

PAWTUCKET HOUSING AUTHORITY

TENANT HANDBOOK

SECTION 8 HOUSING CHOICE VOUCHER PROGRAM

RULES, REGULATIONS, AND PROCEDURES



“The mission of the Pawtucket Housing Authority is to provide safe, decent and affordable housing and to establish programs that will educate, enhance, and empower the lives of all the people in the community we serve.”

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This handbook has been prepared for you as a guide to participation in the Section 8 Housing Choice Voucher (HCV) Program.

It is designed to provide you with accurate information about how the program works. Please take the time to read it carefully; it will help you to find a suitable place to live and remain in good standing with your landlord and the Pawtucket Housing Authority (PHA).

After reading this handbook, make sure you save it with your important papers so that you can refer to it as needed. If you have any questions, contact your PHA Program Representative.

PHA SERVICE COMMITMENT

As a public service agency, it is the PHA's goal to provide excellent service to the families in their community. The PHA will make every effort to inform you of the program rules, and to advise you of how these rules affect you. Since federal regulations are not always easy to understand, it is very important to ask questions if you are not sure of something.

Do not hesitate to contact your Program Representative if you have a question or problem that pertains to the Section 8 HCV Program.

Keeping in Touch:

In order to complete these tasks, it will be necessary for the PHA to contact you at different times. When they contact you for an appointment, it will be either by first class mail or telephone, and they will also advise you well in advance of your appointment. Please make arrangements in advance to attend all appointments on time. Your cooperation is essential to their ability to serve you.

Partners in Providing Good Service:

In your informational packet, you will find two forms that you may use to provide feedback or comments to the PHA--a Briefing Evaluation Form and a Customer Service Evaluation. Please complete the Briefing Evaluation Form after your briefing and return it to the PHA at your convenience. You may submit the Customer Service Evaluation at any time during your participation in the program.

REQUESTS FOR ACCOMMODATION

Persons with disabilities may request a reasonable accommodation in order to fully utilize this housing program and any related services. The PHA will make all reasonable efforts to be flexible in assisting persons with disabilities to participate in the program successfully. Requests for accommodations will be verified to ensure that the accommodation is reasonable. Examples of reasonable accommodations are as follows:

- Home visits if your disability prevents you from coming to the PHA offices
- TDD Device
- The use of an advocate or interpreter
- If the family includes a person with a disability, the family may request a current listing of accessible units known to the PHA that may be available.



EXPLANATION OF THE SECTION 8 HCV PROGRAM

The rules and regulations for the Section 8 Housing Choice Voucher Program are determined by the U. S. Department of Housing and Urban Development (HUD). The purpose of the HCV Program is to provide rental assistance to eligible low-income families.

In accordance with the “1998 Quality Housing Work Responsibility Act” and effective October 1, 1999, the HCV Program is the result of the completion of the merger of the Section 8 Certificate and Voucher Programs into a new single market-driven program. The new program is designed to make the tenant-based rental assistance program more successful in helping low-income families obtain affordable housing and increase their housing choice.

**Housing Choice Voucher Program:**

The maximum amount that the PHA will pay is an amount equal to the Payment Standard minus the family’s total tenant payment.

The Payment Standard:

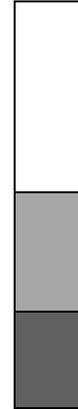
- is established by the PHA
- is based on the cost of housing and utilities for your area
- depends on the family composition and the bedroom size of the unit. For example, the payment standard is higher for families requiring 3-bedroom units than for families requiring 1-bedroom units.

Who pays what in the Voucher Program?

PHA portion of rent equals Payment Standard minus the Family's Total Tenant Payment (TTP), usually 30% of Family's Adjusted Income. →

If Total Rent is equal to Payment Standard, Tenant Rent equals 30% of adjusted income. →

If total rent is more than Payment Standard, Family must pay difference. →



RESPONSIBILITIES WITHIN THE SECTION 8 PROGRAM

The HCV Program is a three-way partnership between the Pawtucket Housing Authority, the family (you) and the owner or landlord of the housing unit.



PHA'S RESPONSIBILITY

In order for the program to work, the PHA must do the following:

1. Review all applications to determine whether an applicant is eligible for the program.
2. Explain all the rules of the program to all of the families who qualify.
3. Issue a Voucher and, if necessary, assist the family in finding a place to live.
4. Approve the unit, the owner, and the tenancy.
5. Make housing assistance payments to the owner in a timely manner.
6. Ensure that both the family and the unit continue to qualify under the program.
7. Ensure that owners and families comply with the program rules.
8. Provide families and owners with prompt, professional service.

TENANT'S RESPONSIBILITY

In order for the program to work, the family must do the following:

1. Provide the PHA with complete and accurate information.
2. Make your best effort to find a place to live that is suitable for your family and qualifies for the program.
3. Cooperate in attending all appointments scheduled by the PHA.
4. Take responsibility for the care of your housing unit.
5. Comply with the terms of your lease with the owner.
6. Comply with the Family Obligations of your Voucher, as explained in this handbook.

OWNER'S RESPONSIBILITY

In order for the program to work, the owner must:

1. Screen families who apply to determine if they will be good tenants.

The PHA can supply the owner with your current and previous address and landlord information.

2. The owner may consider you background regarding factors such as:
 - Payment of rent and utility bills.
 - Caring for a unit/premises.
 - Respecting the rights of others to peaceful enjoyment.
 - Drug-related criminal activity or other criminal activity that is a threat to the life, safety or property of others.
 - Compliance with other essential conditions of tenancy.
3. Comply with fair housing laws and not discriminate against any family.
4. Maintain the housing unit by making necessary repairs in a timely manner.
5. Comply with the terms of the Housing Assistance Payment Contract with the PHA.
6. Collect the rent due by the family and otherwise enforce the lease.

