

Tenant Handbook

A Guide for Section 8
Housing Choice Voucher Participants



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Additional Briefing Packet Information:

- Payment Standards
- Utility Allowance Schedule
- A Good Place to Live
- Tips for Finding Rental Housing
- Creating A Tenant Portfolio
- Obtaining and Understanding Your Credit Report
- Utility Assistance for Low-Income Consumers
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- Owner's Guide
- Mid-Peninsula Citizens for Fair Housing (MCFH) Brochure
- Project Sentinel Brochure
- Fair Housing, It's Your Right
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- Protect Your Family From Lead in Your Home
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Section 8 Rental Housing Assistance Program

In 1974 Congress authorized the Section 8 Rental Housing Assistance Program which offered a new way of providing subsidized housing. Instead of constructing buildings that have to be managed and maintained, Congress decided to allow families the flexibility of choosing a unit from the private market. They could lease in their current residence or locate a new dwelling, as long as the unit met HUD requirements. These requirements will be explained further in this handbook.

The concept of the Housing Choice Voucher Program is that the Housing Authority subsidizes the rental cost by applying a fixed formula, and the family pays the difference between that subsidy and the amount of rent to owner. There are limitations on how much the family can pay. These limitations will be explained further in this handbook.

The family will sign a lease agreement, which governs tenancy with the landlord, just as they would in the private rental market. The landlord will be required to sign a Housing Assistance Payment Contract with the Housing Authority, which spells out the requirements the owner has to follow.

Term of the Housing Choice Voucher

Your Housing Choice Voucher will be issued on the day of your briefing. **The Housing Choice Voucher is valid for a term of one hundred and twenty (120) days, which is the maximum term under our current policy. No extension will be granted after the term of the Voucher.** You must find a unit and submit a Request for Tenancy Approval within the term of the Voucher.

Determination of Housing Assistance Payment

Housing Assistance Payment (HAP) is the rent subsidy that the Housing Authority pays to a landlord on the tenant's behalf. There are four factors that determine how the Housing Authority calculates the HAP:

- Subsidy Standards
- Payment Standards
- Total Tenant Payment
- Gross Rent

Subsidy Standards

The subsidy standards are used to determine the maximum rent subsidy for the Housing Choice Voucher. For the purpose of determining subsidy standards, the voucher size will be assigned so that the head of household and his/her spouse, if there is a spouse, is allocated one bedroom. All remaining members are allocated one bedroom for every two family members, regardless of the sex, age, or relationship of the family members. *The Housing Authority does not determine who shares a bedroom.* According to HUD the living room may be used as a sleeping room.

An unborn child or a child for whom the family is in the process of obtaining legal custody or adoption may be included in determining the family's subsidy standard.

For families requesting reasonable accommodation due to disability, check with your housing caseworker.

Request for live-in aide:

- The live-in aide must be at least 18 years old, and provide a social security card and/or a government issued identification.
- The live-in aide will be required to sign a Statement of Understanding which outlines the policies governing the live-in aide status, and a Personal Declaration of residence and income information.
- See your housing caseworker regarding process to request live-in aide.

Payment Standards

A payment standard is an amount established by the Housing Authority based on HUD's published Fair Market Rents for each market area and for unit size. The unit size means number of bedrooms in the unit.

The family may select a different size unit than the voucher size listed on the Housing Choice Voucher. The family may choose to rent a smaller size unit as long as the unit is within the maximum occupancy level under the Housing Quality Standards. HUD defines maximum occupancy level as two persons per bedroom/sleeping room. A living room may be counted as a sleeping room.

The payment standard does not necessarily equal Rent to Owner.

The payment standard is the lower of:

- The payment standard for the voucher size listed on the Housing Choice Voucher; or
- The payment standard for the size of the unit rented by the family.

Once the payment standard is determined, the Housing Authority uses the payment standard to calculate the monthly housing assistance payment for a family.

The current Voucher Payment Standards for the Housing Authority of the County of San Mateo is included in this briefing packet.

Total Tenant Payment

The total tenant payment is the greater of:

- 30% of the family's monthly income (before taxes) after HUD regulated deductions. (Monthly-adjusted income)
- 10% of monthly gross income (before taxes with no deductions).
- Any minimum rent under Federal Law.

In most cases, Total Tenant Payment (TTP) is 30% of the family's monthly-adjusted income. Adjusted income means your gross income minus the HUD allowable deductions.

