

SECTION 8 HOUSING CHOICE VOUCHER BRIEFING PACKET



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1. OVERVIEW

The rules and regulations for the Section 8 Housing Choice Voucher Program are determined by the US Department of Housing & Urban Development (HUD). The purpose of the Section 8 Housing Choice Voucher Program is to provide rental assistance to eligible low-income families & individuals. It is designed to make the tenant-based rental assistance program successful at helping low-income families obtain affordable housing and increase housing options.

The maximum amount toward the rent that the Housing Authority will pay is an amount equal to the Payment Standard for the size Housing Voucher issued, less the family's Total Tenant Payment.

The Payment Standard is established by the Housing Authority based on information we receive from HUD. It is based on the cost of housing and utilities for our area and depends on the family composition and the bedroom size on the Voucher issued.

Our Payment Standards for 0, 1, 2, 3, and 4 bedroom units are: (subject to change)

Zero bedroom	\$510
One-bedroom	\$575
Two-bedroom	\$707
Three-bedroom	\$1,029
Four-bedroom	\$1,101

For the Section 8 program to work, the Housing Authority, the tenant and the owner must cooperate, accept and fulfill their responsibilities.

The Housing Authority must:

- a) Review all applications to determine eligibility of family/individual.
- b) Explain the rules of the program to families/individuals who qualify.
- c) Issue a Housing Voucher. The family will receive the Voucher during the Briefing Session (if needed, we will provide assistance in locating a unit). The Housing Voucher is initially issued for 60 days. Upon proof of active search for suitable housing, the Voucher may be extended for 30 days more (See Family Contact List in Briefing Packet.)

- d) Approve the unit. Family must locate the housing unit. They may choose to stay where they currently live or they may want to move to another unit. The family has the responsibility of locating suitable housing. The Housing Authority will assist as it can. *It is the responsibility of the owner to approve the family for tenancy. The Housing Authority does not screen a family for suitability for tenancy. The Housing Authority will consider the family approved as a suitable renter once the family submits a Request for Tenancy Approval form.*
- e) Make housing assistance payments to the owner timely.
- f) Ensure both the family and rental unit qualify for the program during the terms of the lease and contract.
- g) Ensure owners and families comply with program rules and regulations.
- h) Provide families and owners with prompt and professional service.

The family must:

- a) Provide the Housing Authority with complete and accurate information.
- b) Make every effort to find a suitable place to live that qualifies for the program under HUD's minimum Housing Quality Standards guidelines. (*See "A Good Place To Live" booklet*).
- c) Cooperate and attend all appointments scheduled by the Housing Authority.
- d) Take responsibility for the care of the rental unit.
- e) Comply with the terms of the lease with the owner.
- f) Comply with the Family Obligations as listed on the Housing Voucher.

The owner must:

- a) Screen families/individuals who apply for rental consideration to determine if they will make suitable tenants. (The Housing Authority can supply the owner with current and previous address and landlord information, if available).
- b) Comply with the Fair Housing laws and not discriminate against any family/individual.
- c) Maintain the housing unit to minimum Housing Quality Standards. This includes making necessary repairs in a timely manner.
- d) Comply with terms of the Housing Assistance Payments Contract with the Housing Authority.
- e) Collect rent due from the family and enforce the terms of the lease.

After a family has been selected from the waiting list, there are several steps that must be completed before receiving rental assistance.

These steps are:

- ❑ PHA determines the family/individual final eligibility.
- ❑ Voucher is issued at Briefing Session.
- ❑ Family locates a housing unit that meets HUD guidelines.
- ❑ Owner approves family and family submits a Request for Tenancy Approval to the Housing Authority.
- ❑ PHA approves the housing unit after a Housing Quality Standards inspection.
- ❑ A Housing Assistance Payments Contract is entered into with the owner and a lease is signed between the family and the owner.
- ❑ Housing Assistance Payments are made to the owner on the family/individual's behalf as long as the family continues to meet eligibility requirements and the housing unit qualifies under HUD guidelines for the program.

