

Subsidized Housing Programs: A Basic Overview for Advocates

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GoToWebinar Interface

1. Viewer Window



2. Control Panel

The screenshot shows a GoToWebinar interface with two main sections. The '1. Viewer Window' on the left displays a presentation slide titled 'Give Online Punch' with a bird icon and contact information for Catherine Bishop. The '2. Control Panel' on the right contains audio settings, a chat window, and a question submission form. Red circles highlight the 'Mute' button, the 'Unmute' button, and the 'Ask a Question' button in the control panel.

Today We Will Cover

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- An overview of the public housing, Section 8 voucher and project-based Section 8 programs.
 - These are the three largest federally assisted programs that are affordable to the very lowest income families
 - There are other federal housing programs (Low-Income Housing Tax Credit, Rural Development, Section 8 Moderate Rehabilitation, Project-Based Voucher Program, Shelter Plus Care, Enhanced Vouchers, Sections 236, 221d3, 811 and 202, etc.) that we will NOT cover today. Contact NHLP if you need more details regarding these programs.

Why Does This Matter?

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- **Domestic and sexual violence advocates need a basic understanding of subsidized housing because:**
 - It is often the only housing survivors can afford on their own.
 - Access to subsidized housing may help survivors escape perpetrators.
 - Survivors may need assistance navigating the subsidized housing admissions process.
 - To improve survivors' chances of securing permanent housing, it is critical for advocates to form relationships with subsidized housing providers.

Why Does This Matter? (cont'd)

⑤

- **Domestic and sexual violence advocates need a basic understanding of subsidized housing because:**
 - Client may need to seek an adjustment in her rent as a result of factors related to domestic violence or sexual assault.
 - Client may need to relocate with her Section 8 voucher or to another subsidized property as a result of domestic violence or sexual assault.
 - Advocates may need to negotiate with subsidized housing providers to stop evictions, subsidy terminations, or other negative actions against survivors.

What We'll Cover

⑥

- **Basic overview of the public housing, Section 8 voucher and project-based Section 8 programs.**
 - Orientation to the programs, distinguishing characteristics and eligibility, admissions, rents, and terminations/evictions
- **Resources that provide more information about these programs.**
- **How to identify this housing in your jurisdiction.**

Review of the materials

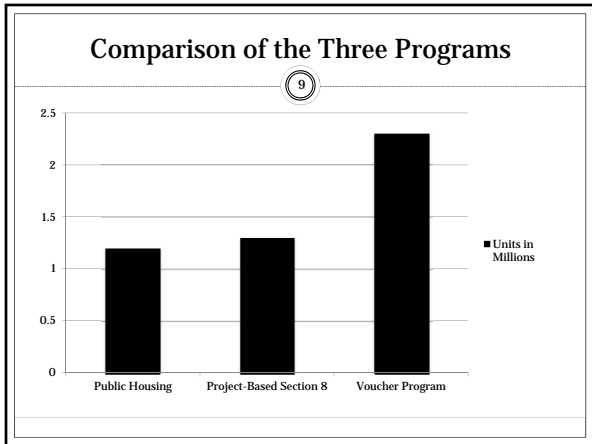
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- **Three outlines:**
 - Public housing
 - Voucher Program
 - Project-Based Section 8
- **Purpose is to offer a brief overview of the programs, provide cites to relevant law, and provide a more extensive resource.**

Comparison of the Three Programs

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- **Public Housing:**
 - 1.2 million units; 36% female headed with children; 31% elderly H of H; 45% African Amer.; 24% Hispanic; 55% ELI with avg. income of \$13,379; 53% lived in the housing < 5 yrs (Data from 2011)
- **Project-Based Section 8**
 - 1.3 (or 1.1) million units; 22% female headed with children; 53% elderly H of H; 25% African Amer.; 12% Hispanic; 74% ELI with average income \$11,400 (Data from 2008)
- **Voucher Program:**
 - 2.3 million units; 47% are female headed with children; 20% elderly H of H; 45% African Amer.; 17% Hispanic; 30% ELI with avg. income \$ 12,490; 51% used voucher < 5 years (Data from 2011)
- <https://pic.hud.gov/pic/RCRPublic/rcrmain.asp>
- <http://www.huduser.org/portal/picture2008/index.html>



Public Housing

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Public Housing

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- **How Program Works: Who Is Involved/Roles:**
 - Congress authorizes public housing program, sets standards and appropriates funds; HUD oversees the program, contracts with and monitors public housing agencies (PHAs) and distributes the funds.
 - PHA generally owns, manages and maintains the housing, selects and evicts the tenants and establishes local rules and creates the lease.
 - Other parties: PHA Board of Commissioners, Resident Advisory Board (RAB) and resident organizations/councils.

