GUIDEBOOK FOR LANDLORD

HOUSING CHOICE VOUCHER PROGRAM

Administered by:
Community Development Corporation of Long Island

2100 Middle Country Road
Centereach, NY 11720-3576

www.cdcli.org

Phone: (631) 471-1215
Fax: (631) 471-2167

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WHAT IS THE HOUSING CHOICE VOUCHER PROGRAM?

The Housing Choice Voucher Program (formally known as Section 8) is a federally funded program. This program provides housing assistance to eligible low income families. The program enables families to obtain decent, safe and sanitary housing by subsidizing a portion of each family’s monthly rent, based on their income. The subsidy is paid directly to the property owners or managers. Single family dwellings, apartment buildings, legal accessory apartments, townhouses and condominiums are eligible. Paperwork is minimal and the owner retains normal management rights and responsibilities including tenant selection, rent collection, property maintenance and lease termination.

HOW THE PROGRAM HELPS OWNERS:

- Allows owners/landlords to fill vacancies with qualified applicants screened by the owner or landlord.
- Allows for annual rent adjustments due to inflation and increased cost, such as real property taxes and utilities.
- Guarantees payment of the subsidy portion of the rent under the terms and conditions of the Housing Assistance Payments Contract (HAP).

ROLE AND RESPONSIBILITIES OF THE KEY PLAYERS

HUD

- HUD has four major responsibilities:
  - Developing policy, regulations, handbooks, notices, and guidelines to implement housing legislation
  - Allocate housing assistance funds
  - Provide technical assistance
  - Monitor compliance with program requirements and performance goals

CDCLI

CDCLI administers the housing choice voucher program as the local administrator on behalf of the New York State Division of Homes and Community Renewal (HCR). Areas of responsibility include:

- Establishing local policies
- Determining family eligibility and annual reexamination of family income
- Maintaining the waiting list and selecting families for admission
• Calculation of family share of rent and the amount of the housing assistance payment
• Establishing utility allowances
• Conducting outreach to owners, with special attention to those with units outside of areas of poverty or minority concentration
• Assisting persons with disabilities in finding satisfactory housing
• Approving units including assuring compliance with housing quality standards and determining the reasonableness of rent
• Making housing assistance payments to owners
• Conducting informal reviews and hearings
• Administering the FSS program
• Complying with fair housing and equal opportunity requirements, HUD regulations and requirements, the consolidation ACC, HUD-approved applications for program funding, CDCLI’s administrative plan, and federal, state, and local laws.

LANDLORD

The landlord has the following major responsibilities:
• Screening tenants, selecting tenants, and entering into leases with tenants
• Complying with the HAP contract, leases, and tenancy addendum
• Carrying out normal owner functions during the lease term, such as enforcing the lease, performing maintenance, collecting family share of rent from the family, and charging tenants for any damage to unit.
• Maintaining unit compliances with Housing Quality Standards (HQS)
• Complying with fair housing and equal opportunity requirements
• Paying for utilities, maintenance, and services (unless paid for by the family under the lease)

FAMILY

Responsibilities include:
• Supplying true and complete required information including:
  o Any information that CDCLI or HUD determines necessary in the administration of the program, including evidence of citizenship or eligible immigration status.
  o Information as requested for regular or interim reexaminations of family income.
  o Social Security numbers and signed consent forms for obtaining and verifying information.
• Fixing any breach of HQS caused by the family.
• Allowing CDCLI to inspect the unit at reasonable times and after reasonable notice.
- Not committing any serious or repeated violation of the lease.
- Not engaging in drug-related criminal activity or violent criminal activity.
- Notifying CDCLI and the owner before moving or terminating the lease with the owner.
- Promptly giving CDCLI a copy of an eviction notice from the owner.
- Using the assisted unit as a residence only and as the only residence of the family. Members of the household may engage in legal profit-making activities within the unit, but only if those activities are incidental to the primary use of the unit as a residence. The members of the family also may not receive another housing subsidy in the same unit or a different unit.
- Promptly informing CDCLI of any changes in household composition and obtaining CDCLI’s approval to add a family member by any means other than birth, adoption, or court-awarded custody of a child.
- Notifying CDCLI of any absence from the unit and complying with CDCLI’s policies governing absence from the unit.
- Not subletting the unit, assigning the lease, or having any interest in the unit.
- Not committing fraud, bribery, or any other corrupt or criminal act in connection with any assisted housing programs.
- Family obligations are stated on the Housing Voucher (form HUD-52646), in the lease, and in the program regulations at 24 CFR, Part 982 for housing choice voucher holders.

