Section 8 Housing Choice Voucher

Landlord Briefing
MDHA Mission Statement

To create affordable housing opportunities for Nashvillians, nurture our neighborhoods, and build a greater downtown.
Purpose

- To provide an explanation of the MDHA policies and procedures.
- To familiarize you with the required forms and documents used in our program.
What is the Housing Choice Voucher (HCV) Program?

The Housing Choice Voucher program is a rental assistance program funded by the U.S. Department of Housing and Urban Development (HUD). The program provides rent subsidies in the form of Housing Choice Vouchers to low income individuals and families to enable them to afford decent, safe, and sanitary housing. HUD allocates these Housing Choice Vouchers to the Metropolitan Development and Housing Agency (MDHA).
The Role of HUD

- Provide funding for the HCV program to MDHA.
- Develop regulations, guidebooks, and notices that help in the implementation of the program.
- Monitor MDHA compliance through the conduction of audits.
The Role of MDHA

- To determine family eligibility based on HUD requirements & their family composition & total family income.
- To inspect units to ensure compliance with HUD Housing Quality Standards and HCV requirements
- To execute Housing Assistance Payments (HAP) contracts and issue housing assistance payments to owners & families.

MDHA does not act as the property owner or manager. It is the responsibility of the property owner or their agent to screen and select the tenant and to enforce the terms of the lease.
The Role of the Property Owner

- Perform routine management functions including: screening & selecting tenants, maintaining the property, collecting rent, & handling tenant complaints.
- Execute, enforce, & comply with the lease agreement and lease addendum signed with the family.
- Enter & comply with the Housing Assistance Payments Contract (HAP).
- To collect only the amount of rent from the tenant that is specified in the lease and/or HAP Contract or any Notice of Change amendments to the HAP Contract.
- To notify MDHA immediately if the assisted family vacates the unit. Knowingly accepting HAP for a vacant unit & not reporting it to MDHA is breach of contract.
The Role of the Property Owner (continued)

- To notify MDHA immediately if any utility services are disconnected.
- To provide proof of ownership and management agreement, if applicable for the assisted unit.
- To provide a W-9 form for the purpose of 1099 reporting to the IRS and provide a Direct Deposit Authorization form, including verification of their taxpayer identification number and a copy of a check corresponding to the direct deposit account.
- To notify the family and MDHA in writing of a rent increase at least 60-days prior to the effective date of the increase.

**Note:** *It is the policy of MDHA to only entertain requests for rent increases as of the family’s annual re-determination date.*
The Role of the Family

- Supply any information that MDHA or HUD determines to be necessary to certify eligibility for initial program participation, annual & interim re-examinations.
- Allow MDHA to inspect the unit at reasonable times and after reasonable notice.
- Notify MDHA & the owner, in writing, before vacating the unit or terminating the lease.
- Use the assisted unit for residence by the family. (no sub-leasing)
- Promptly notify MDHA in writing of the birth, adoption, or court awarded custody of a child.
The Role of the Family

- Request MDHA written approval to add any other family member as an occupant of the unit.
- Connect & maintain utilities in the head of households name or other adult family member.
- Enter into lease agreement & lease addendum with landlord.
- Adhere to all lease & lease addendum requirements, including paying family portion of rent, paying utility bills & maintaining appliances not provided by the owner.

** The owner can not evict a tenant for non-payment of the MDHA portion of rent, only the portion paid by the family.
Other Requirements (Family)

- MUST NOT pay the OWNER any additional rent or amounts that are not part of the lease.
- MUST connect the utilities that are the Family’s responsibility in the head-of-household’s name. Utilities must be connected and smoke detectors must work at all times.
- MUST notify MDHA if an OWNER does not make repairs in a timely manner.
- MUST notify MDHA of any absences from the unit over two weeks.
Who selects the resident?

The landlord is responsible for screening & selecting families for their rental units. MDHA cannot be involved in the screening processes.

A few things to consider:

- Contact former landlords about tenancy & payment history
- Conduct criminal & credit checks
- Comply with the Fair Housing Laws that prohibit discrimination in housing because of race/color, national origin, religion, sex, familial status, & handicap.

Landlords should utilize the website [www.TNHousingSearch.org](http://www.TNHousingSearch.org) to list property listings.
Steps to becoming a landlord!

1. Select your tenant.
2. Submit the Request for Tenancy Approval (RTA) & required information to set up an account with MDHA.
3. Prepare the unit for the inspection process.
4. Upon passed inspection execute the lease and submit a copy to MDHA.
5. Sign the HAP contract.
6. HAP payments are issued.

MDHA DOES NOT recommend allowing the family to move into the unit prior to the unit passing inspection. If the family moves into the unit prior to the unit passing inspection, the family is responsible for 100% of the rent until the unit passes inspection and all documents are completed, submitted, & signed.
Landlord Information

Landlords are required to complete the required forms & provide required documentation in order to set up an account to receive Housing Assistance Payments from MDHA.