What Rules Apply to Public Housing?

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- **Layers of legal authorities:**
 - Federal statute and HUD regulations
 - Other administrative guidance, such as HUD Notices and Public Housing Occupancy Guidebook, available at <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm>
 - Detailed rules regarding leases, 24 C.F.R. 966
 - PHA develops its own local policies in its Admission and Continued Occupancy Plan (ACOP)
 - PHA must submit an Annual Plan to HUD

How Can I Find Public Housing?

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- To obtain public housing, client generally must apply with the local PHA in the jurisdiction in which she wants to live
- To find the PHA in your area, go to www.hud.gov/offices/pih/systems/pic/haprofiles/

How To Tell If a Client Is In Public Housing

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- Factors to Consider:
 - Property owned by PHA
 - Property managed by PHA
 - Language of the lease
 - Availability of "grievance hearing"/"grievance procedure"
 - Signage at the property
 - Income recertified and verified annually by PHA
 - Ask PHA, HUD, local legal services program or NHLP

Public Housing: Eligibility & Admission

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- Admissions basics:
 - Family is eligible if income is 80% of area median income (AMI)
 - × 40% of all new admissions must be extremely low income (30% of AMI)
 - Most PHAs have a waiting list, which may be a central list and/or site-based (combined with voucher list?)
 - Advocates should determine the available bedroom sizes and whether housing is designated for elderly and/or disabled head of household
 - PHA may establish preferences, such as for homeless, residents of the jurisdiction, working, and/or survivors of domestic and sexual violence

Public Housing: Eligibility & Admission (cont'd)

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- **Screening:**
 - PHAs must screen and reject applicants for certain criminal activity
 - PHA may reject current drug users or those who abuse alcohol
 - A family is eligible if at least one member has qualifying immigration status
 - Most PHAs consider prior rent-paying and eviction history
- **PHA must consider mitigating circumstances, notify applicant of reason for rejection and right to an informal hearing**

Public Housing: Rent

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- **Most tenants pay 30% of adjusted income**
- **Adjusted income:** Annual income from all sources minus exclusions/deductions (e.g. minor's income, additions to assets, etc.) with adjustments (e.g. \$480 /year/dependent, child care expenses for work, etc.)
- **PHA sets minimum rent between \$0 and \$50**
- **PHA sets "reasonable" allowance based upon tenant paid utilities, credited to tenant share**
- **Annual income recertification, interim for changes**
- **Tenant may request a grievance hearing**

Public Housing: Eviction

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- **Tenant may be evicted only for serious or repeated lease violation or other good cause**
 - PHA may bifurcate lease and evict only the abuser
- **Tenant entitled to notice of reasons**
 - Length of notice mandated by federal law, may be different from state law
- **Tenant entitled to grievance hearing before eviction**
 - Exceptions for illegal drug activity, criminal activity that threatens health and safety and quiet enjoyment of other residents, and felony conviction

Public Housing Grievance Hearing

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- A grievance: any dispute re: PHA action or failure to act in accordance with the lease or PHA regulations, which adversely affects the tenant's rights
 - Includes challenges to rent or income determination and evictions
- Process includes informal review and settlement before a grievance hearing (prompt and reas. place)
- Grievance hearing: review and copy documents pre hearing, may be represented, confront and cross examine, written decision based on facts presented, before impartial hearing officer (panel); appeal

Eva

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- Eva received an eviction notice from the PHA for nonpayment of rent and damage to her public housing unit. She tells you that her abuser controlled the family finances and was responsible for paying the rent. He also caused the damage. Eva now has a restraining order preventing the abuser from coming to the public housing property.
- What steps would you take to help Eva?

Project-Based Section 8 Program

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Project-Based Section 8 Program

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- **How Program Works: Who Is Involved/Roles**
 - In most cases, private owners entered into contracts with HUD to provide affordable housing.
 - Under these contracts, owners agreed to keep rents affordable to low-income households for a certain period.
 - Tenant enters into lease with owner and pays rent to owner, typically 30% of adjusted income.
 - HUD pays the owner a rental subsidy to cover the difference between the contract rent and the tenant's share of the rent.
 - The rental subsidy is attached to a specific building, and the tenant cannot move with the subsidy.
 - Note: There is another program called project-based vouchers that has different rules—contact NHLP for more info.

