

CHAPTER 7**REQUEST FOR TENANCY APPROVAL AND CONTRACT EXECUTION****7.0 INTRODUCTION**

This chapter describes the policies pertaining to Requests for Tenancy Approval (RFTA), lease requirements, ineligible types of housing, owner disapproval, and execution of the Housing Assistance Payment (HAP) Contract. The policies in this chapter pertain to Moving to Work and non-Moving to Work families.

7.1 OWNER OUTREACH

24 CFR 982.54 (d) (5): “The PHA administrative plan must cover PHA policies on these subjects: ... Encouraging participation by owners of suitable units located outside areas of low income or minority concentration.”

Policy:

The HA defines low income concentration as areas with 10% or more households below the poverty line.

The HA will recruit and encourage the participation of property owners with property located outside areas of low income concentration and will apply for exception payment standards if the HA determines it is necessary to make the program more accessible in the HA’s jurisdiction.

The HA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of this activity is to provide more choices and better housing opportunities to families.

Voucher holders are informed of a broad range of areas where they may lease units inside the HA’s jurisdiction and given a list of landlords or other parties who are willing to lease units or help families who desire to live outside areas of low income concentration.

Appendix A: (High Poverty Census Tracts) lists census tracts that are 10% or more below the poverty line.

In addition, the HA will:

- Actively recruit and encourage the participation of property owners with property that is accessible to persons with disabilities.

- Conduct periodic meetings with participating owners to improve owner relations and recruit new owners.
- Maintain a list of units available for Section 8 voucher holders and update this list at least weekly.
- Furnish a list of HUD properties available for rent.
- Develop working relationships with owners and real estate broker associations.
- Establish contact with civic, charitable, or neighborhood organizations which have an interest in housing for low-income families and public agencies concerned with obtaining housing for displaced families.
- Explain the program, including equal opportunity requirements and nondiscrimination requirements such as the Fair Housing Amendments Act of 1988 and the Americans with Disabilities Act, to real estate agents, landlords, and other groups that have dealings with low-income families or are interested in housing such families.

7.2 **REQUEST FOR APPROVAL OF TENANCY**

24 CFR 982.302 (b): “If the family finds a unit, and the owner is willing to lease the unit under the program, the family may request PHA approval of the tenancy. The PHA has the discretion whether to permit the family to submit more than one request at a time.”

Policy:

The HA will only issue one RFTA to a family at a time.

7.3 **SPECIAL HOUSING TYPES**

24 CFR 982.601 (b): “The PHA may permit a family to use any of the following special housing types in accordance with requirements of the program: single room occupancy (SRO) housing, congregate housing, group home, shared housing, manufactured home when the family owns the home and leases the manufactured home space, cooperative housing or homeownership option.”

Policy:

The HA will allow the following special housing types within its tenant-based Housing Choice Voucher program:

- Single room occupancy (SRO)
- Shared housing

7.4 **TENANT SCREENING FOR SUITABILITY**

24 CFR 982.307 (a) (1): “PHA option and owner responsibility. The PHA has no liability or responsibility to the owner or other persons for the family’s behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy. The PHA must conduct any such screening of applicants in accordance with policies stated in the PHA administrative plan.”

Policy:

The HA will conduct screening of applicants related to:

- Status as a registered Sex Offender; and
- Drug-related criminal activity or other criminal activity, if self-declared by the applicant.

The HA will not provide any other screening for family behavior or suitability for tenancy.

At or before HA approval of the tenancy, the HA will inform the owner that screening and selection for tenancy is the responsibility of the owner.

7.5 **INFORMATION TO OWNERS**

24 CFR 982.307 (b) (1): “The PHA must give the owner: (i) The family’s current and prior address (as shown in the PHA records); and (ii) The name and address (if known to the PHA) of the landlord at the family’s current and prior address.”

24 CFR 982.307 (b) (3): “The PHA must give the family a statement of the PHA policy on providing information to owners.”

Policy:

The HA will provide prospective owners with the family’s current and prior address (as shown in the HA records) and the name and address (if known to the HA) of the landlord at the family’s current and prior address.

No other information on a family will be provided to prospective owners.

A statement of the HA’s policy on release of information to prospective landlords will be included in the family’s briefing packet.

7.6 MAXIMUM FAMILY SHARE AT INITIAL OCCUPANCY

982.508: “At the time the PHA approves a tenancy for initial occupancy of a dwelling unit by a family with tenant-based assistance under the program, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share must not exceed 40 percent of the family's adjusted monthly income.”

MTW Plan: The HA will “raise the current 40% cap on the percentage of family income spent on rent to a 50% cap.” “This Activity is being proposed as a 1-year technical amendment bypassing the public notice period, due to the 2019-2020 COVID-19 pandemic.” (Expires June 30, 2021)

7.7 CHANGE OF OWNERSHIP

HUD-52641 (14) (a): “The owner may not assign the HAP contract to a new owner without prior written consent of the PHA.”

Policy:

The HA must receive a written request from the existing owner stating the name and address of the new owner and/or HAP payee and the effective date of the assignment.

If the new owner does not agree to an assignment of the HAP contract, or fails to provide any requested documents, the HA will terminate the HAP contract with the old owner.

7.8 DISAPPROVAL OF OWNER

24 CFR 982.306 (c): “In its administrative discretion, the PHA may deny approval to lease a unit for an owner for any of the following reasons:

- (1) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (U.S.C. 143f);
- (2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
- (3) The owner has engaged in any drug-related criminal activity....”

Policy:

Before denying approval to lease a unit for an owner, the HA will review and consider all relevant factors including the owner’s record of compliance, the seriousness of the violations, and the number of violations.