**Housing Choice Voucher Participation**

When CDCLI determines that a family is eligible for a housing choice voucher, they will be issued a voucher. The voucher is the family’s identification as a participant in the housing choice voucher program. The initial term of the voucher will be 60 days and the dates will be noted on the voucher. CDCLI may extend the expiration date of the voucher an additional 30 days if requested by the family. If the family has not leased up within this time frame, the voucher will terminate.

**Eligible Housing**

The program requires that units meet housing quality standards for decent, safe and sanitary housing. In addition to meeting housing quality standards, the rent must be reasonable.
Tenants Selection

CDCLI does not make any representation to you about any particular family’s expected behavior as a tenant, or the family’s suitability for tenancy. It is the owner’s responsibility to screen the family as per their normal screening process. The owner determines whether to select the family as a tenant.

Leasing the Unit

When the owner has agreed to lease the unit to a family they must complete a Request for Tenancy form HUD-52517. The request for tenancy form must be returned to CDCLI with a copy of the owner’s deed, a copy of a current tax bill and a copy of the owner’s rental permit (where applicable).

Owners must certify the most recent amount of rent charged for the unit and provide an explanation for any difference between the prior rent and the proposed rent. Owners must also certify that they are not the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the HA has granted a request for reasonable accommodation for a person with disabilities who is a member of the tenant household. Finally, for units constructed before 1978, owners must 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspection; or 2) attach a lead-based paint disclosure statement.

Security Deposit

You may collect a security deposit for the Housing Choice Voucher Program in conformance with private market practice and in accordance with the security deposits you collect from your non-subsidized tenants. CDCLI does not offer assistance to participants for security funds.

HAP Contract

The Housing Assistance Payments Contract is a legal agreement between you and the Local Administrator, CDCLI. It outlines your rights and responsibilities as an owner/manager in the Housing Choice Voucher Program. The HAP contract only applies to the household and contract unit specified in Part A of the HAP contract. During the HAP contract term, CDCLI will pay housing assistance payments to the owner in accordance with the HAP contract. The term of the HAP contract begins the first day of the initial term of the lease, and terminates on the last day of the term of the lease (including the initial lease term and any extensions).
WHEN HAP CONTRACT TERMINATES

(1) The HAP contract terminates automatically if the lease is terminated by the owner or the tenant.

(2) CDCLI may terminate program assistance for the family for any grounds authorized in accordance with HUD requirements. If CDCLI terminates program assistance for the family, the HAP contract terminates automatically.

(3) If the family moves from the contract unit, the HAP contract terminates automatically.

(4) The HAP contract terminates automatically 180 calendar days after the last housing assistance payment to the owner.

(5) CDCLI may terminate the HAP contract if CDCLI determines, in accordance with HUD requirements, that available program funding is not sufficient to support continued assistance for families in the program.

(6) The HAP contract terminates automatically upon the death of a single member household, including single member households with a live-in-aide.

(7) CDCLI may terminate the HAP contract if it is determined that the contract unit does not provide adequate space in accordance with the HQS because of an increase in family size or a change in family composition.

(8) If a family breaks up, CDCLI may continue housing assistance payments on behalf of family members who remain in the contract unit.

(9) CDCLI may terminate the HAP contract if CDCLI determines that the unit does not meet all requirements of the HQS, or determines that the owner has otherwise breached the HAP contract.
**Rent Subsidy Payments**

Beginning in late summer or early fall of 2010, all Housing Choice Voucher payments made by the New York State Housing Trust Fund Corporation will be made electronically via the Automated Clearing House (ACH) process. Payments will be made directly to a checking account designated by the owner/landlord.

**Family’s Rent Portion**

The family is solely responsible for payment of their portion of the rent to you. You should notify the tenant and CDCLI in writing when there are rent arrears.