What Rules Apply to Project-Based Section 8?

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- **Layers of legal authorities:**
 - Federal statute, HUD regulations, HUD Handbook 4350.3, HUD Notices (www.hud.gov/hudclips)
 - Owner develops its own tenant selection policy and house rules
 - Owners must use HUD's model lease (Form HUD-90105a, available at www.hud.gov/hudclips)

How Can I Find Project-Based Section 8 Units?

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- **Where to find addresses and contact information for project-based Section 8 developments:**
 - HUD, <http://www.hud.gov/apps/section8/index.cfm>
 - National Housing Trust, http://www.nhtinc.org/housing_data.php

How To Tell If Client Receives Project-Based Section 8 Assistance

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- **Factors to consider:**
 - Client is renting from a private for-profit or nonprofit owner
 - Rent client is paying seems to be significantly below market
 - Client does not have a voucher
 - Client annually recertifies her income with the owner
 - Client's lease is the HUD model lease (Form HUD-90105a)
 - Property is listed on websites discussed on prior slide
 - Generally PHA is not involved
 - Ask manager
 - Ask others in community who deal with subsidized housing
 - Ask NHLP

Project-Based Section 8: Admissions

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- **Admissions process:**
 - Eligibility criteria are essentially the same as eligibility requirements for public housing.
 - Generally applicants must be "very low-income"—income cannot exceed 50% of area median income (AMI).
 - ✦ Owners must target some units to "extremely low-income" households—30% of AMI or below.
 - Owner maintains waitlist of applicants.
 - Owner responsible for selecting tenants from waitlist. Must develop tenant selection procedures; may create preferences; must screen for certain criminal activity, immigration status
 - Owners must notify applicants of reasons for denial and offer applicants an opportunity to meet with the owner if denied.

Lily

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- Lily lives in a domestic violence shelter and recently applied for a unit in a project-based Section 8 development.
- Lily received a two-sentence letter from the owner stating that her application was denied because she didn't meet the building's tenant selection criteria.
- Lily isn't sure why her application was denied. How would you help her?

Project-Based Section 8: Rents

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- For the most part, tenant's rent amount is computed in the same way as the public housing program.
- Tenant's share of rent is typically 30% of adjusted income.
- Can be required to pay a minimum rent of \$25.
- Owner recertifies tenant's income annually to ensure rent is correct. Tenant can request an interim recertification from the owner if income decreases or family size increases.

Project-Based Section 8: Evictions

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- **Requirements:**
 - Owner may not terminate a tenancy except for:
 - Material noncompliance with lease
 - Material failure to carry out obligations under state landlord-tenant law
 - Criminal activity
 - Alcohol abuse
 - Other good cause
 - Owner must give notice of the reason for the proposed termination and notify the tenant that she has 10 days to discuss the termination with the owner

Section 8 Housing Choice Voucher Program (HCVP)

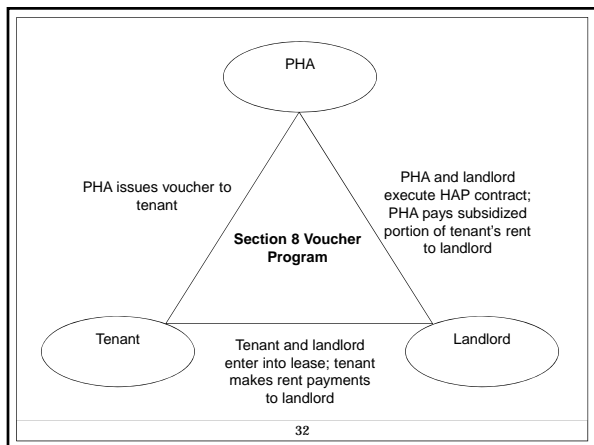
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Section 8 Voucher Program

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- **How Program Works: Who is Involved/Roles**
 - HUD provides funds to public housing agency (PHA).
 - PHA administers the voucher program locally
 - Tenant finds a private landlord
 - PHA and landlord enter into Housing Assistance Payments (HAP) contract
 - Private landlord and tenant sign a lease



What Rules Apply to the Voucher Program?

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- **Layers of legal authorities:**
 - Federal statute, HUD regulations, Housing Choice Voucher Program Guidebook, HUD Notices (www.hud.gov/hudclips)
 - Section 8 Administrative Plan: contains the PHA's locally developed rules
 - Required Form HUD Lease Addendum (HUD-52641-A)
 - Landlord may use its own lease that also governs the tenancy

Where Can My Client Get a Voucher?