After a family has been selected from the waiting list, several steps must be completed before a family can receive rental assistance.

STEP 1:**PHA Determines Family's Final Eligibility:**

Family is selected from waiting list and income and household composition is reviewed for final eligibility.

STEP 2:**Voucher Issued:**

When a family is determined to be eligible for the program and funding is available, the PHA issues them a Housing Choice Voucher. The family receives the Voucher at the tenant briefing.

STEP 3:**Family Decides Where to Live:**

A family must locate a housing unit that meets the program rules. The family may want to remain in the unit they are in now or to locate another unit. The PHA can help in some ways, but the primary responsibility for finding a suitable unit to rent is the family's responsibility. A family has 60 days to locate a suitable unit. Depending on PHA policy, the PHA may extend the search period.

STEP 4:**Owner Approves Family:**

Even though a family is determined by the PHA to be eligible for the program, the owner must approve the family as a suitable renter. The PHA knows that the owner has approved the family when a Request for Approval of Tenancy form is submitted.

STEP 5:**PHA Approves Tenancy and Unit:**

After a family finds a suitable housing unit and the owner approves the family, the PHA needs to determine if the unit qualifies for the Section 8 Program. This includes a Housing Quality Standard (HQS) inspection.

STEP 6:**HAP Contract and Lease Signed:**

If the lease and unit are satisfactory, the PHA will enter into a HAP Contract with the owner, and the family will enter into a lease with the owner.

STEP 7:

Housing Assistance Payments:

After the HAP contract and lease agreement are signed, the PHA makes the initial HAP payment and continues to make monthly payments to the owner as long as the family continues to meet eligibility criteria and the housing unit qualifies under the program.

STEP 1: PHA DETERMINES FINAL ELIGIBILITY

ANNUAL INCOME

Annual income is defined as the anticipated total annual income from all sources. Although some types of income are not counted, the family is responsible for reporting all sources of income for the household. The PHA is responsible for applying the HUD rules and deciding what needs to be counted in the Annual Income calculation. This is the first step toward determining the amount of rental assistance the family receives.

EXAMPLES OF INCOME		
Employment	Net income of a business	Social Security
Public Assistance	SSI	AFDC/TANF
Unemployment	Workers' Compensation	Disability
Pensions	Annuities	Alimony
Relocation Payments	Interest from Assets	Military Pay
Child Support	Regular Contributions/Gifts	Net income from Real/Personal Property

DETERMINE ADJUSTED INCOME

After determining the total annual income for the household, the PHA makes any necessary adjustments to the annual income in accordance with HUD regulations. If the family qualifies, there are five (5) possible deductions and allowances. HUD-approved deductions and allowable expenses are subtracted from the Annual Income to get the family's Adjusted Annual Income.

Deductions and HUD Allowance Expenses:

Dependents:

A \$480.00 deduction is given for each minor under the age of 18, for family members over 18 years of age and are full-time students, and for persons with a disability (other than the Head-of-Household or Spouse).

Elderly/Disability Allowance:

A \$400.00 household deduction is made for families whose Head-of-House, spouse, or sole member is 62 years of age or older or a person with a disability.

Allowable Medical Expenses:

For an Elderly Family or Disabled Family, medical expenses for all family members that are greater than 3% of the Annual Income will be deducted.



Allowable Disability Assistance Expenses:

Disability assistance expenses that exceed 3% of the Annual income will be deducted if they permit a family member to work.

Allowable Childcare Expenses:

Reasonable childcare expenses, for family members 12 years old and younger, will be deducted if they enable a family member to work, attend school, or seek employment.

EXAMPLE	
Household Income/Composition: Head of Household works, earns \$12,000 annually. 1 Child (4 years old)	
Weekly childcare expense:	\$75
times 52 weeks	<u> x 52</u>
Yearly Childcare Expense	\$3,900
Annual Income:	12,000.00
Dependent Deduction:	480.00
Child care Deduction:	3,900.00
Adjusted Annual Income:	7,620.00

HUD TERMS

Adjusted Monthly Income: Since there are twelve months in a year, the Adjusted Monthly Income is the Adjusted Annual Income divided by 12.

Total Tenant Payment: After calculating the adjusted monthly income, the PHA determines the Total Tenant Payment for the family. The Total Tenant Payment (TTP) in the Voucher Program is the greater of:

- Thirty percent of the family's monthly adjusted income
- Ten percent of the family's gross monthly income
- The PHA's minimum rent (\$25)

This includes the amount the tenant pays toward the rent to the owner and the PHA's Utility Allowance for the unit. Depending on what the rent the owner charges and whether utilities are included, the TTP may or may not represent 30% of the family's adjusted monthly income.

Utility Allowance: A utility allowance is the PHA's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities.

In your briefing packet is a "utility allowance schedule" so that you can determine the utility allowance for the unit you want to rent.

Utility Reimbursement Payments: In the Voucher Program, very low-income households may receive a utility reimbursement check from the PHA when the family's TTP is lower than the utility allowance.

Payment Standard: A "Payment Standard" is used to calculate the monthly housing assistance payment for a family.

The PHA has adopted a Payment Standard schedule for the Pawtucket area, based on HUD's published Fair Market Rents for the City of Pawtucket. The Payment Standard Schedule is included in your informational packet. A Payment Standard amount has been set for each unit size. The Payment Standard is the maximum monthly subsidy payment.