**Annual Inspection**

CDCLI’s inspection department will inspect each unit at least annually to ensure that it continues to meet Housing Quality Standards (HQS). An owner that has a unit that does not pass the HQS inspection will be given sufficient time to make the necessary repairs. If an owner does not make the necessary repairs within the time frame allowed by the inspector, the rent will be abated. If there are extenuating circumstances that prevent you from making the repairs within the time frame allowed, you must request an extension in writing. CDCLI will make a case by case determination as to whether or not an extension will be granted. The family is not responsible for the payment of the Housing Agency’s portion of rent to you covered by the HAP contract. You may not terminate the family’s tenancy for non-payment of the Housing Agency’s portion.

The family will be responsible for HQS violations which are a result of tenant damages, or are caused by the tenant’s guest. The tenant will be required to make these repairs. Rent will not be abated to the owner if the tenant fails to make these repairs. If the tenant fails to make these repairs, their assistance may be terminated.

A letter will be sent to you and your tenant which will itemize the tenant and landlord repairs to be made to the unit so that each will have a clear idea of which repairs they are responsible for.
**Annual Rent Adjustment**

Under the Housing Choice Voucher Program, you must give the tenant and CDCLI 60 days written notice of any annual rent increase. CDCLI will determine if the resulting rent is reasonable in comparison to similar non-subsidized rents.

**Foreclosure**

In the case of any foreclosure, the immediate successor in interest in the property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the HAP contract between the prior owner and CDCLI for the occupied unit. This provision does not affect any State or local law that provides longer time periods or other additional protections for tenants.

**Non-Discrimination**

In the selection of tenant and provision of services, federal law states that an owner may not discriminate against any person because of race, color, religion, sex, disability, familial status, or national origin. Additionally state and local statutes may prohibit discrimination on broader grounds. Program participants are instructed to report all cases of discrimination to CDCLI and to the local Human Rights Commission.

**Landlord Listing Booklet**

CDCLI is always seeking decent, safe and sanitary housing for our program participants. You are encouraged to list any units you may have for rent by visiting our website and submitting an online form or call (631)471-1215 x165. There is no charge for this service. We publish a resource guide that is updated several times a month. This guide is available to applicants, participants, and on our website. We also welcome owners to list units that are handicap accessible.
Frequently Asked Questions

ELECTRONIC PAYMENTS

How Do I arrange for electronic payment deposits with my financial institution?
You must complete the Direct Deposit Authorization Form and return a copy
to your Local Administrator. A copy of a voided check must accompany
submission of this Form to your Local Administrator. We recommend that
you contact your financial institution and ask about their institutions policies
and procedures for ACH payments and remittance notifications.

What are the benefits of Electronic Payments?

- **It’s Easy** – Receiving your payments electronically eliminates check
  handling and manual deposits. The money is credited directly to your
  account, ready for you to use. There are no additional steps for
  handling the payment (like mail rooms, the post office, etc.) where
  checks can be misdirected or lost.

- **It’s Fast** – With Electronic Payments, payments go directly into your
  account.

- **More Secure Than Checks** – Electronic Payments uses the
  Automatic Clearing House (ACH) network – the same system your
  bank uses to handle certain transactions with other banks. When
  electronic payments are credited to your bank account, the funds
  become immediately available.

When will the Housing Trust Fund Corporation (HTFC) begin making
my electronic payments by direct deposit to my bank account?
Beginning with your first payment.

Will all of my payments be electronic payments?
Yes, once the electronic payment process is implemented by the HTFC, all
future Voucher Program assistance payments will be made via electronic
payment.

How long does the electronic payment direct deposit authorization
process take?
Depending on when the Direct Deposit Authorization Form is received by our
office, electronic payments may commence as early as the next regular
payment cycle. If received too late in the payment cycle, payment will be
made by check until the electronic payment information is registered.
**What information will accompany an electronic payment? How do I receive the information?**
Electronic payments and individual tenant remittance information will be electronically posted to your bank account. As necessary, you should discuss remittance and notification questions with your financial institution.

**What do I need to do if I wish to change the bank or account where funds are to be deposited?**
If you plan to change the bank or account where funds are deposited, you must complete a new Direct Deposit Authorization Form, allowing sufficient time for the change. It must be completed in the same manner as when payments were initially set up. You are responsible for ensuring that your bank/account information is accurate.

**What if I don’t currently have a bank account or do not want an electronic payment to my bank account?**
If you do not have a bank account, you may be interested in requesting information about various account options being made available by Bank of America, HTFC’s banking partner for Voucher payments processing. Alternatively, you may wish to discuss other options with your local banking institution.