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- Client applies for voucher by filling out an application with the PHA
- Client can apply for a voucher with multiple PHAs, even if she does not reside in the PHA's jurisdiction
 - May be subject to residency preferences and requirements
- List of PHAs available at www.hud.gov/offices/pih/pha/contacts/
- Information on the number of vouchers & utilization by PHA
 - <http://www.cbpp.org/cms/index.cfm?fa=view&id=3586>
 - http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/psd

How to Tell if Client Has a Voucher

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- A client may be a Section 8 voucher tenant if:
 - Client was given a voucher by a PHA
 - Client had to find the unit and a willing landlord
 - PHA conducts annual income recertification
 - Landlord is usually a private landlord without any other federal assistance
 - Client's lease includes Section 8 tenancy addendum
 - Client tells you she has previously moved and was able to keep her Section 8 assistance
 - Other tenants at the property are not subsidized.

Voucher Program Admissions: Two Steps

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- Step 1: PHA determines who will receive a voucher.
 - Most applicants "very low-income" (VLI)—income cannot exceed 50% of area median income (AMI); in very limited circumstances may be low-income.
 - PHAs must target 75% of vouchers to "extremely low-income" households—30% of AMI or below.
 - PHAs must deny applicants with certain criminal history or immigration status.
 - PHA may establish additional screening factors.
 - PHA must notify applicants of reasons for rejection and that they can request an informal review.
- Step 2: Private landlord may screen applicant.
 - Often includes review of tenancy, credit, and criminal history.

Voucher Rents

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- Voucher tenant's share of the rent is set by the PHA.
- Tenant's rent is determined by these factors:
 - Tenant's income;
 - Maximum subsidy the PHA will pay (the payment standard); and
 - The rent the landlord is charging for the unit.
- Tenant's share of rent is typically 30% of adjusted income.
 - However, exception if tenant chooses housing with a total rent higher than the PHA's payment standard.
- Can be required to pay a minimum rent of up to \$50.
- Tenant entitled to hearing on rent calculation.
- PHA recertifies tenant's income annually.
- Tenant can ask PHA for recertification if income changes.

What is the Defining Feature of the Voucher Program?

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Portability/Mobility

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- Subject to certain limitations, tenants can take their vouchers and move anywhere in the United States where another PHA operates a voucher program.
- For this reason, Section vouchers are often referred to as "tenant-based" assistance.
- Portability: Tenant requests to move from the PHA that issued her voucher, which then contacts the PHA in the jurisdiction where she wants to move.
- Mobility: Tenant request to move to another unit but wants to stay within the jurisdiction of the PHA

Kim

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- Kim is renting an apartment from a private landlord using a Section 8 voucher.
- Kim left her ex-boyfriend due to domestic violence. He has repeatedly threatened to break into her apartment and harm her. Kim feels that she must move to another state to protect herself.
- Can Kim relocate and keep her Section 8 voucher? How would you help her?

Evictions and Voucher Terminations

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- Evictions and Voucher Terminations are two separate but related processes:
 - **Evictions:** Landlord uses judicial procedure to evict voucher tenant
 - During initial lease term, landlord may only evict for grounds set forth in lease
 - At the end of the lease term, landlord may terminate the tenancy without cause (*subject to* local & state eviction control protections)
 - If tenant is evicted for a serious lease violation, it's also grounds for terminating the voucher

Voucher Terminations

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- PHA uses administrative procedure called an informal hearing to terminate tenant's voucher assistance.
- PHA must give notice of the reason for the proposed termination and an opportunity for an informal hearing.
- Good cause required: PHA is limited to terminating assistance only on the grounds listed in HUD's regulations.

Takeaway Points

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- A client's rights in subsidized housing will be affected by the type of housing she's in.
- Contact NHLP for help in determining what program is involved and what rules may apply.

Wrap-up: Ana

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- Ana tells you:
 - Her husband was forced to move out after she got a restraining order. He was the sole wage earner.
 - She can't afford the rent on her own and needs a lower rent.
 - Ana believes that the family is in subsidized housing, because each year the family meets with the housing authority and answers questions about their income.
 - The family pays rent to a man named James, who owns the building. James is a contractor and owns several rentals. He does not work for the housing authority.
- What program do you think Ana is in? How would you help her?

Contact Information

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