# OWNER-TENANT GUIDE
# FOR
# THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

## WHAT IS THE SECTION 8 HOUSING CHOICE VOUCHER PROGRAM?

The Program provides rental assistance to very low income families by utilizing existing units in Snyder County. The Program offers people freedom of choice in finding housing suitable to their needs and desires.

## WHERE DO INTERESTED PERSONS APPLY FOR RENTAL ASSISTANCE?

Snyder County Housing Authority
106 Drake Court
Middleburg PA 17842

Hours: 9:00 a.m. to 4:00 p.m.
Telephone: 570-837-3979

## WHO IS ELIGIBLE?

1. Persons whose total annual family income falls within the following limits:

Very Low Income Limits

| | | | |
|---|---|---|---|
| 1 person | $30,200.00 | 5 persons | $46,550.00 |
| 2 persons | $34,500.00 | 6 persons | $50,000.00 |
| 3 persons | $38,800.00 | 7 persons | $53,450.00 |
| 4 persons | $43,100.00 | 8 persons | $56,900.00 |

2. Families which consist of two or more persons who reside together on a continuous basis and are related by blood, marriage, or adoption.

3. Persons maintaining a stable relationship prior to an application. Evidence of a stable relationship may include any of the following:

   a. Birth Certificates of children.
   b. Joint tax return
   c. Prior lease (held jointly)
   d. Joint bank accounts, insurance policies or prior joint credit history
   e. Equivalent documentation as determined by the Authority.

Parties must be 18 years of age or older to be legally responsible to execute contracts.

## WHAT ARE LOCAL PREFERENCES?

All applicants are notified of the following Preferences at the time of application:

1. Displaced person(s): Applicants who are homeless or in substandard housing as a result of a disaster such as fire or flood.
2. Snyder County Resident (Applicant lives in, works in, or has been hired to work in Snyder County)

Eligible applicants who meet one or more of the Preferences will receive rental assistance before any other applicant who does not qualify for a Preference regardless of applicant's position on the waiting list or time of submission of application.

Applicants claiming a Preference are required to present evidence that they qualify for one or more of the preferences.

**WHAT IS A BRIEFING?**

Following receipt of all information required to determine eligibility, the applicant must attend a briefing session. At the Briefing, the applicant is issued a Housing Choice Voucher, which authorizes them to find suitable housing. The Voucher expires 60 days from the date of issuance. If a suitable unit has not been found, the applicant may request an extension. **To obtain an extension, the family must make a request in writing prior to the expiration date. A statement of the efforts the family has made to find a unit must accompany the request.** If the family documents their efforts and additional time can reasonably be expected to result in success, the Housing Authority will grant the length of request sought by the family or 60 days, whichever is less.

If the family includes a person with disabilities and the family requires an extension due to the disability, the Housing Authority will grant an extension allowing the family the full 120 days search time. If the Housing Authority determines that additional search time would be a reasonable accommodation, the Housing Authority will request HUD to approve an additional extension.

**WHAT IS A REQUEST FOR TENANCY APPROVAL?**

The Request for Tenancy Approval is distributed at the time of the briefing. It is completed by the applicant and the landlord of the prospective unit. It shows the address of the unit, the monthly rental and who pays which utilities. The attached sheet must be completed to indicate who will perform certain maintenance tasks. There is also an attached sheet that must be completed to disclose the owner's knowledge of any lead-base paint on the premises.

**HOW DO YOU LOCATE A SUITABLE UNIT?**

Applicants may decide to stay in their current unit or decide to seek other housing. Sources to find rental properties may include: local newspaper, friends, clubs, churches, Realtors, etc. Applicants may not have any interest in the ownership of the property.

**WHAT SIZE OF UNIT IS THE APPLICANT ELIGIBLE FOR?**

| Number of Bedrooms | No. of Persons | |
|---|---|---|
| | Minimum | Maximum |
| 1 | 1 | 2 |
| 2 | 2 | 4 |
| 3 | 4 | 6 |

When searching for a new apartment, consider the location of the unit, including proximity to public transportation if you need it, centers of employment, schools and shopping.