The Payment Standard for a family is the lower of:

- The payment standard amount for the family unit size; or
- The payment standard amount for the size of the dwelling unit rented by the family.

Housing Assistance Payments (HAP): In the Voucher Program, the PHA’s payment to the owner is equal to the lower of the Payment Standard minus the TTP, or the gross rent minus the TTP. Gross rent includes the Rent to Owner plus any allowance for tenant-paid utilities.

CALCULATION OF SUBSIDY AND FAMILY SHARE

The family share is calculated by subtracting the amount of the housing assistance payment from the gross rent.

EXAMPLE	
Payment Standard	650.00
Minus Total Tenant Payment	<u>223.00</u>
Maximum Housing Assistance Payment	427.00

In this example the payment standard is \$650. The maximum amount that the PHA will pay to the owner is \$427. The amount that the family will pay depends upon the total rent for the unit.

EXAMPLE #1		EXAMPLE #2	
Gross Rent	550.00	Gross Rent	600.00
Total Tenant Payment	<u>223.00</u>	Total Tenant Payment	<u>223.00</u>
Housing Assistance Payment	327.00	Housing Assistance Payment	377.00

In Example #1, the PHA will give \$50 less per month to the owner than in Example #2, even though the family’s income is the same in both examples. The difference in the rent payment is because the unit in example #2 had a higher Rent to Owner.

Let’s examine how the total amount of the rent for the unit (Rent to Owner) can affect the amount of the family’s rent payment to the owner.

EXAMPLE			
Payment Standard	650.00	Rent to Owner	680.00
Total Tenant Payment	- 223.00	Housing Assistance Payment	-427.00
Housing Assistance Payment	427.00	Family Rent to Owner	253.00

The family must pay the difference between the maximum housing assistance payment and the rent to owner.

Maximum Rent at Initial Occupancy: At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, if the gross rent for the unit is greater than the payment standard for the family, the family share may not exceed 40% of the family's monthly-adjusted income. The family share is the gross rent minus the housing assistance payment. The family may ask the PHA to assist the family in negotiating a lower rent to the owner.

STEP 2: PHA ISSUES A VOUCHER

TENANT BRIEFING

All applicants are required to attend a briefing. The purpose of the briefing is to:

- Issue your Housing Choice Voucher
- Provide you with all the information you need in order to be successful in your search for suitable housing and to maintain good standing while you are on the program.



BRIEFING PACKET

The Briefing Packet contains materials to explain how the program works. It includes:

- A Voucher
- Rules regarding the term of your Voucher
- Explanation of how to request an extension of Voucher term
- How your Housing Assistance Payment was determined
- Information about maximum rents (fair market rents and payment standards) and utility allowances.
- A Request for Approval of Tenancy form
- What the family should consider when selecting a unit
- HUD-required Tenancy Addendum
- Fair Housing Discrimination Complaint Form

- Lead-based paint information
- HUD booklet “A Good Place to Live”
- Information about portability
- A list of landlords who may be willing to lease units under the program
- Information regarding housing opportunities in areas of low poverty

UNIT SIZE

Your Voucher indicates the number of bedrooms for which your family is eligible. This unit size is based on HUD guidelines and the PHA’s written policy.

How the PHA Determines your Unit Size: HUD requires that the PHA establish subsidy standards. These standards are used to determine the appropriate number of bedrooms for families of different sizes and different compositions. The subsidy standards take into consideration factors such as the total number of persons in the family, the age and sex of persons, and the relationship of persons.

These standards help us to make the best use of the funds HUD provides for housing costs, and to avoid overcrowding. The unit size for which you have been approved is indicated on your Voucher.

EXPIRATION AND EXTENSION OF TERM OF VOUCHER

- The Housing Voucher is initially issued to a participant for a period of at least 60 days. You must submit a Request for Approval of Tenancy (RfAT) and a proposed Lease Agreement (if applicable) within this initial period, unless an extension has been granted by the PHA.
- The PHA may extend the Voucher term in one or more increments, not to exceed 120 calendar days from the beginning of the initial term.
- If you need an extension of your initial Voucher term as a reasonable accommodation for you or a member of your household due to a disability, the PHA will extend the term up to 120 days from the beginning of the initial term.
- If you are having trouble finding an apartment and will not be able to lease-up before the expiration date on your Voucher, please contact the PHA to request an extension. Keep track of all of the units you look at during the search period. A Record of Search for Housing Form has been included in your informational packet.
- If you fail to request an extension, your Voucher will expire, and you will no longer be eligible to receiving housing assistance under the Section 8 Program.

STEP 3: FAMILY DECIDES WHERE TO LIVE

LEASING IN PLACE

You may be eligible to receive assistance at your present unit if the unit qualifies. The unit must:

- Be the appropriate size for your family
- pass a housing quality standard inspection and
- have a reasonable rent

MOVING TO ANOTHER UNIT

If you decide to look for another place to live, the procedures are the same whether you are

- Locating and leasing a unit when you are first approved to participate in the program or
- moving from one unit to another with continued assistance after you are on the program.

HOW TO CONTINUE ASSISTANCE AT A NEW APARTMENT

Your Program Representative will explain the PHA policies and procedures for moving from your unit with continued assistance.

YOU MUST GIVE NOTICE

If you want to move from one assisted unit to another and continue to receive housing assistance you must give the owner and the PHA a 30-day written notice.



DECIDING WHERE YOU WANT TO LIVE

There are many factors to consider as you search for suitable housing so try to select a place that meets your family's needs. Here are some suggestions:

Schools: If you have school-aged children, you will want to consider the various school districts that are available as well as the distance from the housing unit to the school.

Safety: When you search for housing, consider the neighborhood and its surroundings. Try to avoid high crime areas.