DETERMINING FINAL ELIGIBILITY

Annual income is the total annual income from all sources. While some types of income are not counted, **the family/individual is responsible for reporting all sources of income for everyone in the household.** The Housing Authority is responsible for applying the HUD rules and regulations deciding what needs to be counted in the Annual Income calculation.

ANNUAL INCOME

This determines the amount of rental assistance the family/individual will receive. Examples of income are: employment, public assistance, unemployment, pensions, child support, net-income from self-employment, SSI, SSA, Workmen's compensation, annuities, interest from assets, regular contributions or gifts, TANF, disability, alimony, military pay and net income from real and personal property.

If a family member receives welfare income and is sanctioned by the welfare agency for non-compliance, the PHA is required to include the amount of the sanctioned welfare income in the family's annual income. The PHA will verify the amount, term and reason for the sanction with the welfare agency.

DETERMINING ADJUSTED INCOME:

After determining the total annual income for the family, the Housing Authority will make any necessary adjustments to the annual income in accordance with HUD regulations. If the family qualifies, there are 5 possible deductions and allowances. HUD-approved deductions and allowable expenses are subtracted from the Annual Income to get the family/individual's Adjusted Annual Income.

DEDUCTIONS & HUD ALLOWABLE EXPENSES:

Dependent allowances: A \$480 deduction is made for all minors under the age of 18 and for family members 18 and over who are full time students or a person with a disability, other than the Head of Household or Spouse.

Elderly/Disability allowance: A \$400 household deduction is given for families whose head, spouse or sole member is 62 or over or is a person with a disability.

Allowable Medical Expenses: For Elderly or Disabled family, medical expenses for all family members that are greater than 3% of the Annual Income will be deducted.

Allowable Disability Assistance Expenses: Disability assistance expenses that exceed 3% of the Annual Income will be deducted if they permit a family member to work.

Allowable Childcare Expenses: Reasonable childcare expenses for family members 12 years old and younger will be deducted if they enable the Head of Household or spouse to work, attend school or seek employment.

OTHER HUD TERMS TO KNOW

Adjusted Monthly Income: Since there are twelve months in a year, the Adjusted Monthly Income is the Adjusted Annual Income divided by 12.

Total Tenant Payment (TTP): After calculating the adjusted monthly income, the Housing Authority determines the TTP for the family. The Total Tenant Payment (TTP) in the Voucher program is the greatest of the following:

- ❑ 30% of the family's monthly adjusted income
- ❑ 10% of the family's gross monthly income
- ❑ the Housing Authority's minimum rent

This includes the amount the tenant pays toward the rent and the Housing Authority's Utility Allowance for the unit. Depending on what the contract rent is and whether utilities are included, the TTP may or may not represent 30% of the family's adjusted monthly income.

Utility Allowance: The Utility Allowance is the Housing Authority's estimate of the average monthly utility bills for an energy-conscious household. If all utilities are included in the rent, there is no utility allowance. The utility allowance will vary by unit size and type of utilities. (*In the Briefing Packet is a schedule for Allowance for Tenant Furnished Utilities and Other Services*). You can use this to determine the utility allowance for the unit you want to rent.

Utility Reimbursement Payments: Very low income households may receive a utility reimbursement check from the Housing Authority if the family's Total Tenant Payment is lower than the utility allowance.

Payment Standard:

A "Payment Standard" is used to calculate the monthly housing assistance payment for a family. The Housing Authority must adopt a Payment Standard schedule for each Fair Market Rent Area in the Housing Authority's jurisdiction, based on HUD's published Fair Market Rents for each market area in the US.

The Housing Authority establishes Payment Standard amounts for each unit size.

The Payment Standard is the maximum monthly subsidy payment.

The Payment Standard for a family is the *lower* of:

- ❑ the Payment Standard amount for the family unit size or
- ❑ Payment Standard amount for the size of the dwelling unit rented by the family.

Housing Assistance Payments (HAP):

In the Voucher Program, the Housing Authority’s payment to the owner is equal to the *lower* of the Payment Standard minus the TTP or the gross rent minus the TTP.

Gross rent includes the Rent to Owner plus any allowance for tenant-paid utilities.