**DOES THE HOUSING AUTHORITY RECOMMEND OR SCREEN ANY APPLICANTS?**

No. The Housing Authority only certifies that the applicant meets eligibility for the Program. The Authority may attempt to help a family locate a unit that meets Housing Quality Standards and meets their space requirements. NO recommendations or screening will be made as to the suitability of the family's behavior in the unit. However, if requested in writing, the Housing Authority will provide landlords with the family's current and prior addresses as shown in the Housing Authority records along

with the name and address (if known) of the landlords for those addresses. In addition, the Housing Authority 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 standard material lease terms.

Some things to remember when you are searching for a new unit: A. Clean your present home so that you may impress a possible landlord with your good housekeeping. B. Make sure that there is a telephone number where you can be reached. C. Pay back all rent and repair charges to your present landlord so that if a future landlord does a reference check it will be a good reference. D. Pay your complete utility bills. E. Make sure that you change your address with the post office when you move. F. Be sure to be on time for appointments. G. Call this office if you need clarification on any questions regarding the Section 8 Program.

## WHAT ARE TOTAL HOUSING COSTS?

Total housing costs are the sum of the contract rent for the unit plus the allowance for tenant-supplied utilities. To determine the utility costs, the Housing Authority uses the current utility cost schedule which is included in the briefing packet. Utility costs are based on the most recent estimates of utility costs by all the utility companies servicing Snyder County.

## HOW ARE RENTAL PAYMENTS COMPUTED?

Assistance is based on income and family size. .

The amount of the rental assistance is the applicable payment standard minus the family's Total Tenant Payment. Total Tenant Payment (TTP) is the minimum amount a family will have to pay for rent and utilities. This figure is the greatest of: 30% of the family's adjusted monthly income, 10% of monthly income, or the minimum rent of $50.

In determining adjusted income, adjustments are made as follows:

| | |
|---|---|
| Elderly -- | $400 per family |
| | Medical expenses exceeding 3% of Gross income |
| Family -- | $480 per minor child |
| | Child care expense for children under 13 years of age when necessary for the parents employment, seeking employment or schooling. |

The payment standards are based on the size approved for the family, or the unit size actually selected by the family, **whichever is less**. The Housing Authority will provide you with the payment standard for your voucher size.

***Maximum subsidy is the maximum amount the Housing Authority will pay the owner on the family's behalf. This figure is obtained by subtracting the TTP from the payment standard.***

For example:

| 2 Bedroom | | 3 Bedroom |
|---|---|---|
| $1,025 | Applicable Payment Standard | $1,290 |
| -168 | Total Tenant Payment (TTP) | -210 |
| $857 | Maximum PHA Subsidy | $1,080 |

**A family is responsible for payment of all utilities which the landlord specifies as "tenant responsibility" in the Residential Lease Agreement. (Between L/L & Ten.)**

A family renting a unit below the payment standard pays as gross rent the highest of: 30% of monthly adjusted income, 10% of monthly gross income, or the minimum rent of $50.00.

A family renting a unit above the payment standard pays the highest of 30% of monthly adjusted income, 10% of monthly gross income, or the minimum rent of $50.00, **plus** any rent above the payment standard.

Maximum initial rent burden: The maximum amount the family is allowed to pay for rent and utilities at initial leasing of a unit under the voucher program. A family **must not** pay more than 40% of adjusted income for rent and utilities when the family first receives Section 8 assistance for occupancy of a particular unit unless the family rents a unit where the gross rent is below the payment standard.

## HOW MUCH CAN YOU AFFORD?

Applicants must decide whether they are willing and able to pay their share of the rent and utilities in the apartment selected. To figure out monthly costs, you need to know:

1. The rent per month.
2. The utilities you must pay each month.
3. The amount of assistance that you will receive from the Housing Authority.

When this information is known, approximate monthly costs can be figured:

Add: $_____ + $_____ = _____
Monthly Rent | Est. Monthly Utility | Total Costs

Then subtract:

$_____ - $_____ = _____***
Total Costs | Housing Voucher Subsidy | Your Monthly Costs

When you go back to the Authority, a representative will recalculate your monthly costs and the exact amount of the subsidy. Applicants will have to consider if they can pay their total monthly costs and whether or not they will be able to pay the Security Deposit when they move in.

