

Tenant Handbook

A Guide for Section 8

Housing Voucher Participants



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Additional Briefing Packet Information:

- A Good Place to Live
- Tips for Finding Rental Housing
- Beyond Normal Wear and Tear
- Creating a Tenant Portfolio
- Obtaining and Understanding Your Credit Report
- Utility Assistance for Low-Income Consumers
- Applying for HUD Housing Assistance?
- Violence against Women Act
- Section 8 Housing Program Guide
- How to Handle a Rental Dispute
- Housing for Everyone, Project Sentinel
- Fair Housing Equal Opportunity for All
- Are You a Victim of Housing Discrimination? Fair Housing Is Your Right!
- Protect Your Family from Lead in Your Home
- Housing Authorities of California and Nevada
- Family Self-Sufficiency Program
- Distribution of Low Income/Minorities Population In and Around San Mateo County (map)

Housing Authority Service Commitment

As a public service agency, it is the Housing Authority of the County of San Mateo's (HACSM) goal to provide excellent service to the families in its community. HACSM 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 a HACSM representative if you have a question or problem that pertains to one of the housing programs.

Section 8 Housing Voucher 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 Voucher Program is that the HACSM subsidizes the rental cost by applying a fixed formula, and the family pays the difference between the subsidy and the Contract rent. 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 owner, just as they would in the private rental market. The owner will be required to sign a Housing Assistance Payment Contract with the HACSM, which spells out the requirements of the owner.

Issuance of Voucher

Unit Size of Voucher:

Your voucher indicates the unit size in number of bedrooms for which your family is eligible. The unit size is based on HUD guidelines and HACSM policies.

How HACSM Determines Your Voucher Unit Size (Subsidy Standards)

HUD requires housing authorities to establish subsidy standards. These standards are used to determine the appropriate number of bedrooms for families of different size and different compositions.

In determining the voucher unit size, the HACSM uses the following guidelines:

- Head of household and his/her spouse, co-head, or partner will be issued one bedroom
- All remaining family members will be issued one bedroom per two family members regardless of gender, age, or relationship of these family members. *The HACSM does not determine who shares a bedroom.*
- An unborn child may be included in determining the family's subsidy standard.

*Families requesting a reasonable accommodation due to a disability should check with the housing caseworker.

Term of Voucher

The Voucher will be issued on the day of your briefing. The Voucher is valid for a term of ninety days (90) 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

The Housing Assistance Payment is the maximum subsidy the HACSM will pay to an owner on your behalf. The maximum subsidy is based on following three factors:

- Your Annual Adjusted Income
- The lesser of (1) your voucher unit size or (2) the actual unit size being rented
- Tiered Subsidy Table

Annual Adjusted Income

Annual adjusted income is the family's annual income after all deductions (medical expenses, childcare expenses elderly/disabled & dependent deduction).

Voucher Unit Size (based on Subsidy Standards)

The Voucher Unit Size is the number of bedrooms that your family qualifies for based on the Subsidy Standards. The Unit Size is listed on the Voucher.

Actual Unit Size Being Rented

Regardless of the unit size listed on your Voucher, you may rent a different size unit. Factors such as whether the unit would create overcrowding for you (in a case of smaller size unit) or if you could afford your portion of rent (in a case of a larger size unit) play a role in the decision making process.

You may choose to rent a bedroom size smaller than the voucher unit size as long as the unit is within the maximum occupancy level under the Housing Quality Standards guidelines. HUD defines maximum occupancy level as two persons per bedroom/sleeping room. A living room may be counted as a sleeping room.

Tiered Subsidy Table

The Tiered Subsidy Table is based on the HUD established Fair Market Rents (FMR) schedule and represents the HACSM's maximum subsidy to the family's housing costs (rent and utilities).

Maximum Subsidy Calculation

The HACSM determines the maximum subsidy for your family by comparing your family's annual adjusted income, and the lesser of (1) your voucher unit size (2) the actual unit size being rented, to the Tiered Subsidy Table. The maximum subsidy amounts for the voucher unit size and a bedroom size smaller are listed on your Voucher.