CALCULATING THE SUBSIDY:

EXAMPLE: Payment Standard	\$600
Minus Total Tenant Payment	<u>-227</u>
Maximum Housing Assistance	\$373

In our example, the Payment Standard is for a 2-bedroom unit. The P/S is \$600. The maximum amount that the Housing Authority will pay to the owner is \$373. The amount that the family will pay depends upon the total rent for the unit.

Example 1:

<i>Payment Standard</i>	<i>\$600</i>
<i>Total Tenant Payment</i>	<i><u>-227</u></i>
<i>Housing Assistance Payment</i>	<i>\$373</i>

Example 2:

<i>Rent to Owner</i>	<i>\$700</i>
<i>Housing Assistance Payment</i>	<i><u>- 373</u></i>
<i>Family rent to Owner</i>	<i>\$327</i>

(Note: If you are issued a 3-bedroom Housing Voucher but lease a 2-bedroom unit, the Housing Authority will use the Payment Standard for the 2-bedroom unit. If you are issued a 2-bedroom Voucher and lease a 1-bedroom unit, the Housing Authority will use the Payment Standard for the 1-bedroom unit. You can lease a unit with more bedrooms than your Voucher shows, but the Payment Standard will be for the bedroom size on the Voucher and the gross rent must be within the guidelines for the 3-bedroom Voucher). The Utility Allowance will be based on the actual number of bedrooms in the unit.

THE FAMILY’S SHARE:

When calculating the subsidy and the family share the Housing Authority subsidy could be less than that in the example above. The difference in the rent payment is *because subsidy is based on the lesser of the Payment Standard or the Gross Rent (rent to owner + utility allowance)*.

MAXIMUM RENT AT INITIAL LEASE-UP

At the time of initial lease-up with rental assistance, if the gross rent for the unit is greater than the Payment Standard for the family, the family share can not exceed 40% of the family's Monthly Adjusted Income. Family share is the gross rent minus the housing assistance payment. The amount the contract rent may be depends greatly on the family's income. Basically, the higher the family income, the higher the contract rent may be. Because the family portion of the rent at lease-up cannot exceed 40% of the Monthly Adjusted Income, the family and/or the Housing Authority will attempt to negotiate a lower contract rent.

Family may choose to stay in their current unit or move. If you choose to stay in-place, the unit must:

- a. be the appropriate size for the family
- b. pass a Housing Quality Standards inspection
- c. have a reasonable rent

The procedures for moving are the same whether you are locating and leasing a unit when you are **first** approved for the program or moving from one unit to another with continued assistance **after** you are on the program.

To continue assistance at a new place, a Housing Representative will explain the Housing Authority's policies and procedures for moving from your current unit with continued assistance.

If you want to move from one assisted unit to another and continue to receive housing assistance, you must give notice to the owner and the Housing Authority according to the lease and Housing Authority policy. (*This form is available in the briefing packet*).

You may search for housing anywhere in the jurisdiction of the Housing Authority. For areas where you may move, please ask a Housing Representative.

While selecting suitable housing there are several things to consider. Determine your family needs and then consider the schools, safety, distance between workplace and home, child-care availability and public transportation, if necessary. You should also check the unit and the neighborhood for a place for children to play, general condition of the neighborhood, closeness of the Fire Department and medical services. Is there adequate parking and is the area well lighted at night?

HOUSING DISCRIMINATION

People are denied housing for reasons other than poor rental history and bad credit. Under federal law, it is illegal to deny housing to anyone on the basis of race, color, religion, sex, national origin, familial status, and disability. If you believe you have been discriminated against, contact a Housing Representative. They will assist you in completing the Housing Discrimination Complaint Form and provide names and addresses of legal agencies that may provide assistance. A copy of "Fair Housing Equal Opportunity for All can be found in this Briefing Packet.

PORTABILITY

One feature of the tenant-based assistance program is that the rental assistance "moves" with the family. Generally, you can use your assistance to move not only in the area but also to anywhere in the United States. Portability is HUD's term for the ability to move outside a Housing Authority's jurisdiction with continuing assistance.

Currently, Yuba County Housing Authority is limiting moves under portability. You must contact a Housing Representative for information on portability. You will be advised of any restrictions and procedures that apply.