***This amount cannot exceed 40% of your monthly adjusted income

## HOW MUCH RENT MAY A LANDLORD CHARGE?

Rents charged by landlords under the Section 8 Voucher Program must be compared to similar rental units in the community and neighborhood. The rent and allowance for utilities must be less than or equal to the Reasonable rent as established by the Housing Authority. A qualified person determines rent reasonableness in each individual case.

## HOW ARE UNITS APPROVED?

When the Authority is notified of the applicant's choice of rental unit, an inspection of the unit is scheduled with the applicant and landlord present, if possible. The unit must be decent, safe, and sanitary and meet Housing Quality Standards. The applicant and landlord are notified in writing whether the unit meets the Housing Quality Standards. Should the unit not pass inspection, the Landlord is given 30 days to correct any deficiencies.

**INSPECTIONS:**

SOME MAJOR ITEMS THAT FAIL WHEN AN INSPECTION IS CONDUCTED:
(1) Cracked or broken window panes:(2) No locks on first floor windows:(3) Any evidence of deteriorating paint:(4) No working smoke alarms on all floors or in bedroom(s):(5) No release valve on hot water heater:(6) No handrail on steps that tenant have access to or must use: (7) Missing light shades: (8) Not enough electrical outlets and/or lights: (9) Water damage because the roof is leaking or there is leaky sinks, commodes or water faucets:(10) There must be a window in each bedroom:(11) The oven and all of the burners must work on the stove:(12) If there is litter and garbage/debris in the surrounding grounds:(13) The furnace must have been cleaned within the past two (2) years and marked when:(14) Exposed wires.

**WHAT IS AN INFORMAL REVIEW?**

If the applicant is determined ineligible for a Housing Voucher, or an application is rejected, the Snyder County Housing Authority shall notify the applicant, promptly, in writing of the reasons for the ineligibility and the right of the applicant to request an informal review. The date of ineligibility will be the latter of the date on which the review determination is upheld or the date stated in the letter.

The Snyder County Housing Authority is not required to provide an opportunity for an informal review for the following reasons:

a. A determination of the family unit size under the Snyder County Housing Authority subsidy standards.
b. A Snyder County Housing Authority determination not to approve an extension or suspension of a voucher term.
c. A Snyder County Housing Authority determination not to grant approval to lease a unit under the program or to approve a proposed lease.
d. A Snyder County Housing Authority determination that a unit selected by the applicant is not in compliance with Housing Quality Standards.
e. A Snyder County Housing Authority determination that the unit is not in accordance with Housing Quality Standards because of family size or composition.
f. General policy issues or class grievances.
g. Discretionary administrative determinations by the Snyder County Housing Authority.

The informal review shall be conducted by the Executive Director or designee, not by the person who made or approved the decision. The applicant will be given the opportunity to present written or oral objections to the Housing Authority's decision. A written decision shall be furnished within 14 calendar days after the informal review briefly stating the reasons for the final decision.

**HOW MUCH SECURITY DEPOSIT MAY A LANDLORD CHARGE YOU?**

The Landlord may charge you a security deposit. The security deposit may not exceed the amount of one month's rent. The Housing Authority will not assist the tenant with payment of the security deposit; however, the tenant may seek assistance from any other agencies.

Deposits for keys, mailbox keys, pets, etc. are not included in these guidelines and must be negotiated between the Landlord and the Tenant.

## IS A LEASE USED?

Yes, a Lease is required. Under the Section 8 Housing Choice Voucher Program, families and owners must sign a lease. Attached to the lease shall be a set of HUD required provisions, Form HUD-52641-A, Tenancy Addendum. Leases must set the renewed term (initial term of the lease must be one year), the tenant termination notice, the owner rent increase periods (rent may not be raised by the owner in the first year) and the term of the lease must coincide with the first day of the term of the HAP Contract.

## IS THERE ANY AGREEMENT BETWEEN THE OWNER AND THE HOUSING AUTHORITY?

Yes, a contractual agreement (Housing Assistance Payments Contract) is signed between the Landlord and the Housing Authority which outlines everyone's responsibilities under the Program. It also includes the method of payment to the Landlord and all other information the Landlord needs to know about the Program.