Work: Consider the distance between your workplace and the location of the housing unit.

Childcare: Consider the availability of childcare in the area of the housing unit. If you work, what is the distance between the housing unit, the childcare provider, and your work location?



Public Transportation: If you do not have a vehicle, what is the access to public transportation in the area of the housing unit?

Premises and Neighborhood: Is there a place for children to play outside safely? Is the unit in a high crime area? What is the general condition of the neighborhood? Are you close to medical services?

Confronting Housing Discrimination: More often than many of us realize, people are denied housing for reasons other than poor rental histories or bad credit. Under federal law, it is illegal to deny housing to anyone on the basis of race, color, religion, sex, national origin, familial status, and disability. If you believe that you have been discriminated against, contact your Program Representative.

The PHA will assist you in completing the Housing Discrimination Complaint Form (HUD Form 903). A copy of this form is included in your informational packet.

Families in High-Poverty Areas: If you live in a high-poverty area, you may want to consider searching for a housing unit in another area. There are many possible advantages to your family such as improved employment and educational opportunities. Your Program Representative will explain the areas where you are eligible to seek housing.

PORTABILITY

One of the great features of the tenant-based assistance program is that your assistance “moves” with you. You can use your assistance to move not only across town but also to move anywhere in the United States within the jurisdiction of a PHA with a tenant-based assistance program. The HUD term for the ability to move outside the PHA jurisdiction with rental assistance is “portability.”

The PHA may limit moves under portability, so contact your Program Representative if you wish to exercise portability. You will be advised of any restrictions and procedures that may apply to you.

Facts About Portability You Should Know:

1. The PHA where you want to move may have different rules, policies and deadlines.
2. There may be a different payment standard.
3. The new PHA will probably have different utility allowances that will affect the amount you pay for rent.
4. A different size voucher may be issued to you.
5. When you are first issued a voucher, you are always subject to the income limits of the PHA where you want to live.

Portability and FSS: If you are participating in a Family Self-Sufficiency (FSS) Program, make sure that you discuss moving with the FSS Coordinator. If you cannot fulfill your FSS obligations in the new location, your FSS contract may be terminated and you may lose your escrow balance, if you have one.

TIPS TO LOCATING SUITABLE HOUSING:

Property managers and owners advertise rental properties in different ways. Here are some ideas on where to start:

1. Check the classified section of all local newspapers.
2. Ask friends and neighbors.
3. Drive through neighborhoods where you may want to live and look for yard signs.
4. Check bulletin boards in laundromats and supermarkets.

5. Check with real estate offices or rental agencies. Rental agencies sometimes charge a fee.
6. Check your informational packet for a list of property owners.
7. Ask your Program Representative for a listing of vacant units in the city.



WHAT SHOULD YOU LOOK FOR IN A UNIT?

In order for the unit to be approved, it must meet the following requirements:

- The rent for the unit must be reasonable for the type, size and condition of the unit.
- The unit must pass a Housing Quality Standard Inspection.
- The owner must be willing to enter into a HAP contract with the PHA and comply with the program rules.

EVALUATING THE UNIT

- What are the costs of utilities? Is the unit energy efficient?
- Are tenant-paid utilities separately metered?
- Is the unit free from serious drafts?
- Is the building secure? Do all windows lock safety? Do the entrance doors have security locks?
- Is there evidence that the unit has not been well maintained?
- Is the heating source adequate for the size of the unit?
- Is there enough room for your furniture?
- Does the landlord provide pest control?
- Is the unit clean and ready to move in?
- Are the refrigerator and stove large enough for your family size?
- Are there private, secure mailboxes?

- Are there restrictions on pets?
- Is there sufficient parking and storage?
- Are there sufficient amenities and facilities for your family?

BE PREPARED WHEN YOU APPLY FOR A RENTAL UNIT

When you make an appointment with a prospective owner or landlord, be prepared to ask and answer questions and to make a positive first impression. The landlord will be trying to evaluate you as a tenant. At the same time, you will be evaluating both the unit and the landlord.

Go early for your appointment and look around the neighborhood. Try to get a babysitter when meeting with the owner. Even the most well behaved children can become impatient. Don't risk being judged by how you discipline or don't discipline your children.

When calling owners in response to ads, don't prematurely ask, "Do you take Section 8?" Try to get an appointment to see the unit so that the owner has an opportunity to meet you first.

REFERENCES

Be prepared to furnish information about your rental history. Try to get references from previous landlords, if possible. If you are currently renting a unit, make sure that it is in good condition, so that your present landlord will provide a good reference. Remember, your current and prior landlord's name and address will be furnished to your prospective landlord. If you have no rental history, bring references from responsible persons who know you such as employers or persons you have done business with.

LANGUAGE BARRIERS

If the landlord speaks English and English is not your first language, or you are not comfortable discussing business matters in English, take a translator to the appointment with you. Make sure your translator will make a positive first impression, also. Do not take young children to translate.

QUESTIONS TO ASK

When you meet the owner or landlord, ask questions.

- How much is the security deposit for the unit?
- Does the owner live nearby?
- Is there a person to call for normal wear and tear repairs or maintenance?

- Does the owner seem interested in maintaining the condition and appearance of the property?
- What are the office hours for management and maintenance problems?
- Have the other tenants lived there a long time?
- Try to find out from the Pawtucket Police Department how often they have been called to the premises or immediate area.

STEP 4: OWNER APPROVES FAMILY

OWNER'S RIGHT TO INQUIRE

As a Voucher holder, you may select from a variety of housing units and neighborhoods. The PHA can assist you in locating a unit by providing an owner referral list; however, the owner must still approve you.

