



MDHA Section 8 Housing Choice Voucher Program

Landlord Briefing
March 31, 2017

Agenda

- Introduction of MDHA Staff attending
- Housing Choice Voucher Program Presentation
- Assessment of Fair Housing
- Questions and Answers



MDHA Mission Statement

The mission of MDHA is to create affordable housing opportunities, support neighborhoods, strengthen communities and help build a greater Nashville.



Purpose of Meeting

- To provide an explanation of the MDHA policies and procedures.
- To familiarize you with the required forms and documents used in our program.
- Tell you anything new and answer any questions you may have.



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).

Number of Households Assisted By MDHA

- 7439 Total Vouchers/Other Forms of Assistance Allocated
- 6591 Tenant-Based Vouchers
- 468 Tenant-Based VASH Vouchers
- 32 Project-Based VASH Vouchers
- 230 Shelter Plus Care
- 118 SRO



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 systems monitoring and 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 into and 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.



The Role of the Property Owner (continued)

- 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.
- To notify MDHA immediately if any utility services are disconnected.
- To send proper written notice to the family and to MDHA pertaining to changes in the lease, lease violations or termination of tenancy.



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 any changes in household composition or household income



The Role of the Family

- Request landlord and MDHA written approval to add any other family member as an occupant of the unit.
- Connect & maintain utilities in the head of household's or other adult household member's name.
- 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 may not evict a tenant for non-payment of the MDHA portion of rent, only the portion due by the family.**



Other Requirements For the Family

- MUST NOT pay the OWNER any additional rent or amounts that are not part of the lease.
- 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 that will exceed two weeks.



Who selects the resident?

The landlord is responsible for screening & selecting families for their Rental units. MDHA is not involved in the screening process.

A few things to consider:

- Contact former landlords about tenancy & payment history
- Conduct criminal background & 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 are encouraged to list their properties at:

www.TNHousingSearch.org



Steps to becoming a landlord!

- 1. *Select a tenant with a valid voucher issued by MDHA.***
- 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 – see <http://www.nashville-mdha.org/wp-content/uploads/2015/02/InspectionChecklist1.pdf>***
- 4. *Upon passed inspection execute the lease and submit a copy to MDHA.***
- 5. *Sign the HAP contract.***
- 6. *HAP payments are issued by MDHA on behalf of the family.***

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 certain forms & provide specific documentation in order to set up an account to receive Housing Assistance Payments from MDHA.

- Completed W-9 – REQUEST FOR TAXPAYER IDENTIFICATION NUMBER & CERTIFICATION form, along with a copy of the Social Security Card or verification of Tax ID number that shows both the name of the individual/entity and the tax ID associated with that individual/entity. (This must originate from the IRS or SSA)
- Completed Authorization for Direct Deposit form with a voided **Check** attached (DEPOSIT SLIPS & COUNTER CHECKS ARE NOT ACCEPTABLE)
- Proof of ownership of unit and if applicable, a copy of the management agreement between the owner and agent or management company

ALL MDHA PAYMENTS ARE PROCESSED THROUGH DIRECT DEPOSIT!



Security Deposits

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

Deposit Assistance from MDHA is now available for Shelter Plus Care and VASH Program Participants



Request for Tenancy Approval (RTA)

The RTA initiates the move-in process. The receipt of this information allows MDHA to determine rent reasonableness and whether or not the family is eligible for the unit.

Upon approval of the RTA, 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
- Which utilities are paid for by the owner and which utilities are paid for by the family, and who provides the stove and refrigerator
- Signatures of owner/agent and head of household

By signing the RTA the owner certifies that the rent charged for the HCV family is not more than the rent charged for unassisted units and that they are not the parent, child, grandparent, grandchild, sister, or brother of any member of the family.



Request for Tenancy Approval (RTA) - continued

All RTA's are processed through our New Contract Team. The RTA should be submitted to Pam Dotson via fax at 615-687-9982, email pdotson@nashville-mdha.org or in person at our Dew St. office. The RTA is then distributed to a Specialist to determine the eligibility of the family selected. Upon review of the RTA MDHA will notify the tenant & landlord whether or not approved, and if approved, the amount of estimated assistance and that an inspection has been requested.

The New Contract Team:

Lead Specialist – Darryl Lawson
Leasing Assistant – Pam Dotson
Specialist – Donyale Jackson

Specialist – Candace Hyde
Specialist – Lisa Thompson
Support Clerk – Mary Ann Bass



Lead Based Paint

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 peeling 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. Forms are available on the EPA website at <http://www2.epa.gov/lead/documents-and-outreach-materials>



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.
- 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 severity of deficiency. The HAP may be abated if these items aren't repaired within the specified time period.



