



Baytown Housing Authority

"Building Communities One Family At a Time"

Landlord/Owner Information Packet

This packet has been prepared in appreciation of your interest in participating in the Section 8 Housing Choice Voucher HCV program

Section 8 HCV Program

The HCV program objective is to provide decent, safe, and affordable housing to low-income families. The program is regulated and funded through the Department of Housing and Urban Development (HUD) and is administered by Baytown Housing Authority (BHA). Eligible families may select private market rental units in the Baytown area; to include, all property within 5 miles of the city limits. This expansive housing choice encourages families to pursue employment or educational opportunities, assisting in their economic uplift.

Program Integrity

While most owner and landlords who participate in the HCV program comply with the required rules and terms of the Housing Assistance Payment (HAP) contract, occasionally some do not. The Housing Authority's goal is to prevent contract violations by making sure the program rules are understood.

Common owner violations include:

- Failing to maintain the property: The owner is responsible for normal maintenance and upkeep of the unit. Repairs must be made in a timely manner.
- Accepting payments after tenant vacates the unit: If tenant moves prior to the lease expiration, the owner must notify BHA immediately.
- Demanding or accepting side payments: BHA determines the amount the family pays for rent any additional payments must be approved by the Housing Authority.

The Payment Standard

Rental payment standards are set between 90% and 110% of the HUD established fair market value. No Housing Assistance Payment (HAP) will be approved until BHA has determined the requested rent is reasonable, by comparing other rentals in the same neighborhood. HUD occupancy guidelines determine the size or number of bedrooms a family is eligible to rent.

Non-Discrimination

As a landlord, you must abide by all applicable non-discrimination laws. It is illegal to discriminate against any person because of race, color, sex, national origin, familial status, religious preference, or

handicap. However, it would not be considered discriminatory to refuse a HCV tenant if they did not meet your screening criteria.

Screening and Selecting Tenants

BHA has confirmed families **eligible** for the HCV program but households have not been screened for suitability as tenants. As the landlord, it is your responsibility to select a resident for your property. The Housing Authority can provide current and previous address or landlord information.

BHA strongly encourages landlords to thoroughly qualify prospective tenants by reviewing:

- Rental and utility bill payment history
- Care of property
- Criminal background
- Respecting the rights of other to peaceful enjoyment of their residence

Per HUD regulations, the Housing Authority, has deemed any family to be **ineligible** for the program if:

- Convicted of manufacturing met-amphetamine on public housing premises anywhere in the U.S. or
- Evicted within the past 10 years for drug-related criminal activity or
- Evicted for violent criminal activity or
- Required to register as a sex offender or
- Engages in the illegal use of controlled substances or
- Commits action that constitutes a threat to any other residents or BHA staff

Voucher with Request For Tenancy Approval (RFTA)

Once you have selected a prospective tenant, sign the Tenant Voucher with RFTA Form. The eligible tenant will have these documents and will provide them to you for completion. By executing the RFTA, you are certifying the amount of rent most recently charged for the rental unit and certifying the reason for any change in the amount. You are not allowed to charge more rent for this unit than for other similar unassisted units.

Housing Quality Standards Inspection

Within 5 to 10 days of receipt of the RTFA, an inspector will contact you to schedule a unit inspection. At the time of inspection, the unit must be ready to move-in; which means, the unit must be vacant and all cleaning, repairs and remodeling must be finished. All utilities must be connected. All appliances must be connected and working. Attached you will find the Housing Quality Standards (HQS) Move-in Inspection Checklist for landlords. If the unit fails inspection, the landlord will be given a copy of the failed items that need correcting. Once completed, the landlord can contact the inspection department to arrange a re-inspection appointment.

New Landlord/Owner File

After unit passes inspection, landlord/owners provide the following information:

- Direct Deposit Authorization form with voided check (or deposit slip if savings account)
- Social Security Card or copy of a W-2 form or Employer Identification Number (EIN)
- Current Drivers License or Photo Identification issued by State or Work
- Recorded Warranty Deed or Quick Claim Deed
- BHA Landlord/Owner Forms

Also, a W-9 Form is attached to RFTA. At year-end, BHA will mail the IRS Form 1099.