Gross Rent

Gross rent is the rent to owner plus any utility allowance. The utility allowance is based on the utilities that the tenant is responsible for paying (i.e. PG&E, water, garbage). The Utility Allowance Schedule is included in this briefing packet.

Examples of total subsidy calculation:

1. *Gross rent less than the payment standard*

Ms. Jones found a one-bedroom apartment with a rent to owner (contract rent) of \$1300.00. The apartment has gas heat and electric cooking. She is responsible to pay electricity and gas. Her monthly adjusted-income is \$1000.00. Her TTP is \$300.00.

Rent to Owner	\$1300
Utility Allowance	<u>+\$50</u>
Gross Rent	\$1350

		\$1352	Payment Standard
TTP	<u>-\$300</u>	<u>-\$300</u>	
Total Subsidy	\$1050	\$1052	Total subsidy is the lesser of the payment standard or gross rent, minus TTP.

Rent to Owner	\$1300		
Total Subsidy	<u>-\$1050</u>		Housing Authority Payment to Owner
Tenant Share	\$250		Tenant Payment to Owner

2. *Gross rent more than the payment standard.*

The same family found a one-bedroom apartment for \$1600.00.

Rent to Owner	\$1600
Utility Allowance	<u>+\$50</u>
Gross Rent	\$1650

		\$1352	Payment Standard
TTP	<u>-\$300</u>	<u>-\$300</u>	
Total Subsidy	\$ 1350	\$1052	Total subsidy is the lesser of the payment standard or gross rent, minus TTP.

Rent to Owner	\$1600		
Total Subsidy	<u>-\$1052</u>		Housing Authority Payment to Owner
Tenant Share	\$548		Tenant Payment to Owner

Affordability Check

Whenever the gross rent is greater than the payment standard, as in example 2 above, the Housing Authority must conduct an affordability test. This check is done because HUD regulations prohibit families from paying **more than 40%** of their monthly-adjusted income as the Total Family Contribution (rent plus utilities) at the time of initial move in. The affordability check is calculated as follows:

Gross Rent	\$1650	
Total Subsidy	\$1052	
Total Family Contribution		\$598
40% of Monthly Adjusted Income		\$400
\$1000 x 40% (.40)		

Since the total family contribution is more than 40% of the monthly-adjusted income, the family does not pass the affordability check and the Housing Authority can not approve the unit.

Mixed Family

Eligibility for federal housing assistance is limited to US Citizens and applicants who have eligible immigration status.

Families that include:

1. Members who are citizens or have eligible immigration status, and
2. Members who do not have eligible immigration status, or
3. Members that elect not to state that they have eligibility status are referred to as “mixed families.”

A mixed family is eligible for prorated assistance. Prorated assistance is a calculation of subsidy based on the number of members who are citizens or have eligible immigration status. As a result mixed families will pay a larger amount towards rent than the Total Tenant Payment listed on their Housing Choice Voucher.

Choosing Where to Lease

The family may lease a unit anywhere in San Mateo County, as long as the unit meets the Housing Quality Standards (HQS) and the rent is reasonable and comparable to unassisted units with similar amenities in the same general market area. *A Good Place to Live* booklet, which outlines some aspects of the Housing Quality Standards, is included in the briefing package.

Limitations

- You may not pay more than 40% of your monthly-adjusted income as total family contribution (your share of the rent plus utility allowance).
- You may not rent a unit that is currently receiving other rental assistance.
- You may not rent a room in a property, except for someone who receives shared housing under special programs.
- You may not rent a unit that is owned or controlled by the parent, grandparent, child, grandchild, or sibling of any member of your family, unless the Housing Authority has determined that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

Portability

Portability is one the features of the Housing Choice Voucher program that enables you to use your Section 8 assistance in other cities or states outside San Mateo County. Portability was created to give you the freedom to choose which areas would best suit the needs of your family. You may exercise your right to portability if:

1. The jurisdiction you want to move to has a Housing Authority that administers the Section 8 Housing Choice Voucher program, AND
2. You meet the income limits of the Housing Authority you are moving to, AND
3. You were a San Mateo County resident when you first applied for Section 8 assistance.

If you did not reside in San Mateo County when you first applied for Section 8 assistance, you must lease with your Section 8 Housing Choice Voucher in San Mateo County for twelve consecutive months before you may request portability.

How to request portability:

1. Contact the Housing Authority you intend to move to and inquire about the housing situation, listing of available units, payment standard for your voucher size, and income limits for your family. Each Housing Authority may have different income limits, payment standards and procedures for portability. **Exercising portability does not change the term of your voucher.**
2. Submit your completed written request for portability. A copy of the request form is included in the briefing packet. Your request will be reviewed and you will be notified if your request for portability is approved.

