

# HOUSING JUSTICE

National Housing Law Project

Newsletter June 2009

## Introduction

Understanding the federal housing programs can be vital to accessing housing resources for survivors. These programs are often the only option for survivors with little or no income and also may come with unique protections for survivors, such as those found in Violence Against Women Act (VAWA). This newsletter provides a brief description of each housing program and explains how you can find this housing in your community.

## Overview of the Federally Subsidized Housing Programs

Three of the largest U.S. Department of Housing and Urban Development (HUD) programs are the public housing program, the Section 8 voucher program, and the project-based Section 8 program. HUD also funds several smaller affordable housing programs. Additionally, the U.S. Department of Agriculture funds Rural Development housing for low-income families in rural and suburban areas. Finally, the Low Income Housing Tax Credit (LIHTC) program provides tax benefits to private landlords who rent units to income-eligible tenants.

Occupancy in the federal housing programs is usually limited to tenants in particular income ranges, which are typically defined as a percentage of Area Median Income (AMI). As described below, the various housing programs may have different income limitations.

Advocates can direct survivors who are searching for affordable housing to the Rental Help page for their state on HUD's website. This

page provides contact information for federally subsidized developments and public housing agencies (PHAs). It also has information regarding waiting lists for PHAs. Additionally, the page provides links to housing counseling agencies, legal services agencies, and fair housing councils. Because waitlists for federally subsidized housing are usually long, survivors should apply for several different housing programs and, if possible, should apply in several cities and counties.

## Public Housing

Public housing units are owned and operated by a local public housing agency (PHA), commonly referred to as the housing authority. The PHA is responsible for collecting rents and maintaining the public housing units. Each PHA must administer its public housing program in accordance with rules set out by HUD. Although many people commonly associate public housing with inner-city high-rises, it can also consist of single-level apartments, duplexes, and single-family homes in rural, suburban, and urban areas.

To be eligible for public housing, applicants must have incomes at or below 80% of AMI. The PHA maintains a waitlist for applicants seeking to live in public housing, selects applicants from the waitlist, and screens the applicants' history to determine their suitability as tenants. A public housing tenant's rent is typically set at 30% of adjusted income, although the PHA may set a minimum rent of up to \$50. Advocates should contact their PHA to determine whether the pub-

*(Continued on page 2)*

**In this Issue:**  
**Overview of the Federally Subsidized Housing Programs**  
**Statistic of the Month**

*(Continued from page 1)*

lic housing waitlist is open. Survivors may apply to as many PHAs as they choose.

## **Section 8 Vouchers**

Section 8 vouchers, also called Housing Choice Vouchers, are issued by PHAs to low-income families. Families are then responsible for finding their own housing and can choose any dwelling that meets the requirements of the program. The PHA and the landlord enter into a contract under which the PHA agrees to pay a portion of the family's monthly rent directly to the landlord. The family pays the remainder of the rent amount that the PHA does not pay. A family's contribution toward the rent is generally set at 30% of its adjusted income, with some exceptions.

One feature of the voucher program that may be particularly important to domestic violence survivors is the family's ability to move with continued rental assistance, which is commonly called "portability." Families can take their vouchers and move to another unit in any jurisdiction in the United States where another PHA operates a voucher program. For this reason, Section 8 vouchers are often referred to as "tenant-based assistance."

Advocates should contact the PHA to determine whether the voucher waitlist is open. If a PHA administers both public housing units and Section 8 vouchers, applicants can be placed on both waitlists. A list of all the PHAs operating a voucher program, which includes each PHA's contact information, is available on HUD's website.

### **Statistic of the Month**

A 1997 survey of homeless parents in cities around the country found that 22 percent had left their last home because of domestic violence; among those who had lived with a spouse or partner, 57 percent left their last home because of domestic violence.

Homes for the Homeless & Institute for Children and Poverty, *Homeless in America: A Children's Story, Part One 23* (1999).

Survivors may apply to as many PHAs as they choose.

Eligibility for the voucher program is generally restricted to families whose income does not exceed 50% of AMI. The PHA determines which applicants receive voucher assistance in accordance with standards and procedures established by federal law and locally developed policies. Private landlords participating in the voucher program may have their own criteria for selecting tenants, such as credit and landlord reference checks.

## **Project-Based Section 8**

As its name implies, project-based Section 8 is a rental subsidy that is attached to a specific building. As a result, a project-based Section 8 tenant will lose her rental assistance if she moves out of the subsidized unit. Unlike public housing, owners of project-based Section 8 buildings are usually private individuals or corporations that have received HUD subsidies to provide affordable housing. The owner is responsible for collecting rent and maintaining the building. A family's contribution toward rent is generally set at 30% of the family's adjusted income, with some exceptions.

Families are eligible for project-based Section 8 if their income is less than 50% of AMI. Admissions decisions are made by the building's owner or manager, pursuant to a written tenant selection policy and procedures developed by the owner under HUD regulations and guidelines. Families typically apply for project-based Section 8 housing by contacting the building's owner or manager. HUD maintains lists of project-based Section 8 developments that can be searched by city or county.

## **Other HUD-Subsidized Programs**

There are several other programs in which private owners receive HUD subsidies to provide affordable housing. Examples include the Section 202 Supportive Housing for the Elderly Program, the Section 811 Supportive Housing for Persons with Disabilities Program, the Section 221(d)(3)

*(Continued on page 3)*

*(Continued from page 2)*

Below Market Interest Rate Program, and the Section 236 Rental Program. Importantly, Section 202 and 811 properties are covered by VAWA. In these programs, admission decisions are made by the owner or manager pursuant to a written tenant selection policy and procedures developed by the owner under HUD regulations and guidelines. Applicants must meet income eligibility requirements. Families apply for these programs by contacting the building's owner or manager. HUD maintains a list of these developments that can be searched by city or county.

### **Programs for the Homeless**

The federal government supports a variety of housing programs designed for homeless individuals and families, including the Supportive Housing program, Shelter Plus Care, and Section 8 Moderate Rehabilitation SRO housing. HUD maintains a county-by-county list of Continuum of Care Coordinators, who coordinate homeless assistance providers that receive HUD funds. These coordinators can help advocates locate federally subsidized housing for homeless clients.

### **Rural Housing Programs**

Rural Development (RD), an agency within the U.S. Department of Agriculture, supports several programs that provide affordable rental housing for low-income rural residents. Under the Section 515 Rural Rental Housing Program, RD makes loans to developers of affordable multifamily rental housing. Families are generally eligible for these properties if their income is less than 80% of AMI. The Section 514/516 Farm Labor Housing Program provides housing for tenants who receive a substantial portion of their income from farm labor. Under both programs, admission decisions are made by the owner or manager, pursuant to a written tenant selection policy and procedures developed by the owner under RD regulations and guidelines. RD maintains a list of rental properties on its website that is searchable by town and zip code.

## **Low Income Housing Tax Credit Program**

Low Income Housing Tax Credit (LIHTC) properties are owned by private landlords who receive tax benefits in return for renting to income-eligible tenants. The LIHTC program is administered by the Internal Revenue Service and the state's housing finance agency. Admissions decisions are made by the building's owner or manager, and the owner cannot discriminate against an applicant with a Section 8 voucher. LIHTC units have flat rents that are governed by federal law. HUD maintains a list of LIHTC properties on its website that is searchable by city or county.

### **Conclusion**

Finding affordable housing is vital to ensuring the safety of survivors. Federally assisted housing may be the best or, in some cases, the only option for low-income survivors. For help in determining what types of federally assisted housing are in your community, contact NHLP.

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**For technical assistance, requests for trainings or materials, or further questions, please contact:**

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