When portability is available, you should know the Housing Authority where you want to move may have different rules, policies and deadlines. There may be different Payment Standards. There will probably be different utility allowances that will affect the amount you pay for rent. A different size Voucher may be issued. When you are first issued a Voucher, you are always subject to the income limits of the Housing Authority where you want to live.

PORTABILITY AND FAMILY SELF-SUFFICIENCY

If you are a participant in a Family Self-Sufficiency (FSS) program, you will need to discuss moving with your FSS case manager. If you cannot fulfill your FSS obligations in the new area, your FSS contract may be terminated and you may lose your escrow balance, if you have one.

LOCATING SUITABLE HOUSING

Check classified ads in the local newspapers, ask friends and neighbors to watch for units for you, drive through neighborhoods where you may want to live and look for “For Rent” signs. Check bulletin boards in laundromats and stores. Check with property management companies and real estate offices. In this briefing packet, you will find a list of owners/management companies that work well with Section 8 program participants and the Housing Authority.

Before a unit will be approved, it must meet the following requirements:

- the rent for the unit must be *reasonable* for the type, size and condition of the unit,
- the unit must pass the Housing Quality Standards inspection and
- owner must be willing to enter into a contract with the Housing Authority and comply with program rules.

Check a prospective rental unit carefully. You need to know:

- a. Is the unit energy efficient?
- b. What utilities do you have to pay?
- c. Is the unit free of serious drafts?
- d. Is the building secure? Do the doors and windows lock securely?
- e. Has the unit been well maintained?
- f. Is the heat source adequate for the size of the unit?
- g. Does the landlord provide pest control?
- h. Is the unit clean and ready for occupancy?
- i. Who provides the stove and refrigerator? Are they large enough for your family?
- j. Is the mail secure?
- k. Who pays for water/sewer and garbage?
- l. Are there restrictions on pets?
- m. Is there adequate parking and storage?

MEET WITH THE OWNER AND ASK QUESTIONS

- Ask about the security deposit

- ❑ Does the owner live locally?
- ❑ Does he do his own maintenance of the property? Is there a maintenance person on call for emergencies?
- ❑ Are there office hours, if so, what are they? Is there an emergency number?
- ❑ If there are other tenants, have they lived there very long?
- ❑ What is the owner's policy for drugs and violence by tenants?
- ❑ Ask about the safety and security of the neighborhood. You can also check with the police/sheriff's department for information on how often they make calls to the unit(s) or neighborhood.

Once you have located a suitable housing unit, the owner must approve you for tenancy. Most property owners/management companies require an application. They generally require a rental history and credit check before final approval. There may be "fees" charged, so know that is where you want to live as these fees may be non-refundable. Be honest with the owner. If there are things in your history (either credit or rental) discuss them with the owner when you return your application. If you have been up front with them, they should tell you if you would be wasting your money for a "rental/credit check" fee. Some owners may still charge the fee to run the check to confirm what you have told them. **While owners cannot discriminate for race, color, religion, sex, national origin, familial status or disability, they can deny you a rental unit if you have a history of failing to fulfill family obligations under a lease.**

ONCE THE HOUSING AUTHORITY APPROVES THE REQUEST FOR TENANCY

Once you've been approved for the unit you want to rent, you must have the owner complete the "Request for Tenancy Approval" (RTA) and Tenancy Addendum. They must be submitted to the Housing Authority along with the proposed lease (agreement). The lease must be filled out but not signed. The Request for Tenancy Approval and the Lease Addendum can be found in the Briefing Packet.

When the Housing Authority receives your Request for Tenancy Approval it will be reviewed to determine if the unit is the correct size and the proposed rent is reasonable. If the Request for Tenancy Approval and proposed lease are in order, the Housing Authority will schedule the inspection of the housing unit.

If the unit does not pass, the owner will be given a reasonable amount of time to correct any items of repair. **Rental assistance cannot begin until all repairs are completed and cleared by the Housing Authority.** If the repairs required are major and the owner is not willing or able to do them, you will need to consider looking for another unit if you want to

continue under the Section 8 rental assistance program. You will need to obtain a new Request for Tenancy Approval form from the Housing Authority.