Housing Assistance Payment (HAP) Contract

BHA will begin making subsidized rental payments to the owner after the unit inspection process is complete and the HAP contract has been signed. The HAP contract is an agreement between the BHA and the landlord that outlines the rights and responsibilities of both parties. BHA will directly deposit a portion of the rent payment into your bank account. BHA will only make deposits on the 1st or 15th of the month. If the contract is canceled, payments will be discontinued. The contract may be discontinued if:

- Unit does not pass periodic HQS inspection
 - Family violates their program obligations or commits fraud as determined by BHA
 - Landlord violates any obligations under the HAP contract
 - Family moves or vacates the unit without notice
- Important: Immediately call to inform BHA if tenant vacates the unit without notice

Monthly Rent Collections

The landlord must collect the tenants rent portion monthly and take action to evict families who are not current on their portion of the rent. The BHA rent portion will be deposited into your bank account as long as the contract is in effect.

Lease Agreement

The Lease is an agreement between the tenant and the landlord. The Lease must comply with state and local laws. BHA requires a copy of the signed Lease to be maintained in the clients file. Any changes to the lease agreement must be in writing, signed and dated with a copy submitted to BHA.

The initial lease term is for (12) twelve months and may be renewed on a yearly or month-to-month basis. After the initial one-year term, the landlord may choose not to renew the lease agreement by giving at least (30) thirty days written notice to the tenant. The 30-day notice must be effective only at the end of a month and a copy of the notice must be provided to BHA.

Lease Renewal

Renewal packets are mailed to the tenant approximately 3 months prior to lease termination. The tenant is required to contact the landlord to complete the RFTA. If you plan on increasing the contract rent, you must give 60 days written notice to the tenant and a copy to BHA. Requested rent increases do not automatically take effect, the increase must be approved by BHA.

Lease Termination

Mutual Rescission: During the initial 12-month term of the Lease, the landlord and tenant may sign an agreement to rescind the Lease. The rescission date should be at the end of the month. BHA may not be able to pay a partial/prorated payment if the rescission date is not at the end of the month.

Eviction: The landlord may terminate the Lease by instituting a court action for violation of the terms of the Lease. A copy of the eviction notice and/or notice of intent to evict letters given to the tenant must be given to the BHA.

Overview of the HCV program procedures as it relates to the landlord:

1. Landlord submits BHA Landlord Vacancy form to advertise rental property available
2. Eligible prospective tenant contacts the Landlord to arrange a time to view the unit.
3. Landlord screens prospective tenants for suitability and selects a tenant
4. Landlord signs Request for Tenancy Approval and W-9
5. Tenant returns voucher to BHA
6. Landlord submits required landlord/owner information to BHA
7. Inspector schedules an HQS inspection with the landlord within 5-10 days
8. Lease agreement and HAP contract are executed when the unit passes inspection and rent reasonableness performed
9. BHA directly deposits the HAP to the Landlords bank account on agreed date. The first payment will be prorated, if the unit passes inspection after the first of the month.

Link to Landlord/Owner forms: <http://www.baytownhousing.org/>

- Vacancy Listing
- Direct Deposit
- Change of Address
- Change of Management
- Change of Ownership
- Request Re-Inspection
- Request Rental Increase



HQS Inspection Checklist

HUD has published an official inspection guidebook entitled "A Good Place to Live!" but since it's over 20 pages, we have listed the most important inspection checks below. These are also the most common reasons for failing HQS inspections so do pay special attention to them:

Windows and Doors

- The windows must not be damaged or missing
- All ground floor windows must have locks
- All windows must be able to open and stay open
- All doors leading outside must have locks and deadbolts