NOTE: If you are an applicant or participant under the AfterCare, Foster Youth Transition, Shelter Plus Care or Moving to Work programs, you may NOT utilize the option of portability.

If you are an applicant or participant under the Family Unification program, you may exercise the portability option, only if all of the following conditions are met:

1. Written referral from your CPS/CWS caseworker approving the transfer;
2. The transfer is in the best interest of the applicant or participant to reach his/her goals as determined by caseworker.

Finding a Unit

The Housing Authority has included a current Available Units Property Listing in this briefing packet. To obtain an updated listing, you may make your request in person by bringing your voucher to our office or by writing/faxing your request with a copy of your voucher to the Housing Authority. If the Housing Authority has any listing of accessible units, we will identify them as such in our listings.

There are many other resources you can rely on in finding a unit. Some of them are:

- Check the local newspapers for listings of houses or apartments for rent.
- Contact real estate agents that advertise rental units.
- Look for "for rent" signs when driving or taking the bus.
- Ask your friends or your neighborhood center. They may know of certain available units.

Approaching a landlord

Before you start, you may want to go over the Owner's Guide that is included in this briefing packet. This guide contains many valuable selling points of the Section 8 program, as well as giving you answers to many questions you may encounter from landlords. Having the knowledge of the Section 8 program and the ability to articulate clearly how the program works would put the landlord at ease if he/she had never dealt with the program before. As a potential tenant, you should remember that there are often many families competing for the rental of one unit. Think from the landlord's point of view: why would he/she want to rent to you rather than someone else (whether on Section 8 assistance or unassisted)?

Many landlords will conduct a credit check that usually includes credit and eviction history. They may also ask you to fill out their own rental application. If you have a poor credit history, or have been evicted, tell the landlord at the beginning. Explain the situation clearly and rationally. There are landlords who are willing to give families a second chance. More information is listed in this briefing packet; *Tips for Finding Rental Housing, Creating a Tenant Portfolio and Obtaining And Understanding Your Credit Report.*

Things to ask the landlord

- What is the security deposit amount?
It is your (tenant) responsibility to pay the deposit to the landlord. The landlord may ask the maximum deposit allowed under the State and Local laws.
- Are there any house rules in addition to the lease agreement?
- Is there any maintenance you are required to do yourself? An example would be yard maintenance.
- What are the penalties/charges if you pay your rent late?
- Does the owner allow pets?
- How are maintenance requests submitted, in the event you need a repair to your unit?

Landlord's Right to Information About You

Under the current regulations, the landlord may request in writing that the Housing Authority provide the past two addresses where you lived, and the name and address of the landlord/property owner. When available, the Housing Authority will provide information on:

- Eviction history.
- Damage to the unit that is documented in your file.
- Other aspects of the tenancy that is a matter of public record.
- Drug trafficking by family members.

This information may be provided either orally or in writing.

Submitting a Request for Tenancy Approval (RTA)

In order for the Housing Authority to begin the process for approving the lease for your unit, we require the following:

- A completed and signed *Request for Lease Approval* that includes certification of the owner's tax ID number.
- A completed and signed *Request for Tenancy Approval*. (Two sided, required HUD form)
- A *Model lease* (owner may choose to use his/her own lease and not our Model lease)
- The *HUD Tenancy Addendum* (required attachment)

In addition, the unit must be **vacant and ready to occupy** when you submit your RTA. This does not apply if you are leasing the unit where you currently reside.

You may drop off the RTA paperwork in person or you can mail it to our office.

Upon receipt of the completed paperwork, the Housing Authority will contact you and the landlord to schedule a move-in inspection within 5 working days.

Inspecting the Unit

The Housing Authority is required by HUD to conduct a Housing Quality Standards (HQS) inspection prior to beginning a lease. The Housing Authority staff will inspect both the interior and exterior of the unit to ensure that the unit is in decent, safe and sanitary condition. **All utility services must be operable at the time of inspection.**

When the unit passes inspection, the Housing Authority staff may negotiate the Rent to Owner, based on the overall condition of the property, rents for comparable units, and whether the total tenant contribution exceeds 40% of your monthly-adjusted income.

