



## Housing Choice Voucher Landlord Guide

The Section 8 Housing Choice Voucher Program is a program funded by the U.S. Department of Housing and Urban Development (HUD) and administered locally by the Oshkosh / Winnebago County Housing Authority (HA). The HA's Housing Choice Voucher Program assists low-income families to live in decent, safe and sanitary housing by paying a portion of their rent directly to their landlord. The families have the same rights and responsibilities as unassisted families. Property owners have all the rights and responsibilities of landlords renting to unassisted families. As with market (unassisted) tenants, you have the responsibility as an owner to screen and select tenants, collect the rent, maintain the property, and terminate the lease, if appropriate.

There are numerous benefits to landlords renting to a family with a Housing Choice Voucher. The guaranteed, on-time monthly subsidy payment from the HA is your biggest benefit. You are also protected from financial loss if your tenant suffers unexpected financial hardship - when this happens, the subsidy payment is increased to compensate for your tenant's lower income. In addition, tenants who wish to vacate their unit before their 1-year lease is expired will NOT receive assistance elsewhere without the landlord's written permission to vacate the unit early. Finally, even if you attempt to evict a tenant for good cause, in most cases you will continue to receive the HA's portion of the rent until the tenant vacates the apartment.

The HA selects applicants for rental assistance from a waiting list. The HA reviews the applicant for Housing Choice Voucher Program eligibility only. As in the private market, the owner is responsible to screen applicants for suitability as tenants. The selection of an acceptable tenant, whether assisted or not, is limited only by fair housing requirements and the prohibition of discrimination as established by federal and state law.

There are no unusual responsibilities placed on owners participating in the Housing Choice Voucher Program. The Voucher program requires little beyond that which is required by law. The HA will inspect the apartment annually to ensure that it is in compliance with HUD's Housing Quality Standards (<http://www.hud.gov/offices/adm/hudclips/forms/files/593pih.pdf>), including laws regarding lead paint compliance.



Below is a list of some common items that will cause an apartment to fail an inspection:

- Smoke detectors must be operational in the apartment and common areas including hallways and basements.
- Windows must be able to open, shut, and lock without being propped up. Broken and cracked glass must be replaced.
- Handrails in the interior and exterior of building where there are more than 3 steps.
- All plumbing must be in good working condition and free of leaks.
- Bathroom must have an exterior window OR a working venting fan.
- All burners and knobs on the stove need to work properly and be clean.
- Peeling or chipping paint must be repaired. A “Letter of Lead Paint Compliance” is required for units which will be rented by families with children under the age of six.
- Doors and windows must be weather tight.
- Missing or loose electrical plates and switch plates must be tightened or replaced.
- Excessive garbage either in the apartment, hallway, or on the property is not allowed.
- All hallways are fire exits and must be kept free of debris, such as bikes or trash.
- All flooring must be free of trip hazards.
- All kitchen and bathroom floors must be water tight, free of defects and easily cleanable.
- Tub and shower walls must be waterproof with no loose or missing tiles and must be free of mold or mildew.
- All trash is required to be stored in proper containers with lids.
- All utilities, gas or electric, whether landlord or tenant supplied, are required to be maintained at all times.
- Heat is required to be operational between September 15 and June 15.
- Common areas such as the basement, exterior and hallways are inspected.

### **What steps are involved in renting to a family with a Voucher?**

If you choose to rent to a family in the Housing Choice Voucher Program, complete the Request for Approval Tenancy form (RFAT) provided by the family and return it to the HA or have the family return it. When the HA receives the RFAT, the inspector will call to schedule an inspection of the property. If the inspector finds any problems with the apartment, you will be given time to correct them. If you have any questions about the inspection process, please contact 920.725.0533.



When the apartment has been inspected and approved, the HA will send you a Housing Assistance Payments Contract (the contract is between you and the HA) for you to review and sign. You will then be eligible for the subsidy payment and other benefits as long as the family remains in the apartment and the family complies with all HA rules and regulations. You will need to submit a copy of a 1-year lease that you sign with your tenant to correspond with the contract dates.