Most property owners and managers will ask you to complete an application and will check on your rental history and credit. Owners can deny you a rental unit if you have a previous history of not fulfilling your obligations under a lease.

SUBMITTING A REQUEST FOR APPROVAL OF TENANCY

Once you have found an apartment, you must submit the following paperwork to the PHA:

1. Request for Approval of Tenancy (RFAT) Form:

This form is enclosed in your Tenant Packet. This form must be **completely filled out and signed by you and the Owner or the owner's representative.**

2. Owner's Proposed Lease Agreement:

If your prospective Owner has a lease agreement that he/she currently uses for tenants that are not assisted under the Section 8 Program, he/she can use this lease.

The proposed lease must be reviewed and approved by the PHA. **The proposed lease should be attached to the RfAT. If the Owner does not have a lease, he/she may use the sample lease provided by the PHA, which is included in your informational packet.**

3. Lead-Based Paint Disclosure Form:

Attached to the Request for Approval of Tenancy Form is a Lead-Based Paint Disclosure Form, which **must be filled out completely and signed by you and the Owner before you submit the RfAT to our office.**

4. Restrictions on Leasing to Relatives Form:

Attached to the RfAT form is a Restriction on Leasing to Relatives form, which must be signed by both you and the Owner.

According to federal regulations, the Housing Authority must not approve a unit if the Owner is the parent, child, grandparent, grandchild, sister or brother of any member of the family. The Housing Authority may approve a unit if it is determined that approving the unit would provide a reasonable accommodation for a family member who is a person with disabilities. The Term "Owner" includes principal or other interested party.

IMPORTANT: These documents must be submitted no later than the 15th of the Month for Lease-up on the following month. (Example: If you want to lease-up for December 1st, the forms must be submitted no later than November 15th).

Remember: Unless you are granted an extension, your Voucher will expire 60 days from the date you received it. You need to turn in a Request for Approval of Tenancy to the PHA before your Voucher expires.

STEP 5: PHA APPROVES TENANCY AND UNIT

On receipt and review of the Request for Approval of Tenancy, the PHA will notify you and the owner of the date and time of the Housing Quality Standard Inspection. It is in your best interest to be present at the inspection so that you can see what repairs, if any, are required.

If the unit passes, the initial inspection and the rent is reasonable, the PHA will prepare the necessary paperwork and your assistance will begin. If the unit does not pass the initial inspection, the owner will be given a reasonable time period to correct any items that fail.

However, rental assistance cannot begin until the repair items are completed and approved by the PHA inspector. If there are major repairs to be made, or if the owner seems reluctant to make the repairs, you may want to consider looking for another unit. The PHA will provide you with another Request for Approval of Tenancy form.

It is a good idea to be present and to be involved in the process. If you and the PHA work together, the chances are quite good that you will be successful in finding a suitable place to live.

STEP 6: HAP CONTRACT AND LEASE SIGNED

If the lease and unit are satisfactory, the PHA will enter into a HAP Contract with the owner, and you will sign a lease agreement with the owner.



STEP 7: HOUSING ASSISTANCE PAYMENT TO OWNER

The PHA will begin making payments to the owner after the unit has been approved and the Housing Assistance Payments Contract has been signed. The PHA will mail the payment to the owner on or about the first of each month. The PHA will continue to make payments as long as:

- the unit meets Housing Quality Standards;
- you are eligible for assistance;
- you reside in the unit; and
- the owner is in compliance with the HAP Contract.

If the PHA fails to make timely payments to the owner, the PHA may be obligated to pay a late fee.

TERM OF LEASE

The initial term of the lease must be for at least one year. However, the PHA may approve a shorter term if the PHA determines that:

- A shorter term would improve housing opportunities for you; and/or
- Shorter terms are the prevailing market practice.

During the initial term of the lease the Owner may not raise the rent.

The lease must provide for automatic renewal after the initial term of the lease. The lease may provided either:

1. For automatic renewal for successive definite terms (e.g.: month-to-month or year-to-year); or
2. For automatic indefinite extension of the lease term.

SECURITY DEPOSIT

- The Owner may collect a security deposit from you. Make sure the Owner gives you a receipt for your security deposit.
- The Owner may not charge you a security deposit that is in excess of private market practice, or in excess of amounts charged by the owner to unassisted tenants. Under the State of Rhode Island Residential Landlord and Tenant Act, the Owner may not demand or receive a security deposit in an amount or value in excess of one (1) month's periodic rent.
- When you move out of the dwelling unit, the Owner may use the security deposit, in accordance with the lease, as reimbursement for any unpaid rent, damages to the unit, or for other amounts you owe under the lease agreement.
- Under Rhode Island State Law, the Owner has 20 (twenty) days to return your security deposit after you move out and return the keys to the apartment. Subtract from your security deposit any unpaid rent or monies used to make physical repairs for damages done, other than ordinary wear and tear, which the Owner has suffered by reason of your noncompliance.
- The Owner must give you a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the Owner, the Owner must refund the full amount of the unused balance within the 20 (twenty) days as mentioned above.

- If the security deposit is not sufficient to cover amounts you owe under the lease, the Owner may seek to collect the balance from you through legal action.

MONTHLY RENTAL PAYMENT

- Your monthly rental payment will be calculated by the PHA. Enclosed is an informational sheet entitled “How Your Tenant Rent is Calculated” which explains how your rent and your housing assistance payment are determined.
- Your monthly rent is due and payable on the 1st day of each month. You should always pay your rent on time. Failure to do so is cause for termination of your housing assistance.
- Make sure you receive a rent receipt from the owner.**
- Don’t pay too much. Additional payments are illegal and considered an act of fraud.**
- An owner may charge you extra for washing machines/dryers, swimming pools, or air conditioning if he/she is paying for the utilities. Any agreement made on extra charges must be in writing between you and the owner. The PHA must have a copy of any agreement made between you and the owner.