## WHEN AND HOW ARE RENTAL PAYMENTS MADE TO THE LANDLORD AFTER THE HOUSING ASSISTANCE PAYMENTS CONTRACT HAS BEEN EXECUTED BETWEEN THE LANDLORD AND THE HOUSING AUTHORITY?

The Housing Authority's payment to the Landlord is made on the first business day of each month. The tenant payment will be made directly to the Landlord. It is forbidden and a federal offense, for any additional money to be paid by the tenant to the Landlord over and above the amount agreed to by the Housing Authority's figures.

## IS THE HOUSING AUTHORITY RESPONSIBLE FOR THE FAMILY'S SHARE OF RENT?

No, the Housing Authority is only responsible for the amount of its monthly Housing Assistance payment. If a family vacates the unit in violation of the lease, the Housing Authority will NOT make any vacancy payment. **When the family moves from the unit there will be no further payments made to the landlord.**

## WHAT RIGHTS DO I HAVE AS A LANDLORD REGARDING EVICTIONS?

A Landlord may terminate tenancy during the first year for any of the following reasons, except other good cause. Other good cause may be used to terminate tenancy only after the first year of the lease.

1. Serious or repeated violation of the terms and conditions of the Lease.
2. Violations of Federal, State or Local Law in connection with the occupancy or the use of the unit.
3. Criminal activity or alcohol abuse.
4. Other good cause. (Something the family did or failed to do during the initial lease term).

**CAN I BE TERMINATED FROM THE PROGRAM?**

The Snyder County Housing Authority may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

A. If the family violates any family obligations under the program;
B. If the family was evicted from housing assisted under the Section 8 program for serious violations of the lease;
C. If a family member fails to sign and submit consent forms;
D. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. If the Snyder County Housing Authority determines that a family member has knowingly permitted an ineligible noncitizen (other than any ineligible noncitizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination;
E. Have a household member who is currently engaging in illegal use of a drug;
F. Have a household member whose pattern of illegal drug use interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
G. Have a household member who has ever been convicted of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing (terminated for life);
H. Have a household member who is subject to a lifetime registration requirement under a State sex offender registration program (terminated for life);
I. If any member of the family commits drug-related or violent criminal activity in violation of Section 2.3 of this Administrative Plan and 24 CFR 982.551;
J. Have a household member whose abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
K. Have a household member who is a fugitive felon, parole violator or person fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees;
L. Have a family member who violates any family obligations under the program;
M. Have a family member who has been evicted from federally assisted housing in the last seven (7) years;
N. Have a family member that Snyder County Housing Authority has ever terminated assistance for under the program;
O. Have a family member that has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
P. Currently owes rent or other amounts to the Snyder County Housing Authority or to another Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act;
Q. Have not reimbursed any Housing Authority 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;
R. Have breached an agreement with Snyder County Housing Authority to pay amounts owed to a Housing Authority, or amounts paid to an owner by a Housing Authority;
S. If a family participating in the Family Self-Sufficiency Program fails to comply, without good cause, with the family's FSS Contract of Participation;
T. Have engaged in or threatened abusive or violent behavior towards any Snyder County Housing Authority staff member or resident;
U. If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

For purposes of this section, the Snyder County Housing Authority may terminate assistance for criminal activity by a household member as authorized in this section if the Snyder County Housing Authority determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted of such activity.

If the Snyder County Housing Authority proposes to terminate assistance for criminal activity as shown by a criminal record, the Snyder County Housing Authority will notify the household of the proposed action to be based on the information and must provide the person with the criminal record (i.e., the family member) and the head of household with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record, in accordance with the procedures established for the Informal Hearing for Participants. The household will have ten (10) calendar days to dispute the accuracy and relevance of the record in writing.

Any family absent from the assisted unit for more than 180 consecutive calendar days (180 is the maximum) must be terminated from the program.

In circumstances of a family break-up, the Snyder County Housing Authority will make a determination of which family member will retain the housing choice voucher, taking into consideration the following factors:

A. To whom the housing choice voucher was issued.
B. The interest of minor children or of ill, elderly, or disabled family members.
C. Whether the assistance should remain with the family members remaining in the unit.
D. Whether family members were forced to leave the unit as a result of actual or threatened physical violence by a spouse or other member(s) of the household.