Housing Quality Standards (HQS)

- MDHA 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 HQS requirements are met. Units will be inspected at least annually, and at other times as needed, to determine if the units meet HQS.
- MDHA 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 cannot be at home for the scheduled inspection appointment, the family must call and reschedule the inspection or make arrangements to enable MDHA to enter the unit and complete the inspection.
- If the family misses the scheduled inspection and fails to reschedule the inspection, MDHA will only schedule one more inspection. If the family misses two inspections, MDHA will consider the family to have violated a Family Obligation and their assistance will be terminated.



Types of Inspections

There are five types of inspections MDHA 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 corrected within 24 hours.
2. Repair of refrigerators, range and oven, or a major plumbing fixture supplied by the owner must be corrected 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 MDHA, 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, MDHA 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. Inspection records and all correspondence related to the inspection are retained in the tenant record.

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 deadline 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 manner:

Fax: 615-248-2177

Email: RAinspectionDepartment@Nashville-MDHA.org

Mail: MDHA

Attn: Sabrina Raines

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 will be paid on the next scheduled check run.
- 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 comparable unassisted 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. A Rent Increase Request form is available on our website at http://www.nashville-mdha.org/wp-content/uploads/2015/03/Rent_Increase_Request.pdf.

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 the community.

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

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, washer/dryer or connections, blinds or other window coverings, garage, etc.

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 rent 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:

- Failure to complete required re-examination
- Drug related activity
- Violent criminal activity – exceptions for domestic violence victims
- 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.

Landlords are required to provide MDHA with copies of all lease violation and eviction notices issued to a family.



Uniform Residential Landlord and Tenant Act (URLTA)

Tenn. Code Ann. § 66-28-101 (2012)

- The URLTA applies only in counties having a population of more than sixty-eight thousand (68,000), according to the 1970 federal census or any subsequent federal census.
- This chapter applies to rental agreements entered into or extended or renewed after July 1, 1975. Transactions entered into before July 1, 1975, and not extended or renewed after that date, and the rights, duties and interests flowing from them remain valid and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or repealed by this chapter as though the amendment or repeal has not occurred.
- Unless created to avoid the application of this chapter, the following arrangements are not governed by this chapter:
 - Residence at an institution, public or private, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious, or similar service;
 - Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to the purchaser's interest;
 - Transient occupancy in a hotel, or motel or lodgings subject to city, state, transient lodgings or room occupancy under the Excise Tax Act, compiled in title 67, chapter 4, part 20;
 - Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative; or
 - Occupancy under a rental agreement covering premises used by the occupant primarily for agricultural purposes.

This chapter shall not apply to any occupancy in a public housing unit or other housing unit that is subject to regulation by the department of housing and urban development and owned by a governmental entity or non-profit corporation to the extent such regulation conflicts

Full Act may be found at

<http://www.lexisnexus.com/hottopics/tncode/>.



Legal Aid Society

http://www.las.org/about_new

- Legal Aid Society is a private, non-profit organization that provides free legal services to people with low income.
- They also publish free booklets on issues low-income households face every day, including a Renter's Rights booklet that provides a very good summary of the laws that govern the landlord and tenant relationship. These booklets can be found at:
[http://www.las.org/booklets/booklets.](http://www.las.org/booklets/booklets)



Violence Against Women Act – VAWA 2013

- On March 7, 2013, the President signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). VAWA 2013 expands the number of HUD programs covered. The law is directed at reducing domestic abuse and creating new protections for victims of domestic violence, dating violence, sexual assault and stalking, and requires that participants under the Housing Choice Voucher Program be notified of their rights and responsibilities under VAWA.
- The law prohibits the eviction of, and removal of assistance from, certain persons living in Section 8-assisted housing if grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in the law as amended. The law provides that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and shall not be "good cause" for terminating the assistance, tenancy or occupancy rights of a victim of abuse. Additionally, tenancy, assistance or occupancy rights will not be terminated as a result of criminal activity, if that criminal activity is directly related to abuse engaged in by a member of the household, a guest or another person under the tenant's control if the tenant or an affiliated member of the tenant's family is the victim or threatened victim of that abuse.
- The law contains a provision that allows the landlord to terminate the tenancy of and evict a tenant, and MDHA to terminate assistance to a Section 8 program participant who engages in criminal acts of physical violence against family members or others. This action may be taken against the individual alone without evicting or terminating the tenancy of the victim of such violence and other household members. However, the victim may be subject to termination of tenancy and/or assistance if there is an actual and immediate threat of harm to others or for other lease violations not based on domestic abuse.
- Tenants (male or female) who report to MDHA or to their landlord that they are a victim of domestic abuse must certify within 14 business days they are a victim of abuse and the incidences of abuse are bona fide by completing HUD form 50066 (available upon request) or by providing other acceptable documentation. Without the certification, the assistance may be terminated. All information provided to MDHA or the landlord is to remain confidential, and the information will not be disclosed except as the law permits.