TERMINATION OF LEASE

1. Tenant Termination:

- You may terminate the lease at any time after the initial term of the lease. You are required to **give the Owner and the PHA at least a 30-day written notice if you choose to terminate the lease agreement**. Failure to provide a written notice is a violation of your obligations.

2. Owner Termination:

- During the term of the lease, the Owner may not terminate your tenancy except on the following grounds:
 1. Serious or repeated violations of the terms and conditions of the lease, including but not limited to failure to pay rent or other amounts due under the lease;
 2. Violations of federal, state, or local law that impose obligations on the tenant in connection with the occupancy or use of the premises; or
 3. Other good cause.

Other good cause for termination of tenancy by the Owner may include, but is not limited to, any of the following examples:

- 1) Failure by you to accept the offer of a new lease or revision;
- 2) A family history of disturbance to neighbors, destruction of property, or living or housekeeping habits which result in damage to the unit or premises. The owner's desire to use the unit for personal or family use, or for a purpose other than as a residential rental unit; or
- 3) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, desire to lease the unit at a higher rental).

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

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

During the term of the lease, the Owner may only evict the tenant from the unit by instituting court action.

3. Notice of Termination by Owner:

Notice of grounds: The Owner must give you a written notice that specifies the grounds for termination of tenancy. The notice must be given at or before commencement of the eviction action.

The notice of grounds may be included in, or may be combined with, any owner-eviction notice to you.

Eviction Notice: Owner eviction notice means a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action. The Owner must give the PHA a copy of any owner eviction notice sent to you.

4. Eviction By Court Action:

The Owner may only evict you from the unit by instituting a court action.

PROCEDURES FOR MOVING WITH CONTINUED ASSISTANCE

You may move with continued tenant-based assistance when:

The assisted lease for the old unit has terminated. This includes a termination because:

1. The PHA has terminated the HAP contract for Owner breach; or
2. The lease has terminated by mutual agreement between you and the Owner.

You have given notice to lease termination (if you have a right to terminate the lease on notice to the Owner, for Owner breach or otherwise).

How Many Times Can You Move?

You may move one or more times with continued assistance under the Section 8 Program, either within the City of Pawtucket or under the portability procedures.

IMPORTANT: YOU MAY ONLY MOVE ONCE DURING ANY ONE-YEAR PERIOD.

Notice of Your Intent To Move:

- If you terminate the lease on notice to the Owner, you must give the PHA a copy of the notice at the same time.
- If you want to move to a new unit, you must notify the PHA and the Owner before moving from the current unit. You must give the Owner and PHA at least a 30-day written notice.

Issuance of a Voucher:

- In order to move with continued assistance, you must sign a new Voucher with a 60-day term. Even though you are a current participant, you must follow the procedure outlined in Chapter 3, Steps 2 and 4, of this handbook. If you fail to submit a RfAT within the term of your Voucher, you will lose your housing assistance under the Section 8 Program.
- If you want to move to a new unit that is located outside the initial PHA jurisdiction, the notice to the initial PHA must specify the area where you want to move.

BE PREPARED BEFORE YOU MOVE

Notify important companies and people about your change of address:

- Your doctor
- Your bank
- Your child's school
- Your creditors
- Your insurance company
- Your employer
- Newspapers and magazines
- Your post office

- List important new telephone numbers.
- Decide what goes with you, what stays, and what to give away. Hold a yard sale.
- Call friends and relatives; let them know when and where you are moving.
- Collect all important papers and keep them handy.
- Make sure you have enough help on moving day.



- Order a telephone book for your new area.
- Find out how much advance notice is needed for utilities and basic services.
- Find out where a branch of your bank is located.
- Check school schedules and enrollment requirements.
- Get your newspaper transferred.
- Go to the Department of Motor Vehicles to change your address on your driver's license.
- Find out about voter registration.
- Call train or bus companies for local schedules at your new location.

MOVE-OUT CHECKLIST

Whenever you are renting and want to move to another unit, make sure that you leave on good terms with the owner. Before you move, you must make sure that the unit is in good condition and that your rent is paid.

- Repair any items damaged by you, your family or visitors.
- Make sure that walls and doors are clean.
- Replace any broken or missing curtain rods.
- Clean the entire unit.
- Remove all of your possessions from the unit.
- Have your utilities turned off.
- Return all of your keys to the landlord and get a dated receipt for the keys.



Successful participation in the Section 8 Program requires that the family fulfill certain obligations to the PHA and other obligations to the owner.

FAMILY OBLIGATIONS TO THE PHA

Families who participate in the Section 8 Housing Choice Voucher program are required to comply with certain “Family Obligations.” These Family Obligations are required by HUD regulations and are listed on your Voucher. By signing your Voucher, you acknowledge your responsibility and obligations for participating in the program. The list of Family Obligations is as follows:

Supplying Required Information: The family must supply any information that the PHA or HUD determines is necessary for administration of the program, and to certify or recertify a family. This includes evidence of citizenship or eligible immigration status. It also includes information about family income and household members.

Disclosing and Verifying Social Security Numbers: The family must disclose and verify social security numbers and must sign and submit consent forms for obtaining information.

True and Complete Information: Any information provided by the family must be true and complete.

Comply with Housing Quality Standards (HQS): The family is responsible for meeting certain HQS requirements. (See Page 33 under Family Obligations to the Owner)

Allowing the PHA to Inspect the Unit: The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

Violation of the Lease: The family may not commit any serious or repeated violations of the lease.