**There is a minimum tenant rent of \$50.00, regardless of the subsidy amounts listed on the voucher.*

Examples: The family below qualifies for a maximum subsidy of \$1000:

Unit #1:	
Contract Rent	\$ 950. ← Contract Rent <u>less</u> than the maximum subsidy
Your Portion	\$50. ← Tenant minimum rent portion of \$50
HA Subsidy	<u> </u> \$900.
Unit #2:	
Contract Rent	\$1025. ← Contract Rent <u>more</u> than the maximum subsidy.
Your portion	\$50. ← Tenant minimum rent portion of \$50
HA Subsidy	<u> </u> \$975.
Unit #3:	
Contract Rent	\$1400. ← Contract Rent <u>more</u> than the maximum subsidy
Your portion	\$400. ← Maximum subsidy \$1000
HA Subsidy	<u> </u> \$1000.

Affordability Check

The HACSM will review if your portion of rent exceeds a reasonable level of affordability.

Mixed Family

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

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.

Choosing Where to Lease

You 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 HQS, is included in the briefing package.

Limitations

- 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 HACSM has determined that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities.

Finding a Unit

Finding a unit can take some time and effort so it's important that you set aside time to search for a unit and use as many resources as you can. Some ways of finding a unit are:

- Use **GoSection8.com**, a popular online service that provides Section 8 rental property listings.
- 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.

Approaching an owner

Before you begin your housing search, review the **Section 8 Housing Voucher Program Guide** that is included in this briefing packet. This guide contains many valuable selling points of the program, as well as providing you with answers to many questions that you may encounter from owners. Having the basic knowledge of the program and the ability to articulate clearly how the program works will put the owner 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. So think from the owner's point of view: why would he/she want to rent to you rather than someone else (not on the Housing Voucher Program)?

Many owners 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 owner at the beginning. Explain the situation clearly and rationally. There are owners who are willing to give families a second chance. See the following documents that are included in your briefing packet: *Tips for Finding Rental Housing*, *Creating a Tenant Portfolio* and *Obtaining and Understanding Your Credit Report*.

Things to ask the owner

- What is the security deposit amount?
It is your (tenant) responsibility to pay the deposit to the owner. The owner may ask for 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?
- Are pets allowed?
- How are maintenance requests submitted, in the event you need a repair to your unit?

Submitting a Request for Tenancy Approval (RTA)

In order for the HACSM to begin the process for approving the lease for a unit, we require the following:

- A completed and signed Request for Tenancy Approval form (two sided)
- Copy of the owner's proposed lease

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 RTA and owner's proposed lease, a HACSM representative will contact you and the owner within 5 working days.

Inspecting the Unit

The HACSM is required by HUD to conduct a Housing Quality Standards (HQS) inspection prior to beginning a lease. HACSM 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.**

HACSM staff will also negotiate the contract rent with the owner, based on the overall condition of the property and rents for comparable units. In some cases, the HACSM requires the owner to produce its rent roll to ensure the owner does not charge more rents to voucher participants.

Do not move into the unit until the HACSM approves the unit and all parties agree to the move-in date. **You will be responsible for 100% of the contract rent if you move in prior to HACSM's approval and the effective date of the lease.**

If the unit fails the move-in (initial) inspection, the owner will be informed of the failed items and be given time to make the repairs. You should 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 HACSM 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, provided **you have time left on your voucher when you submitted your last RTA.**

For example, if your voucher has 14 days left on the day you submitted your last RTA, and 30 days have passed, and now the HACSM informs you that the RTA is denied because the unit failed inspection, even though your voucher expired, you will be given back 14 days to look for another unit.