Metro Codes Landlord Registration Program

- The Tennessee State legislature passed a bill requiring all owners of residential rental property to register their property (Tennessee Code Annotated Title 66, Chapter 28-101).
- The program requires owners to submit information about their rental units. Owners must provide:
 - Their full contact information – Name, physical address with contact telephone number (No PO Box)
 - The number of units per property (duplex/triplex, etc.)
 - Name and contact information for their manager or registered agent who can act on their behalf
- This information is maintained in a database and will only be used in the event there is a codes violation at the property which requires correction.
- There is a state mandated registration fee of \$10.00. This fee is to be paid by each landlord/residential property owner. Each landlord or property owner is required to pay a single fee for all rental property owned in the County. An owner who owns a single duplex or triplex would only have to pay \$10.00 for that property. If more than one property is owned, the fee is still only \$10.00 for that landlord/owner. ***The fee is paid annually.*** Owners of rental property should contact the Property Standards Office to register at 862-6590. The registration fee should be made out to "Metro Codes Administration". <http://www.nashville.gov/Codes-Administration/Property-Standards/Landlord-Registration-Program.aspx>



What's New

- In February, MDHA Board approved conversion of an additional 700 tenant-based based vouchers to project-based vouchers, bringing our cap up to 900. A Request for Proposals was issued in August 2016 and we have begun awarding PBVs. To date, over 500 have been awarded or are in process of being awarded, 329 new construction. If interested please contact our office.



What's New

- In July, Congress unanimously approved the Housing Opportunity Through Modernization Act (H.R. 3700) and President Obama signed into law in August. H.R. 3700 streamlines the administration of assisted housing programs, provides incentives to residents to increase their earned income, helps residents move more quickly into units,



What's New

H.R. 3700 continued...

improves the project basing of housing choice vouchers, and impose limits on housing assistance for high-income families.

Final Rule has been published for some
HOTMA provisions to be effective
4/19/2017.



What's New

Specific changes under H.R. 3700 that will impact the HCV program are:

- Income deductions for elderly or disabled households. H.R. 3700 raises the standard deduction from \$400 to \$525, and increases threshold over which such households can deduct medical and care expenses from 3% to 10%.



What's New

- H.R. 3700 would require that resident rents be based on prior year income, except when setting initial rents. Residents whose income increases would not have their rent increased until their next annual recertification.
- PHAs will be required to adjust rents when a household's annual income decreases by 10% or more. The same 10% threshold applies for families whose income increases by 10%, except for when the increase is from earnings.



What's New

- H.R. 3700 allows PHAs to project-based another 10% of their tenant-based vouchers in areas where vouchers are difficult to use or to assist elderly or disabled, homeless, and Veterans. It also allows PHAs to commit to a 20 year contract, up from 15 years and gives more flexibility to the number of units in a property that can be designated for project-based vouchers.



What's New

- H.R. 3700 will allow occupancy by the family and Housing Assistance Payments to begin if the unit does not pass initial inspection due to non-life threatening conditions. The deficiencies from the failed inspection must be corrected within 30 days of initial occupancy in order for the landlord to continue receiving Housing Assistance Payments.

What's New

- In February, we launched a new landlord portal – Rent Café. If you have not registered, please do so. A link to the portal is on the Owners page of our website at <http://www.nashville-mdha.org/?p=1713>.

What's New

- Also in February, in partnership with the Mayor's office, we implemented the Landlord Incentive Program for VASH participants. Landlords can receive a \$1000.00 leasing bonus for renting to a homeless Veteran, and be eligible for reimbursement for unpaid damages and/or rent a Veteran owes upon moving from unit. (Up to 2 month's rent less deposit)



Thank You

Thank you for your interest in our program and taking time out of your schedule to attend our meeting.

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

For more detailed program information, please visit our website at: <http://www.nashville-mdha.org/rental-assistance-voucher-program/>