Family Notice of Move or Lease Termination: The family must give a 30-day written notice to the PHA and the owner before the family moves out of the unit, or terminates the lease.

Owner Eviction Notice: The family must promptly give the PHA a copy of any owner eviction notice within 5 days of receiving said notice.

Use and Occupancy of the Unit: The family must use the assisted unit for residence by the family and as the family’s only residence.

Approval of Family Members: The members of the family must be approved by the PHA. The family must inform the PHA within 10 days of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.

Foster Children: A foster child or live-in aide may reside in the unit with approval of the PHA.

Family Member Moves: The family must promptly notify the PHA within 10 days after a family member moves out of the unit.

Profit-Making Activities: Family members may engage in legal profitability activities in the unit, but only if such activities are incidental to the primary use of the unit as the family's residence. The owner's lease may contain additional restrictions.

Subleasing: The family must not sublease or sublet the unit.

Assigning or Transferring: The family must not assign the lease or transfer the unit.

Absence from the Unit: The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absences. The family must cooperate with the PHA for this purpose. The family must notify the PHA in writing within 10 days if the family is going to be away from the unit for more than a 90-day period.

Interest or Ownership: The family must not own or have any interest in the unit.

Fraud and Other Program Violations: The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the program.

Crime By Family Members: The members of the family may not engage in drug-related criminal activity or violent criminal activity.

Other Housing Assistance: An assisted family, or members of the family, may not receive Section 8 assistance while receiving another housing subsidy for the same unit or a different unit under any duplicative Federal, State or local housing assistance program.

Relatives as Owners: The family must not receive Section 8 tenant-based program housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide a reasonable accommodation for a family member who is a person with disabilities.

Alcohol or Substance Abuse: The family must not engage in illegal use of a controlled substance; or abuse of alcohol that threatens the health and safety or right to peaceful enjoyment of the premises by other residents.

FAMILY OBLIGATIONS TO THE OWNER

The family obligations to the owner are contained in the lease agreement. Please read it carefully:

Families are obligated to:

- ✓ Pay the rent on time
- ✓ Take care of the housing unit.

Generally, the owner is required to make repairs and provide routine maintenance. However if a housing unit fails to meet Housing Quality Standards because of the following items, it is the responsibility of the family:

1. The family is required to provide any utilities (such as electricity, gas or water) that are not furnished by the owner. If this happens, you will be given a brief period of time to get the utilities in service. If you are responsible to provide utilities, make certain that they remain in service.
2. The family is responsible for providing and maintaining any appliance that the owner does not furnish, such as a stove or refrigerator.
3. The family is responsible for damages to the unit or premises (beyond normal wear and tear) that are caused by any family member or guest.

If the unit does not meet Housing Quality Standards for these reasons and the deficiencies are not corrected within the time period set by the PHA, the PHA will discontinue assistance payments to the owner. Also, your participation in the Section 8 Voucher Program may be terminated.

Importance of Family Rent Payments to Owner:

When you sign a lease with an owner, you are obligated to pay your share of the rent on the first of each month in accordance with your lease. If you fail to pay your rent, you will be subject to eviction by the owner. Serious and repeated violations of the lease may also result in the termination of housing assistance.

Remember, the lease that you sign is a legal contract, and both parties must comply with their obligations.

Payment Changes:

When a change in your income occurs, contact your Program Representative immediately for further instructions. Your Program Representative may set up a meeting with you so the changes can be verified. When your income changes, your payment and the PHA's payment to the owner may change. Both you and the owner will be given a written notice before any change goes into effect.

Side Payments:

It is illegal for you to make additional payments to the owner to cover a rent amount that is higher than the PHA rent limit, and it is illegal for the owner to charge such side payments. All separate agreements between the owner and family must be approved by the PHA.

ANNUAL REQUIREMENTS

HUD requires that all families be recertified at least annually. You will receive a letter from the PHA advising you when you are due to be recertified. Depending on the PHA's recertification procedures, an appointment may be scheduled to review your household income and composition. When you receive your recertification letter, make the necessary arrangements to attend your scheduled meeting.

The PHA is also required to inspect your housing unit at least annually. You will be notified by letter of the date and time of the inspection. It is your responsibility to make sure that an adult is there to allow the inspector to enter the premises. Again, we are counting on your cooperation so that there will not be any interruptions in your housing assistance.

- ✓ Be on time for your recertification appointment.
- ✓ Return recertification paperwork on time.
- ✓ Prepare for the inspection.
- ✓ Make sure someone is at home for the inspection.

INTERIM REQUIREMENTS

You are required to report any increase of \$40 or more in gross income per month within 10 days of said increase.

You are required to request permission to add any person or persons to your household. You are required to inform the PHA of any additional members in your household.

ZERO ASSISTANCE

If your family has an increase in income that causes your share of the rent to equal or exceed the amount of the total rent, the housing assistance payment from the PHA to the landlord will be reduced to zero. However, if your family remains in the unit, the Housing Assistance Payments Contract with the owner will remain in effective for 180 calendar days.

During this 180-day period your family is still considered to be on the program, even though assistance payments are not being made. If you have a reduction of income and become eligible for assistance during this period, the PHA will resume payments to the owner based on the new amount of the family's income.

PROGRAM INTEGRITY

The Department of HUD determines the amount of funding that is available for rental assistance in each community. It is important to ensure that the funds are used to assist only those families who are eligible. The reason PHAs have waiting lists is that there isn't enough funding to assist all of the families who apply.