Flooring, Ceilings and Walls

- The flooring, walls and ceilings must not have any serious defects such as serious bulging, sagging, large cracks, loose surface or other major damages
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- The flooring must not have any serious damages and cracks that will cause someone to trip and fall
- The ceiling and roof must not leak. Stained ceilings are often a tell-tale sign of leakage
- The interior walls of the property must not have chipped or peeling paint

Plumbing and Sanitation

- The property must have a fixed water basin, flushing toilet and shower/bath tub
- There must be no plumbing or water leaks
- There has to be hot and cold running water in both the kitchen and bathroom
- The bathroom must have either a window or exhaust fan

Lighting and Electrical Fixtures

- There must be at least 1 working light each in the kitchen and bathroom
- All electrical outlets must be working and come with cover plates
- There must be a working heating system for the property

Structural and Fire Safety

- There must be a working smoke detector for every rental unit and on every level of the property
- All stairs and railings must be secure
- If you own a rental building - The walkways, porches, lifts and other common areas have to be properly maintained to avoid tenant injury.

This brief listing is for the purposes of information only is not intended as a completed listing. Check HUD and local codes for other requirements. For More Information visit www.hud.gov

BAYTOWN HOUSING AUTHORITY (HQS Inspection Update)

The Baytown Housing Authority is now conducting biennial inspections (effective September 1st, 2014) instead of annual inspections. According to Notice PIH 2014-12, HUD has implemented this change. The biennial inspection process will help to reduce our administrative costs and make the process easier for the landlord and the tenant. It is very important that the landlord and the resident communication with each other regarding the condition of the unit. The landlord must conduct pre-inspections of the unit to make any repairs prior to the biennial inspection. This will enable the biennial inspection process to go smoothly and avoid numerous call back inspections.

- Q. How will the biennial inspection process work?**
- A. If your unit is inspected in 2015, you should not expect another inspection until 2017 unless a "Special Inspection" or a "Rent Increase" request inspection is scheduled.
- Q. How will I know what year my unit will be inspected?**
- A. The BHA will continue to provide reasonable notice of inspections by written communication.

BAYTOWN HOUSING AUTHORITY

(Abatement of Payments)

The PHA must abate HAP payments to owners who do not comply with notifications to correct HQS deficiencies within the specified time period: 24 hours or 30 days depending upon the nature of the deficiency. For valid reasons, the PHA may extend the time period. Placement of abatement must occur by the first of the month following expiration of the notice.

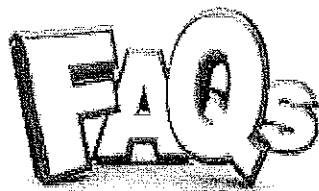
Following a failure to comply with a notice of deficiency owners are not entitled to HAP payments from the first of the month until the day the unit passes HQS.

For Example:

- The owner receives a notice of violation in May to correct deficiencies by June 20 or abatement of payment will occur on July 1. The owner does not comply on June 20th. An abatement is placed on July 1 unless the owner complies prior to July 1. (The PHA may allow the owner to request a re-inspection of the unit for compliance with HQS before or after the abatement has been placed.) If unit passes re-inspection, the PHA may reinstate HAP payments on the day the owner complies and reverse any notice of abatement or cancellation of HAP contract that may have been issued.

HCVP (Housing Choice Voucher Program)

Landlord



Q. What is the HCV housing assistance payment program?

A. HCVP is a rent subsidy program that assists elderly, disabled, handicapped and low income families in their rental payments. Residents can pay up to 40% of their annual adjusted income toward the rental of the unit to the owner. The Housing Authority makes monthly payments directly to the owner on behalf of the family. The "housing assistance payment" is the difference between the tenant's portion and the actual rent. The family negotiates directly with the landlord to secure rental accommodations best suited to their need and meet the housing quality requirements of the program.

HCV program is a federally funded program.

Q. How can I list my property through HCV (Section 8) Program?

A. If you would like to rent to HCVP tenants, you should contact your local public housing agency to let them know you have an apartment/house available. They will add your home/apartment to their listings. This is a free service. You may also advertise on your own. If you place an ad in the local newspaper, include a notice stating that you welcome HCVP participants.