- Copy of Social Security Card or verification of Tax ID number (This must originate from the IRS or SSA & show both the name of the individual/entity and the tax ID associated with that individual/entity)
- Voided Check attached to the completed Authorization for Direct Deposit form (DEPOSIT SLIPS & COUNTER CHECKS ARE NOT ACCEPTABLE)

**ALL LANDLORD PAYMENTS ARE PROCESSED THROUGH DIRECT DEPOSIT!**

- If necessary, management agreement between owner and agent or management company
- Proof of ownership of unit
- Completed W-9 – REQUEST FOR TAXPAYER IDENTIFICATION NUMBER & CERTIFICATION
Security Deposits

All tenants are responsible for their own Security Deposit in accordance with state and local laws. Deposits cannot exceed one month's rent. The Security Deposit for a Section 8 participant cannot be more than what is charged for a market tenant.

MDHA does not pay security deposits!!
Request for Tenancy Approval (RTA)

The RTA begins the move-in process. The receipt of this information allows MDHA to negotiate rent and determine rent reasonableness. Upon approval, the inspection is requested. The form must be completed in its entirety and include:

- Address of unit
- Requested beginning date of lease
- Number of bedrooms
- Year constructed
- Proposed rent
- Amount of security deposit
- Utilities & appliances provided by the owner and utilities & appliances that will be the responsibility of the family
- Signatures of owner/representative and head of household

In signing the RTA the owner certifies that the rent charged for the HCV family is not more than the rent charged for unassisted unit and that they are not the parent, child, grandparent, grandchild, sister, or brother of any member of the family.
Effective immediately, RTA’s should be submitted the New Contract Team. The form should be submitted to Pam Sabb via fax at 615-687 9982, email psabb@nashville-mdha.org or in person, who will distribute the form to the assigned Specialist. However, all SPC or VASH RTA’s should be submitted to Melissa Nolan via fax at 615-687-9988 or email At mnolen@nashville-mdha.org. Upon approval of the RTA MDHA will send both the tenant & landlord a letter indicating approval, the amount of estimated assistance and that an inspection has been requested.

The New Contract Team and their assigned caseload assignments are:

Lead Specialist – Sharon James
Specialist – Tashayna Spellman
Specialist – Darryl Lawson
Specialist – Melissa Nolan
Secretary – Pam Sabb
Lead poisoning can damage a child’s nervous system, brain, kidneys, hearing, vision, and even cause death. Lead dust from moving parts of windows and doors painted with lead-based paint, soil contaminated with lead, and lead-based paint that is chipping or pealing are all sources for lead poisoning. The lead dust and paint chips get on the children’s hands, toys, and pacifiers. When they put these things to their mouths, lead gets into their bodies. If the inspector determine lead-based paint is present, the suspect areas must be treated.

Units built prior to 1978 may contain lead-based paint. Before renting a unit built prior to 1978 the landlord must disclose to the family any knowledge of lead-based paint in the unit. Families must also receive the "Protect Your Family from Lead in Your Home" pamphlet & sign the disclosure form.
Inspections

- Each unit must pass an HQS inspection before the assisted family may move into the unit. If the family currently occupies the unit, it must pass an inspection before housing assistance payments may begin.

- The unit must be re-inspected at least every 12 months while the unit remains on the Housing Choice Voucher program. Each family is assigned an annual recertification date that usually corresponds with the initial move-in date to their current unit.

- The unit is inspected and the family’s eligibility is re-determined 60-90 days in advance of the annual recertification date each year.

- Deficiencies found during the inspection that pose an immediate danger or threat to the health and/or safety of the family require correction within 24 hours or 72 hours depending on the item of deficiency. The HAP may be abated if these items aren’t repaired within the specified time period.
The Metropolitan Development and Housing Agency will inspect all units to ensure that they meet Housing Quality Standards (HQS). No unit will be initially placed on the Section 8 Program unless the HQS is met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.

The Metropolitan Development and Housing Agency must be allowed to inspect the dwelling unit at reasonable times with reasonable notice. The family and owner will be notified of the inspection appointment by first class mail. If the family can not be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable the Housing Agency to enter the unit and complete the inspection.

If the family misses the scheduled inspection and fails to reschedule the inspection, the Metropolitan Development and Housing Agency will only schedule one more inspection. If the family misses two inspections, the Metropolitan Development and Housing Agency will consider the family to have violated a Family Obligation and their assistance will be terminated.
There are five types of inspections the Metropolitan Development and Housing Agency will perform:

A. **Initial Inspection** - An inspection that must take place to insure that the unit passes HQS before assistance can begin.

B. **Annual Inspection** - An inspection to determine that the unit continues to meet HQS.

C. **Special Inspection** - An inspection caused by a third party, i.e. HUD, needing to view the unit, a complaint that has not been resolved between tenant and landlord. Upon receipt of a report of non-response to a maintenance or repair request, the specialist will notify the non-complying party and inspection staff in writing within 24 hours. The notice will state the issue(s) they have not responded to and that they must send a resolution response to MDHA within ten (10) working days, unless an emergency fail item(s), which require repair within 24-48 hours. If no response or no resolution within allotted time frame, MDHA will conduct an inspection to verify condition(s) and take appropriate action.

D. **Emergency** - An inspection that takes place in the event of a perceived emergency. These will take precedence over all other inspections.