The PHA assumes that the information provided by families is complete and accurate but occasionally we find that it is not.

Making false statements and providing false information are serious violations of program rules as well as violations of State and Federal Criminal Laws.

Please be aware that if families provide false information or documents:

1. They will be subject to denial or termination of assistance.
2. They will be required to repay any amounts that were paid by the PHA.
3. If it is determined that these actions are intentional, the family may be subject to criminal penalties under State or Federal Law.

If you are not sure about the rules or procedures, please contact your Program Representative to get the correct information. No one should be evicted or lose their assistance unnecessarily. If you are aware of someone who is violating program rules, please contact your Program Representative. You can use the Fraud and Program Abuse Reporting form in your informational packet.

The Most Common Program Violations

Most families who are selected for the program comply with the rules, but occasionally some do not. It is always unpleasant when someone violates the rules and penalties are required. To prevent families from embarrassment and hardship, the program rules need to be thoroughly understood. The most common violations are listed below.

1. Unauthorized Household Members

The persons you list on your application for housing assistance are the only persons who may reside in your housing unit.

If you permit anyone who has not been approved by the PHA to reside in your unit, it is a violation of your Family Obligations, and it could result in the loss of your housing assistance. Contact your Program Representative before you allow someone to move into your unit.

2. Under-reporting Income

Whenever the PHA interviews you, you will be asked to report all income received by everyone in your household. If a family withholds income, it causes the PHA to pay more money to the owner than the law requires. This is also a violation of Family Obligations. In these cases the family is required to repay the money. In addition it could result in the loss of assistance or, in some cases, criminal penalties.

3. Sub-leasing the Unit

When the PHA approves a unit for your family, it is for your family only. It is illegal for any family on the program to lease all or a part of their unit to anyone.

NOT REPORTING CHANGES

At the briefing, the Program Representative explains the procedures for reporting changes in household members and income according to PHA policy. Failure to report changes could result in repayment of money or loss of assistance.

Not providing information or documents:

When the PHA requests that you furnish additional information or documents, it is because it is a program requirement. If you do not furnish the information or documents requested, your application cannot be verified. This applies every time you are due for recertification.

***“WHEN EVERYONE PLAYS BY THE RULES,
WE CAN HELP MORE FAMILIES”***

DO IT RIGHT!!!

INFORMAL HEARINGS

It is important to the PHA that families are provided all rights and protections under the law and HUD regulations. It is suggested that you seek an explanation from your Program Representative before you request a hearing; it may be a matter of misunderstanding that can be resolved easily.

A participant family may request a hearing to consider whether the following PHA decision or determinations pertaining to the family are in accordance with the law, HUD regulations and PHA policies:

- Determination of the family's annual or adjusted income used to compute the housing assistance payment.
- Determination of the appropriate utility allowance from the PHA's utility allowance schedule.
- Determination of the family unit size under the PHA subsidy standards, and whether an exception will be granted.
- Decision to terminate housing assistance because of the family's action or failure to act, including absence from the assisted unit for longer than the maximum period permitted.

If a family does request a hearing, one will be scheduled promptly and the family will be notified in writing of the date, time and location of the hearing. Families may bring legal counsel, witnesses, and evidence to the hearing.

Upon request, the family may also obtain copies of any documents or evidence upon which the PHA's action or inaction is based, prior to the hearing and at the family's expense. The family will also be required to provide to the PHA, prior to the hearing, copies of any documents or evidence it plans to use at the hearing.

DENIAL OR TERMINATION OF ASSISTANCE:

A family's housing assistance may be denied or terminated if:

- The family violates a Family Obligation under the Voucher Program (see Family Obligations on Page 31)
- Any member of the family has ever been evicted from federally assisted housing in the last five years.

- A PHA has ever terminated assistance under the pre-merger Certificate or Voucher Program for any member of the family. Any member of the family commits fraud, bribery or any other corrupt act in connection with any federal housing program.
- Any member of the family commits drug-related criminal activity or violent criminal activity.
- Any family member is illegally using a controlled substance.
- Any family member's abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
- The family currently owes rent or other amounts to the PHA or to another
- PHA in connection with Section 8 or any housing assistance program under the 1937 Housing Act.
- The family has not reimbursed any PHA of 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.
- The family breaches an agreement with the PHA to pay amounts owed to the PHA or amounts paid to an owner by a PHA.
- A family participating in the FSS program fails to comply, without good cause, with the family's FSS Contract of Participation.
- The family has engaged in or threatened abusive or violent behavior toward PHA personnel.

Mandatory Permanent Ineligibility & Termination:

The PHA must permanently deny eligibility or terminate the assistance of any person convicted of manufacturing or producing methamphetamine, commonly referred to as "speed".

Withdrawals:

Occasionally, families who have been certified eligible to participate in the Section 8 Voucher Program decline initial program participation or choose to withdraw from the program after receiving assistance for a while. It can be for any number of reasons—just got called back to work after a long layoff, or are planning to get married and will now have a little more income, or better yet, have just won the lottery.

Since it can take many years to have your name reselected from the waiting list, it is a good idea to discuss your plans with your Program Representative before you decide to withdraw. Depending on your income, your family may still be eligible for some rental assistance. Keep in mind that if you withdraw from participating in the program, you will have to reapply if you happen to need assistance again in the future. If you do decide to withdraw, please notify the PHA by submitting the Notice of Intent to Withdraw Form, which is in your informational packet.

A Final Note:

Information and cooperation are two key ingredients to achieving decent, safe, and affordable housing. With this handbook and the help of your Program Representative, you are sure to be a “SUCCESSFUL PARTICIPANT” in the Section 8 Housing Program.