Additional Issues*

### **Tenant Selection**

Applicant screening and selection is solely the right and responsibility of a landlord. A family's participation in Section 8 does not preclude an owner from applying their own screening criteria and making selection decisions. The Town of Poughkeepsie Section 8 Program does not screen families for behavior or suitability as a tenant. Some factors a landlord should consider are:

- Payment of rent and utility bills
- Caring for unit/premises
- Respecting the rights of others to peaceful enjoyment
- Drug-related criminal activity or other criminal activity that is a threat to life, safety or property of others.
- Compliance with other essential conditions of tenancy.

### **Monthly Rent**

You are responsible for collecting the tenant's portion of the monthly rent. You and the Tenant will determine the monthly rent. However:

- During the initial lease term the tenant cannot pay more than 40 percent of their gross income toward rent and utilities:
- The monthly rent cannot exceed the reasonable rent as determined by Town of Poughkeepsie Section 8 Program (based on similar unassisted units);
- Assuming the monthly rent is reasonable, Town of Poughkeepsie Section 8 Program will contract for payment of the remaining amount of the rent.

### **Residence**

The landlord cannot occupy the rental unit, nor be related to any member of the participant family. Relatives include parents, children, grand parents, grandchildren, and siblings. The owner/landlord can be related to the participant, if it is necessary to provide reasonable accommodation for a family member with disabilities.

## **Lease or Rent Adjustments**

Before the end of the initial lease term, and annually after that, Town of Poughkeepsie Section 8 Program will contact both you and the tenant for additional information. Updated verifications will be required and the unit will be re-inspected. Required repairs must be made within the designated time or Town of Poughkeepsie Section 8 Program payments will be discontinued. You will be contacted regarding a rent adjustment. The monthly rent may be increased (subject to the program reasonableness requirement); however the tenant may be responsible for paying any increase.

## **Terminating a Lease or Termination of a Tenant from the Program**

***Tenant Termination*** - After the initial lease term, subject to the provisions in the lease, the tenant may terminate the lease with 30 days advance written notice to you and Town of Poughkeepsie Section 8 Program.

***Mutual Termination*** - Both you and the tenant may agree to terminate the lease, however, the termination must be in writing.

***Landlord Termination*** - All reasons for termination require that a *Notice to Quit* (eviction notice) be sent to the tenant with a copy to the Town of Poughkeepsie Section 8 Program at the same time. You may terminate the lease at any time, but only for the following reasons:

- Serious or repeated violations of the terms and conditions of the lease;
- A family history of disturbance of neighbors or destruction of property, or of living/housekeeping habits that result in damage;
- Criminal drug activity or alcohol abuse by family members, involving crimes of physical violence to persons or property;
- Violation of federal, state, or local law which imposes obligations on the tenant in connection with the occupancy or use of the dwelling unit and surrounding premises;
- Other good cause – examples follow, but this list should not be considered the only good causes for termination (none of these reasons may be used during the initial lease term):

- Owner's desire to utilize the unit for personal or family use, or for a purpose other than use as a HUD-assisted residential rental unit;

- Business or economic reasons such as sale of the property, renovation of the unit, or desire to rent the unit at a higher rental rate.

***Tenant Termination from the Program*** - If a tenant becomes ineligible to receive assistance under the program, you will no longer receive payments from Town of Poughkeepsie Section 8 Program. The tenant could become ineligible for a number of reasons, such as: excess income; failure to provide required information; failure to comply with a Town of Poughkeepsie Section 8 Program repayment agreement; failure to provide and/or maintain tenant-supplied appliances or utilities; failure to correct any damages caused by the tenant, the tenant's family or guests; very

poor housekeeping or hoarding; excessive noise; non-payment of rent or endangering or disrupting other residents.

### **Lead-Based Paint**

Approximately three-quarters of the nation's housing stock built before 1978 (approximately 64 million dwellings) contains some lead-based paint. When properly maintained and managed, this paint poses little risk. However 1.7 million children have blood-levels above safe limits, mostly due to exposure to lead paint hazards.

Lead poisoning can cause permanent damage to the brain and many other organs and causes reduced intelligence and behavior problems. Lead can also cause abnormal fetal development in pregnant women.

To protect families from exposure to lead from paint, dust, and soil, Congress passed the Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, Section 1018 of this law directed HUD and EPA to require the disclosure of known information on lead-based paint and lead-based paint hazards before the sale or lease of most housing built before 1978.

You will be asked to complete a Lead Based Paint Disclosure form.

## *Program Integrity: Most Common Owner Violations*

Most owners who participate in the program comply with the program rules and the HAP contract, but occasionally some do not. It is always unpleasant when an owner violates the rules and becomes subject to administrative or other more severe sanctions. The Town of Poughkeepsie Section 8 Program's goal is to prevent an embarrassment or expense which may result from owner violations by making sure that the program rules are understood. That is why we listed the most common violations here.

### **Failing to maintain the unit**

The owner is responsible for normal maintenance and upkeep of the unit. When an owner signs the HAP contract and accepts rental subsidy from the Town of Poughkeepsie Section 8 Program, they are agreeing the rental unit is in conformance with Housing Quality Standards.

### **Accepting payments for vacant unit**

If a family moves in violation of the lease, the owner must notify the Town of Poughkeepsie Section 8 Program immediately.

### **Demanding or accepting side payments**

The Town of Poughkeepsie Section 8 Program determines the amount of rent to be paid by the family for rent. Any additional payments or agreements must be approved by the Town of Poughkeepsie Section 8 Program.