Federal law does not allow the HA to approve an apartment for rental when the owner is the parent, child, grandparent, grandchild, sister, or brother of the Voucher holder or of any member of the Voucher holder's family, except when to do so would provide reasonable accommodation for a member of the Voucher holder's family who is a person with a disability.

### **How much can the HA pay?**

You have the right to ask for a rent that is reasonable and comparable to similar unassisted private market apartments in the same building and neighborhood. The HA may not approve a higher rent for an apartment if similar apartments in the building are charged lower rents or if similar apartments in the neighborhood are charged lower rents.

All families assisted by the Housing Choice Voucher Program must pay a minimum of 30% of the household's monthly adjusted income for their portion of rent and utilities. When a family with a voucher is entering into a lease with you for the first time, the family cannot pay more than 40% of their income for rent. As a result, the allowable rent will vary from one family to another.

### **What other requirements are there?**

As a landlord, you have all the rights and responsibilities with a Housing Choice Voucher tenant as you do when renting to unassisted tenants. A few additional landlord responsibilities include:

- Allowing the apartment to be inspected every year and to comply with requested repairs;
- Reporting any suspected fraud and/or program abuse to the Housing Authority
- Providing the Housing Authority with copies of written correspondence with the tenant.

Voucher program tenants have all the rights and responsibilities of unassisted tenants, except that they are responsible only for paying a portion of the rent, as determined by the HA. As with unassisted tenants, irreconcilable differences between the owner and the tenant must be settled by the appropriate court.

### **What happens after I rent to the family?**

Annually the HA will determine a family's eligibility and whether the apartment is still in compliance with the Housing Quality Standards. If the apartment is no longer in compliance, the HA will notify



you in writing and you will be given adequate time to make the repairs. A change in the family's income or size may result in a change in their share of the rent and subsidy payment.

You may request an increase in the rent annually, in accordance with the lease, but the HA still has to determine that the requested amount is reasonable in comparison to other market rate apartments in the same building and to market rate apartments in the neighborhood. Under the Voucher Program, any rent increase may result in the family having to pay the difference between the original rent amount and the increased rent amount.

### **Can the lease be terminated, if necessary?**

Your lease should clearly detail how much notice you must give your tenant if you want to terminate the tenancy. The procedure for evicting a voucher family is the same as evicting a family that does not have a voucher. You may consult an attorney or bring the matter to the Winnebago County Apartment Association or the Wisconsin Department of Consumer Protection with questions about evictions. It is highly recommended that you become familiar with basic landlord / tenant rules and regulations within the state of Wisconsin – available on the Wisconsin Department of Consumer Protection website at [www.datcp.state.wi.us/cp/consumerinfo/cp/factsheets/pdf/cp-127web.pdf](http://www.datcp.state.wi.us/cp/consumerinfo/cp/factsheets/pdf/cp-127web.pdf). You need to send the HA copies of any eviction notice. You do **not** need the HA's permission to evict a tenant who is in violation of the lease.

**Equal Opportunity Housing:** Under Title VIII of the Civil Rights Act of 1968 (Fair Housing Law), as amended by the Housing and Community Development Act of 1974, all applicable regulations and directives of the US Dept of Housing and Urban Development and Section 101.22 of Wisconsin State Statutes (Wisconsin Open Housing Law), it is illegal to treat any person unequally in housing because of sex, race, color, handicap, religion, national origin, sex or marital status of the person maintaining the household, lawful source of income, age, or ancestry, and sexual orientation. These laws apply to all residential lots, single or multiple residences, residential rental property, rooming housing and mobile homes. It is illegal if, for any reasons, a person or business discriminates by:

- Refusing to sell, lease, financier or construct housing
- Refusing to discuss terms for the sale, lease, insurance, financing or rental of housing
- Refusing to allow inspection of housing for sale, lease or rent;
- Setting different or more stringent conditions for sale, lease, rental, insurance or financing of housing or residential lots
- Refusing to renew a lease, causing a tenants eviction, or harassing a tenant;
- Advertising the sale, lease, financing or insurance of housing which excludes people for any of the illegal reasons listed above