E. **Quality Control Inspection** - Supervisory inspections on at least 5% of the total number of units that were under lease during the Housing Agency's previous fiscal year.
Time Frames for Corrections

1. Emergency repair items must be abated within 24 hours.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be abated within 72 hours.
3. Non-emergency items must be completed within 30 days of the initial inspection.
4. For major repairs, the owner will have up to 30 days to complete.

Extensions
At the sole discretion of the Metropolitan Development and Housing Agency, extensions of up to 30 days may be granted to permit an owner to complete repairs if the owner has made a good faith effort to initiate repairs. If repairs are not completed within 60 days after the initial inspection date, the Metropolitan Development and Housing Agency will abate the rent and cancel the HAP contract for owner noncompliance. Appropriate extensions will be granted if a severe weather condition exists for such items as exterior painting and outside concrete work for porches, steps, and sidewalks.
Minimum Acceptable Standards
To be eligible for assistance, all units must meet the HUD-provided minimum Housing Quality Standards. These are defined in 24 CFR Section 982.4, HUD’s Housing Inspection Manual, and the Form HUD-52580-A. An inspection report is completed at every initial, annual, special, and move-out inspection. The inspection booklet - Form 52580-A, and all correspondence related to the inspection are retained in the tenant file.

MDHA complies with the criteria as defined in the above named documents with the following additions and clarifications. All HQS requirements are not restated in this manual.
Annual Inspections

In the case of non-emergency fail items the owner will receive a notice of failed inspection and a Housing Quality Standards (HQS) Repair certification by mail or email within 3 to 5 business days. The landlord has 30 days to make repairs & submit the HQS Repair certification by the due date. Failure to submit the certification by the deadline will result in abatement of Housing Assistance Payments (HAP) and/or Termination of the HAP Contract.

HQS Repair Certifications may be submitted in the following ways:

Fax: 615-252-6722
Email: pwilliams@nashville-mdha.org
Mail: MDHA
Attn: Gail Williams
P.O. Box 846
Nashville, TN 37202
Abatements

- When a unit fails to meet HQS and the owner has been given an opportunity to correct the deficiencies, but has failed to do so within the required timeframe, the rent for the dwelling unit will be abated.

- The initial abatement period will not exceed 7 days. If the corrections of deficiencies are not made within the 7-day timeframe, the abatement will continue until the HAP contract is terminated. When the deficiencies are corrected, the Metropolitan Development and Housing Agency will end the abatement the day the unit passes inspection. Rent will resume the following day and be paid the first day of the next month.

- For tenant caused HQS deficiencies, the owner will not be held accountable and the rent will not be abated. The tenant is held to the same standard and timeframes for correction of deficiencies as owners. If repairs are not completed by the deadline, the Metropolitan Development and Housing Agency will send a notice of termination to both the tenant and the owner. The tenant will be given the opportunity to request an informal hearing.
Rent Increases

Rent increases are only considered at the anniversary date of the Housing Assistance Payment (HAP) Contract. The owner must submit a written notice to the tenant, with a copy to MDHA, at least 60 days prior to the anniversary date of the HAP contract. The requested contract rent is then compared to rents being charged for unassisted comparable units. If the requested rent is at or below the comparable rent and the contract unit meets HQS requirements, the requested rent will be approved. If the requested rent is greater than the comparable rent, the new contract rent will be limited to the comparable rent level, even if it results in a reduction in contract rent.

Any requests for rent increases not submitted within the time frame and form as stated above will not be honored until the following anniversary date of the HAP Contract.
Rent Reasonableness

Requested rents are evaluated on a unit-by-unit basis, taking into consideration current market rents for comparable unassisted units in a given community.

The criteria used for evaluation are items such as:
- Size - number of bedrooms and baths, square footage;
- Condition - age of unit, carpet, vinyl, evidence of on-going maintenance;
- Location - proximity to schools, shopping, etc.;
- Amenities - central heat/air, appliances included such as refrigerator, oven/stove, dishwasher, washer/dryer or connections, blinds or other window coverings, garage, etc.

**Section 8 rents may never exceed rents charged for a comparable unassisted unit in the same building.**

**Side Payments**
The collection of side payments from tenants is a serious offense & a violation of the HAP contract. Side payment include, but are not limited to:
- Rent payments above the contract amount approved by MDHA
- Fees for appliances, routine maintenance or additional charges for utilities that are included in the rent or the landlord agreed to pay
Terminations

A family **may** be terminated from the Housing Choice Voucher program for any serious repeated violation of the lease or failure to comply with HUD and/or MDHA program regulations. Violations may include but are not limited to:

- Drug related activity
- Violent criminal activity
- Fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program
- Debts owed to MDHA or another PHA in connection with Section 8 or public housing.

MDHA requires that landlords provided copies of termination and eviction notices served upon families be provided to MHDA.
Thank you for your interest in our program and taking time out of your schedule to attend this briefing.

The Housing Provider’s Handbook is available as a part of this briefing.

Please feel free to contact our office if you have any questions, comments, or suggestions at 615-252-6500 or Section8@nashville-mdha.org.

You may also visit our website at: http://www.nashville-mdha.org/section8.php