Do not move into the unit until the Housing Authority staff advises you of the effective date of the lease and your share of the rent to the landlord. **You are responsible for 100% of the contract rent if you move in prior to the effective date of the lease.**

If the unit fails the move-in (initial) inspection, the landlord will be informed of the failed items and be given time to make the repairs. You may not move in until the unit passes inspection. If you are leasing in place, the lease cannot start until the unit passes the inspection. The Housing Authority will conduct one follow-up inspection. If the unit fails again, you will be informed of the decision and advised to find another suitable unit, **if you have time left on your Housing Choice Voucher when you submitted your last RTA.** For example, your Housing Choice Voucher has 14 days left on the day you submitted your last RTA. 30 days has passed and now the Housing Authority informs you that the RTA is denied because the unit failed inspection. Your voucher expired. You will be given back 14 days to look for alternate housing.

Although the Housing Authority will make every attempt to negotiate rent with the landlord, there are limitations with the Section 8 program and we must comply with HUD's requirements. DO NOT enter into a "side agreement" with the landlord to pay any amount above and beyond what is stated on the lease agreement. Violation of this rule is cause for termination of your housing assistance.

Lead-Based Paint Information

A copy of the brochure entitled *Protect Your Family From Lead in Your Home* is included in the briefing packet. Please read this brochure about the health hazards of lead-based paint. This is especially important if you have children under the age of six and find a unit to rent which was built before 1978.

Equal Housing Opportunity Laws

There are Federal, State and Local laws that apply to the prohibition of discrimination under certain circumstances when renting a unit. It is illegal to deny housing to any individual based on race, religion, national origin, immigration status, sex, presence of children, marital status, sexual orientation or disability.

We have included in this briefing packet information on the local Fair Housing Agencies and a booklet titled *Fair Housing, It's Your Right*.

Rights of the Disabled

People with disabilities are entitled to full and equal access to housing. Landlords, when requested, must make **reasonable accommodations** in their rules, policies and practices. It is the responsibility of the family to pay for the necessary modifications to the unit. We have included information on agencies that may offer help in such modification.

Keeping Your Assistance

Receiving Section 8 assistance requires that you comply with certain family obligations. These obligations are listed on your Housing Choice Voucher. It is important that you become familiar with these obligations, as failure to comply will result in termination of your Section 8 assistance.

Each year the Housing Authority will conduct an annual recertification to determine your continued eligibility. In addition, the unit will be inspected at least annually to ensure its continued compliance with the Housing Quality Standards. It is important that you report any needed repairs to your landlord in a timely manner.

You are also required to report changes in your income or family size **in writing to the Housing Authority**. We will determine if an adjustment in your rent portion is necessary and will send you an interview appointment if needed.

In addition to complying with the family obligations listed on your voucher, you and your family members must comply with the following:

- Respond to any written or oral communication from the Housing Authority promptly.
- Not owe any money to any Housing Authority.
- Not breach an agreement with any Housing Authority to pay amounts owed.
- Not engage in threatening, abusive, or violent behavior toward the Housing Authority's personnel.
- Comply with the Family Self-Sufficiency Contract if you are a participant in the Family Self-Sufficiency program.
- Comply with the Moving-to-Work program if you are a participant in the Moving-to-Work program.
- Not have drug or alcohol abuse that interferes with the health, safety, or peaceful enjoyment of the premises by other residents.
- Not commit any drug-related criminal activity or violent criminal activity.

Drug-related criminal activity is the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use a controlled substance. Drug-related criminal activity means on or off the premises, not just on or near the premises.

Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against a person or property, and is being engaged in by any family member.

Note: Assistance may be terminated if a preponderance of evidence indicates that a family member has engaged in the drug related or violent criminal activity, whether or not an arrest or a conviction is made.

How to Request an Informal Hearing

The Housing Authority is required to provide participant families with an informal hearing under the following circumstances:

- A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment.
- A determination of the appropriate utility allowance, if any, for tenant-paid utilities from the Housing Authority utility schedule.
- A determination of the subsidy standards or a denial of the family's request for an exemption from the standards.
- A determination of the citizenship status of family members to pro-rate assistance.
- A determination to terminate assistance for a participant family because of the family's action or failure to act.
- A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the Housing Authority policy and HUD rules.

In the case of termination of assistance, the Housing Authority must give the family an opportunity for an informal hearing before the Housing Authority terminates the Housing Assistance Payment (HAP) contract. The Housing Authority will simultaneously provide notice of the contract termination to the landlord so that it coincides with the termination of assistance.

The family must request an informal hearing in writing before the deadline stated in the notice. The notice will state to whom the hearing request should be addressed.