If the unit passes the inspection and the rent is reasonable, the Housing Authority will prepare the leases and Housing Assistance Payments Contract so rental assistance can begin. The contract is between the Housing Authority and the Owner and the lease is between you and the owner.

Once the Housing Assistance Payments Contract has been signed, the Housing Authority will begin making payments to the owner. The initial payment could be delayed a few days but after initial lease-up, the Housing Authority will mail the payment to the owner on or about the first of each month. We will continue to make payments as long as the unit meets Housing Quality Standards, you are still eligible for assistance, you still live in the unit and the owner is still in compliance with the Housing Contract. If the PHA fails to make timely payments to the owner, the Housing Authority may be obligated to pay a late fee according to State/local law.

There is move-out information available in this Briefing Packet.

NOW YOU ARE A SECTION 8 PARTICIPANT!

You have responsibilities to the Section 8 Housing Choice Voucher Program. You are required to comply with the “Family Obligations” list on your Housing Choice Voucher. By signing your Voucher, you are acknowledging your responsibilities and obligations. These obligations include:

(Read your Housing Choice Voucher carefully!)

- ❑ Supplying required information the Housing Authority uses for determining eligibility and certifying or recertifying a family. Information required includes evidence of citizenship or eligible immigration status. It also includes information about family income or household composition.
- ❑ Disclosure and verification of Social Security numbers. You **must** sign consent forms for obtaining necessary information.
- ❑ Supplying true and complete information.

- ❑ Complying with the Housing Quality Standards inspection requirements. This includes cooperating with the Housing Authority to get these done in a timely manner. Two attempts will be made to complete an inspection or re-inspection. If not completed, termination of assistance will be processed.
- ❑ Family **must not** commit serious or repeated violations of the lease.
- ❑ Family **must** provide Housing Authority and owner with proper notice to move or terminate the lease.
- ❑ Family **must** promptly notify the Housing Authority of any notices or eviction notices.
- ❑ Family **must** use the assisted unit for residence by the family and as the family's **only** residence.
- ❑ Members of the family must be approved by the Housing Authority. The family **must** promptly notify the Housing Authority of the birth, adoption or court-awarded custody of a child. The family **must** request approval of any other family members as an occupant of the unit.
- ❑ Family **must** promptly notify the Housing Authority if a family member no longer resides in the unit.
- ❑ A foster child or live-in aide may reside in the unit with the owner and Housing Authority's approval.
- ❑ Family members may engage in legal profit-making activities in the unit, according to the lease terms, but only if such activities are incidental to the primary use of the unit as the family's residence.
- ❑ Family **must not** sublease or sublet the unit.
- ❑ The family **must not** assign the lease or transfer the unit.
- ❑ Family **must** supply information or certification requested by the Housing Authority to verify that the family is living in the unit, or relating to family absences. The family must promptly notify the Housing Authority of any absence from the unit.
- ❑ The family **must not** own or have any interest in the unit.
- ❑ Members of the family **must not** commit fraud, bribery or any other corrupt or criminal act in connection with the program.
- ❑ Family members **must not** engage in drug-related criminal act in connection with the program.
- ❑ An assisted family or members of the family **must not** receive Section 8 assistance while receiving another housing subsidy for the same unit.
- ❑ The family **must not** engage in illegal use of a controlled substance; or abuse of alcohol that threatens the health and safety or right to peaceful enjoyment of the premises by other residents.

YOUR FAMILY OBLIGATIONS TO YOUR OWNER ARE CONTAINED IN YOUR LEASE AGREEMENT. (READ YOUR LEASE CAREFULLY) YOUR OBLIGATIONS INCLUDE:

- ❑ paying your rent on time and

- ❑ maintaining the housing unit.

The owner is required to make repairs and provide routine maintenance. However, if a housing unit fails to meet Housing Quality Standards because of the following items, it is the responsibility of the family.

The family is required to provide utilities (electricity, gas, water/sewer or garbage) that are not furnished by the owner. You will be given a brief time to get the utilities in service. If you are responsible to furnish the utilities, be sure they remain in service.

The family is responsible for providing and maintaining any appliance that the owner does not provide (such as the stove or refrigerator).

The family is responsible for damages to the unit or premises (beyond normal wear and tear) that are caused by any family member or guest.