If a court determines the disposition of property between members of the assisted family in a divorce or separation under a settlement of judicial decree, the Snyder County Housing Authority will be bound by the court's determination of which family members continue to receive assistance in the program.

**WHAT IS AN INFORMAL HEARING?**

The Snyder County Housing Authority shall give a participant in the Housing Authority's Section 8 Housing Choice Voucher Program an opportunity for an informal hearing to consider whether decisions relating to the individual circumstances of the Family are in accordance with law, HUD regulations and Housing Authority rules in the following cases:

a. A determination of the amount of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
b. A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the Snyder County Housing Authority utility allowance schedule.
c. A determination of the family unit size under the Snyder County Housing Authority subsidy standards.
d. A determination to terminate assistance for a participant family because of the family's action or failure to act.
e. A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Snyder County Housing Authority policy and HUD rules.

Notice to the participant shall be given in writing citing the reasons for the Housing Authority's decision, and the participant's right to request, within ten (10) business days, an informal hearing and the right to be represented by legal counsel.

The Snyder County Housing Authority is not required to provide an opportunity for an informal hearing for the following reasons:

a. Discretionary administrative determinations by the Snyder County Housing Authority.
b. General policy issues or class grievances
c. Establishment of the Snyder County Housing Authority schedule of utility allowances for families in the program.
d. A Snyder County Housing Authority determination not to approve an extension or suspension of a voucher term.
e. A Snyder County Housing Authority determination not to approve a unit or lease.
f. A Snyder County Housing Authority determination that an assisted unit is not in compliance with Housing Quality Standards. (However, the Snyder County Housing Authority will provide the opportunity for an informal hearing for a decision to terminate assistance for a breach of the Housing Quality Standards caused by the family.)
g. A Snyder County Housing Authority determination that the unit is not in accordance with Housing Quality Standards because of the family size.
h. A determination by the Snyder County Housing Authority to exercise or not exercise any right or remedy against the owner under a HAP Contract.

Where a hearing is required, the Snyder County Housing Authority shall proceed with a hearing in a reasonably expeditious manner upon request of the participant. The hearing shall be conducted by the Executive Director or designee, not by the person who made or approved the decision. The Housing Authority and the participant shall be given the opportunity to present evidence and question any witnesses. A written decision shall be furnished promptly to the participant briefly stating the reasons for the decision. Determinations shall be based on evidence presented at the hearing.

**REPORTING CHANGES.**

In the Section 8 Program, there appears to be a serious misunderstanding regarding when it is necessary for tenants to report changes in household income and family composition. According to the rules and regulations that govern the Section 8 Program, you have ten (10) days to report these changes in writing on a "Change Form" available at the Authority offices. Failure to report such a change may result in a retroactive rent being charged to your account.

The Section 8 rental assistance payments are based on household income and family composition. It is your responsibility to ensure that the information you provide to the Section 8 Office is true and complete. Tenants have failed to report changes which have resulted in various actions including large pay backs, termination from the Section 8 Program, Federal Court action, and referral to the Inspector General's Office.

HUD's definition of program fraud and abuse is a single act or patterns that:

> Constitutes false statement, omission, or concealment of a substantive fact, made with intent to deceive or mislead, and that results in payment of Section 8 Program funds in violation of Section 8 Program requirements.

Never hesitate to contact the Section 8 Office if you have any changes in your household or income status.

## CAN THE AMOUNT OF THE RENT CHANGE?

The amount of the monthly rent under the lease may not be increased during the first year of the term of such Lease. The Lease may provide for increases in such monthly rent after the first year of the term if the Owner gives at least sixty days written notice to the Tenant and the Housing Authority before commencement of the increased rent. After the Housing Authority determines if the rent increase is reasonable or not, the Authority will send a notice to both the Tenant and the Landlord stating both the new rental amount and the effective date of the increased rent.

## WHAT HAPPENS AT THE END OF THE YEAR?

The Housing Authority inspects the property every other year to be sure Housing Quality Standards (HQS) have been maintained; and, again every year, requires the tenant to give verification of income and assets, of payment of rent and utilities, and of medical expenses (if applicable) to determine the amount of rent to be paid by the tenant.