Owner's Right to Information about You

Under the current regulations, the HACSM will provide a prospective owner upon written request, tenancy history for the past three years. The information will be provided either orally or in writing, and is limited to what is available in the HACSM records. Information provided will include the following:

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

Keeping Your Assistance

Receiving housing assistance requires that you comply with certain family obligations. These obligations are listed on your voucher. It is important that you become familiar with the obligations, as failure to comply will result in termination of your housing assistance.

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

- Not engage in threatening, abusive, or violent behavior toward any Housing Authority's personnel. Abusive or violent behavior includes verbal as well as physical abuse or violence.
- Not engage in any illegal use of a drug or have a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Respond to any written or oral communication from the HACSM promptly.
- Not breach an agreement with any Housing Authority to pay amounts owed.
- Not owe any money to any Housing Authority.
- Not enter into a "side agreement" with the owner to pay any amount above and beyond what is stated on your lease agreement.
- Not commit any drug-related criminal activity or violent criminal activity.
 - *Drug-related criminal activity is the illegal manufacture, sale, distribution or use of a drug, or possession of a drug with intent to manufacture, sell, distribute or use of a drug (controlled substance).*
 - *Violent criminal activity includes any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause or be reasonably likely to cause serious bodily injury or property damage.*
 - *Drug-related criminal activity or violent criminal activity means on or off the premises, not just on or near the premises.*

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.

Recertification and Inspection

Recertification

- The HACSM will conduct on-going recertifications with you to determine your continued eligibility.
- A biennial recertification schedule is reserved for families designated as elderly or disabled.
- Family composition changes must be reported in writing to the HACSM. You will be notified if an appointment or rent adjustment to your portion of rent is necessary.

Inspection

- The HACSM will conduct on-going unit inspections to ensure continued compliance with the Housing Quality Standards.
- Always report any needed repairs to your owner in a timely manner.

How to Request an Informal Hearing

The HACSM 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 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 HACSM policy and HUD rules.

In the case of termination of assistance, the HACSM must give the family an opportunity for an informal hearing before the HACSM terminates the Housing Assistance Payment (HAP) Contract. The HACSM will simultaneously provide notice of the contract termination to the owner 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 if the family wishes to contest the decision to terminate assistance. The notice will state to whom the hearing request should be addressed.

Lead-Based Paint Information

A brochure titled *Protect Your Family from Lead in Your Home* is included in the briefing packet. Read about the health hazards of lead base paint and its impact on children under the age of six. Lead based paint was used in homes 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 for a property owner 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. Owners, 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 in this briefing packet information on agencies that may offer help in such modification.

Violence Against Women Act

The Violence Against Women Act (VAWA) is a federal law that provides certain rights and protections to victims of domestic violence, dating violence or stalking, who are living in, or seeking admission to the Section 8 Housing Voucher programs. VAWA requires housing authorities to (1) place safeguards on admissions and terminations, (2) provide procedures for certification, confidentiality and notification, for victims of domestic violence. Request for assistance under VAWA should be directed to your caseworker.

We have included in this briefing packet a pamphlet titled *Notification of Rights and Responsibilities Under Violence Against Women Act*.

Request for Accommodation

Persons with disabilities may request a reasonable accommodation from HACSM in order to fully utilize this housing program and any related services. HACSM will make all reasonable efforts to be flexible in assisting persons with disabilities to participate in the program successfully. Requests for accommodation should be submitted to your case worker. The information received will be verified to ensure that the accommodation is reasonable.

Portability

NOTE: If you are a participant under the Foster Youth Transition, Shelter Plus Care, Supportive Housing, Moving to Work Self Sufficiency, Housing Readiness, Moderate Rehab, and Project-Based programs, you may NOT utilize the option of portability because either your subsidy is tied to a specific unit or with case management requirements.

Portability is one the features of the voucher program that allows you to use your housing 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 Voucher program, AND
2. You meet the income limits of the Housing Authority you are moving to, AND
3. You met San Mateo County residency preference during the eligibility determination period.

If you did not meet the San Mateo County residency preference during the eligibility determination period, you must lease with your voucher in San Mateo County for twelve consecutive months before you are qualify for 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.