If the rental unit does not meet Housing Quality Standards for these reasons and the deficiencies are not corrected within the time period set by the Housing Authority, the Housing Authority will discontinue assistance payments to the owner and your participation in the Section 8 Housing Choice Voucher Program will be processed for termination.

When you sign your lease, you are obligated to pay your portion of the rent on the first of each month in accordance with the lease. If you fail to pay your rent, you could be evicted. Serious and repeated violations of the lease may also result in termination of your eligibility for the Section 8 program.

ANNUAL REQUIREMENTS

HUD requires that all families be recertified at least annually. You will receive a letter and required paperwork from the Housing Authority advising you your eligibility is due to be recertified. Generally the letter and paperwork you will receive indicates the date of your annual walk-through Housing Quality Standards inspection and the date by which the paperwork is to be returned to the Housing Authority. **When you receive your recertification letter and paperwork, complete it, obtain income**

verifications of all sources applicable and return all to the Housing Authority office immediately. Failure to do so can result in delays or termination of eligibility.

The Housing Authority is also required to inspect your housing unit at least once a year. If unable to be there, please arrange to have someone over the age of 18 there to allow a Housing Authority representative to inspect the unit. Your cooperation is expected so there will be no interruption in your housing assistance.

INTERIM REQUIREMENTS

When a family member moves out of your unit, you must report it to the Housing Authority immediately (no more than 10 days). There is a form in the Briefing Packet for this purpose.

Before allowing someone to move into your unit, you must first notify the Housing Authority as all family members must be approved by your owner and the Housing Authority. (There is a request form in this Briefing Packet). You must also furnish the Housing Authority the written approval from your owner to add someone to your household.

Again, any changes in household income or composition must be reported to the Housing Authority immediately (no more than 10 days).

ZERO HOUSING ASSISTANCE PAYMENT

If the family has an increase in income that causes the family's share of the rent to equal or exceed the amount of the total rent, the housing assistance payment from the Housing Authority to the landlord will be reduced to zero. If your family remains in the unit, the Housing Assistance Payments Contract with the owner will remain in effect for 180 calendar days.

During this 180 day period your family is still considered to be on the program. If you have a reduction of income and become eligible for a housing assistance payment during this period, the PHA will verify income changes and will make any changes necessary. The Housing Authority will then resume payment to the owner based on the new family income.

YOU MAY RECEIVE A NOTICE FROM HUD

HUD matches income data you supply to the Housing Authority with IRS income data. If the income you report to the Housing Authority does not agree with the income information the IRS has on file for the same period, HUD will notify you and the Housing Authority. If you receive a notice or letter from HUD concerning your income, contact the Housing Authority immediately.

The Housing Authority will verify the information and make any adjustments to your rent and the housing assistance payments. If you failed to correctly report your income, you may have to repay the Housing Authority for the overpaid Housing Assistance Payments. If you misrepresented the income, your assistance may be terminated and you could be prosecuted.

PROGRAM INTEGRITY

HUD determines the amount of funding that is available for rental assistance in each community. It is important to ensure that these funds are used to assist only those families who are eligible. The reason the Housing Authorities have waiting lists is that there isn't enough funding to assist all the families who apply.

The Housing Authority assumes that the information provided is complete and accurate but occasionally we find that it is not.

Making false statements and providing false information are serious violations of program rules as well as violations of State and Federal Criminal Laws.

Please be aware that if a family provides false information or documents, they will be subject to denial or termination of assistance, required to repay any amounts that were paid by the Housing Authority, and if it is determined that these actions are intentional, the family may be subject to criminal penalties under State or Federal Law.

If you have questions about rules or procedures, contact your Housing Representative to get correct information. No one should be evicted or lose their assistance unnecessarily.

If you are aware of someone who is violating program rules, contact the Housing Authority. There is a Fraud/Abuse reporting form in this Briefing Packet.

