

# Section 8 Housing Choice Voucher Program (HCVP)

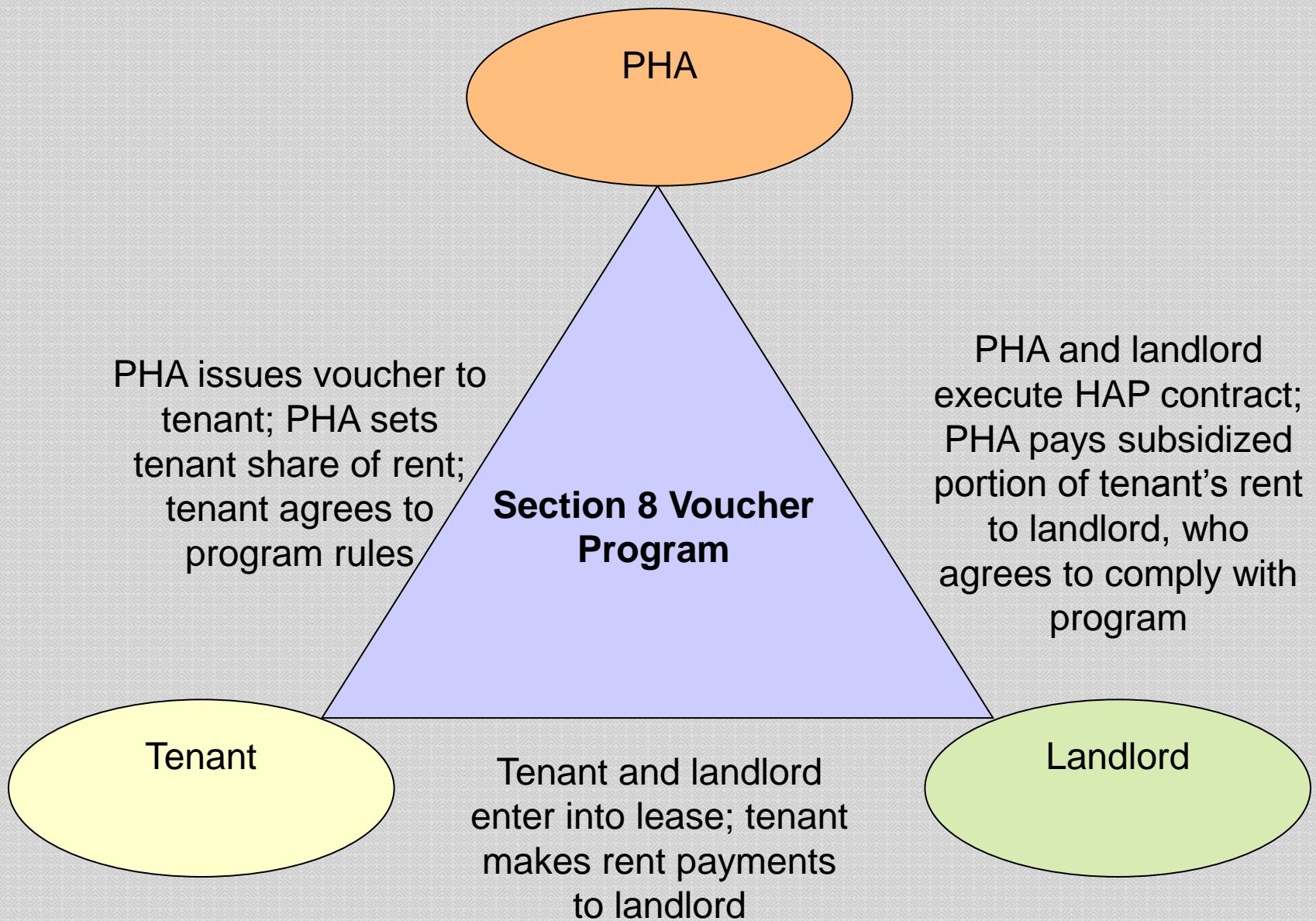
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# Section 8 Voucher Program

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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
    - ✦ PHA makes payments to landlord
    - ✦ Landlord agrees to comply with the program
  - Private landlord and tenant sign a lease
    - ✦ Tenant agrees to pay her share of the rent



# 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](http://www.hud.gov/hudclips))
  - Section 8 Administrative Plan: contains the PHA's locally developed rules
  - HUD Voucher Lease Addendum (HUD-52641-A)
  - Landlord may use its own lease that also governs the tenancy, but the standard HUD lease addendum prevails

# 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
- List of PHAs available at [www.hud.gov/offices/pih/pha/contacts/](http://www.hud.gov/offices/pih/pha/contacts/)
- Information on the number of vouchers & utilization by PHA
  - [www.cbpp.org/cms/index.cfm?fa=view&id=3586](http://www.cbpp.org/cms/index.cfm?fa=view&id=3586)
  - [portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/hcv/psd](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/psd)

# Waiting Lists

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- Each PHA maintains a list of applicants.
- Sometimes these lists are combined with the waiting list for public housing.
- How the lists are created is determined locally.
- Some waiting lists are very long (7-9 years). Clients must update their information with the PHA.
- Some waiting lists are closed.
- PHAs advertise when the waiting list will be open to new applicants.

# 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
  - Client annually recertifies her income with the PHA
  - 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 may not be subsidized.

# “Special” Vouchers

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Some vouchers are targeted to families with special needs such as:

- Family Unification vouchers for families with children exiting foster care.
- VASH vouchers (Veteran Affairs Supportive Housing) for homeless veterans
- Welfare to Work vouchers for families transitioning off of welfare
- There may be other “set-aside” vouchers in your community.



# 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 and/or based upon 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 and 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.

# Tenant-based Assistance/Portability

- 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 8 vouchers are often referred to as “tenant-based” assistance.
- A tenant can move anywhere in the jurisdiction of the PHA
  - PHA may set limits, e.g., limit # of moves/year
- Portability: Tenant requests to move from the jurisdiction of the PHA that issued her voucher to the jurisdiction of another PHA.

# Kim

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- Kim comes to your office for intake. During her initial interview, she says that she lives in an apartment in San Jose and pays \$300/month for a 2-bedroom that she lives in with her son. Kim believes other people in the building don't pay a lot of rent either.
- What questions can you ask to determine the type of housing Kim lives in or what type of subsidy she has?
- What documents would help you make this determination?

# 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 lives in.
- When working with a client who has a Section 8 voucher, the case may be on a “dual track” because of an eviction and subsidy termination, 2 separate processes.
- Contact NHLP for help in determining what program is involved and what rules may apply.