Q. If a landlord lists his property with a Housing Authority, is he/she guaranteed tenants?

A. No. A Housing Authority cannot refer tenants to owners. Housing Authorities only list owners who are interested in participating in the program. It is the responsibility of the tenant to contact the owner.

Q. Is a landlord required to house each person who has been certified from the Housing Authority?

A. No. the landlord may rent to anyone he/she wishes, provided he/she does not discriminate against race, color, religion, sex, national origin, familial status, and handicap (disability). A landlord may participate in the HCV program with only one tenant if he wishes. At no time will the Housing Authority require a landlord to house a tenant. It is acceptable to have prospective tenants' complete applications as part of the landlords screening process as long as you do this for all families. The selection of the tenant is at the discretion of the owner. The HCVP is designed to give each family the opportunity of selecting their own housing in an area they wish to live. The tenant is not limited to the agency's list. They may use other means to find housing.

Q. Are there rent limits?

A. Housing Authorities do have reasonable rent limitations. The rent you charge must be reasonable compared to other units of similar size in your community. The Housing Authority inspector will compare your rent to the Housing Authorities payment standards, which are based in part on the fair market rents in your city or town. The fair market rents are the average gross rents (rent plus utilities) being paid in your community for modest apartments of varying sizes.

Q. Must the housing unit meet any particular criteria?

A. Yes. First and foremost, the housing unit must be safe, decent, and sanitary and meet the housing quality standards.

Q. What type of housing may be utilized in HCV program?

A. Apartments, homes, and duplexes may be used in the HCV program.

Q. Is there a restriction on the number of persons permitted in a particular size unit?

A. Most Housing Authorities try to limit two persons per bedroom. Tenants are certified for units based on family size. All families eligible for participation in the housing assistance payments program will have voucher that has been issued by the agency. The families voucher will show the unit size issued. Make sure the size of your unit matches your voucher.

Q. Must a landlord take pets?

A. No. This is up to the discretion of the owner.

Q. How and when does the landlord receive rental payments?

A. The payment from the Housing Authority direct deposited into the owners account within five working days from the first of each month. Monday thru

Thursday are considered working days while holidays and weekends are excluded.

Q. How much can I ask for a Security Deposit?

A. You can ask for as much is allowable under local law, typically one month's rent.

Q. Who pays for damages to the property during occupancy?

A. Damages beyond the normal wear and tear and are tenant related can be paid for by the tenant. You should have a standard practice listed in the lease as to how damages will be paid for by the tenant. After the tenant moves out, you may take compensation for damages beyond the normal wear and tear from the tenant security deposit.

Q. What involvement does the Housing Authority have after the tenant has been housed?

A. The Housing Authority encourages all problems to be handled on a landlord/tenant level. The major purpose of the Housing Authority is to subsidize rents, not manage the landlord's property, or his subsidized tenants. However, the Housing Authority will assist a landlord if he/she or tenant is having a particular problem.

Q. Are recipients restricted in areas where they may seek housing?

A. Yes. Currently Housing Authority voucher are valid within certain geographical boundaries. The Baytown Housing Authority vouchers are valid within Baytown and within 5 miles out of the Baytown area.

Q. May a landlord evict an unsatisfactory tenant?

A. Yes. With good cause and proper legal procedures the owner may have the tenant legally evicted from the unit. The Housing Authority cannot evict the tenant for you. With substantial proof of non-payment of rent, damage beyond normal wear and tear, illegal use of the unit, etc., the owner may give written notice to the tenant to vacate the unit by a specific date. The property owner must advise the Housing Authority of his intent to begin eviction proceedings by providing a copy of the initial notice to the Authority. The owner must adhere to local and state eviction laws in the eviction of Section 8.

Q. May an owner sell a property occupied by a HCV tenant?

A. Yes, you must contact the HCV caseworker and notify the family as soon as possible in the event of an ownership change.

Q. **Why should a landlord consider participating in the Section 8 program?**

- Monthly rent guarantee
- Low Vacancy
- Good Residents