The most common program violations are as listed:

- ❑ Unauthorized household members (the persons listed on your application for housing assistance are the only persons who may reside in you unit).
- ❑ Under-reported income (you are asked to and must report all income received by all household members). When income information is under-reported, it causes the Housing Authority to pay more money to an owner than is required by law. It is a violation of a Family Obligation as listed on your Housing Voucher. When this happens, the family will be required to repay the money. It could also result in termination of further rental assistance and criminal penalties.
- ❑ Subleasing a unit. Once the Housing Authority approves a rental unit for your family, it is for the use of your family only. It is illegal to lease all or a part of the unit to anyone.
- ❑ Not reporting changes. You must report all changes in household members and income to the Housing Authority immediately (no more than 10 days). Failure to do so can result in repayment of money or termination of assistance.
- ❑ Failure to provide information or documentation. When the Housing Authority requests additional information or documentation, it is because it is a program requirement. If you fail to furnish the information or documentation, your application or your re-certification cannot be verified. Eligibility can be terminated.

WHEN EVERYONE FOLLOWS THE RULES, MORE FAMILIES CAN BE ASSISTED!

INFORMAL HEARINGS

It is important that families are provided all rights and protections under the law and HUD regulations. If you disagree with a determination made by a Housing Representative, ask for an explanation before requesting the hearing; it may be a misunderstanding that can be easily resolved.

As a participating family, you may request a hearing to consider whether the following Housing Authority decisions or determinations pertaining to the family are in accordance with the law, HUD regulations and the Housing Authority policies:

- ❑ Determinations of the family's annual or adjusted income used to compute the housing assistance payment.
- ❑ Determination of the appropriate utility allowance from the Housing Authority's utility allowance schedule.
- ❑ Determination of the family unit size under the Housing Authority standards, and whether an exception may be granted.
- ❑ Decision to terminate housing assistance because of the family's action or failure to act, including absence from the assisted unit for longer than the permitted maximum period.

If a family does request a hearing, one will be scheduled promptly and the family will be notified in writing of the date, time and location of the hearing. Families may bring legal counsel, witnesses and evidence to the hearing.

Upon request, the family may also obtain copies of all documents or evidence upon which the Housing Authority's action is based, prior to the hearing. The family will also be required to provide to the Housing Authority copies of any documents or evidence it plans to use at the hearing.

DENIAL OR TERMINATION OF ASSISTANCE

Housing assistance may be denied or terminated if:

- The family violates a Family Obligation under the Voucher Program.
- Any member of the family has ever been evicted from federally assisted housing in the last five years.
- A Housing Authority has ever terminated assistance under the pre-merger Certificate or Voucher Program for any member of the family.
- Any member of the family commits fraud, bribery or any other corrupt act in connection with any federal housing program.
- Any member of the family commits drug related criminal activity or violent criminal activity.
- Any family member is illegally using a controlled substance.
- Any family member's abuse of alcohol interferes with the health, safety or right to peaceful enjoyment of the premises by other residents.
- The family currently owes rent or other amounts to the Housing Authority or to another Housing Authority in connection with Section 8 or any housing assistance program under the 1937 Housing Act.
- The family has not reimbursed any Housing Authority for amounts paid to an owner under the Housing Assistance Payments Contract for rent, damages to the unit, or other amounts owed by the family under the lease.

- The family breaches an agreement with the Housing Authority to pay amounts owed to a Housing Authority or amounts paid to an owner by a Housing Authority.
- The family has engaged in or threatened abusive or violent behavior toward Housing Authority personnel.

MANDATORY PERMANENT INELIGIBILITY & TERMINATION

The Housing Authority must permanently deny eligibility or terminate the assistance of any person convicted of manufacturing or producing methamphetamine, commonly referred to as “speed”.

WITHDRAWALS FROM PROGRAM ASSISTANCE

Occasionally, life situations change and families/individuals find they no longer require assistance through the Section 8 Housing Choice Voucher Program. These can include better paying jobs, marriage etc. When this happens, families/individuals may choose to give up their Voucher so that it may be issued to another family in need of assistance. (See “Withdrawal” form in Briefing Packet.)

Consider this option carefully. Once you have given up your voucher, the only way you can be eligible for the program again is to complete a new application (if or when applications are being taken) to be placed on the waiting list again. You will then wait until your name comes up on the list again. This can take several years as Yuba County currently has only about 450 allocations for the entire county.

