

CHAPTER 9

OWNER RENTS, RENT REASONABLENESS, AND PAYMENT STANDARDS

9.0 INTRODUCTION

This chapter describes the HA's policies regarding the determination of rent reasonableness, payments to owners, and adjustments to the Payment Standard. The policies in this chapter pertain to Moving to Work and non-Moving to Work families.

9.1 RENT REASONABLENESS DETERMINATIONS

24 CFR 982.507 (b): “The PHA must determine whether the rent to owner is a reasonable rent in comparison to rent for other comparable unassisted units. To make this determination, the PHA must consider:

- (1) The location, quality, size, unit type, and age of the contract unit; and
- (2) Any amenities, housing services, maintenance and utilities to be provided by the owner in accordance with the lease.”

MTW Plan:

The HA “will eliminate the HUD requirement to re-determine the rent reasonableness of affected units within 60 days of the contract anniversary date when HUD reduces FMRs by 5% or more.”

Policy:

The HA will use an internet-based rent reasonability database provided by a third party vendor to:

- Establish and document the rent reasonableness determination, and
- Generate and maintain a database of market-based comparable units.

The database uses an automated valuation model to identify and compare the program unit to the most similar private market rental property units within a specific geographic radius, drawing on a database of non-subsidized comparables and current property listings.

The database uses nine comparability factors: location, size, type, quality, age of the assisted unit and any amenities, housing services, maintenance, and utilities provided by the owner. The rent reasonableness system will make automatic adjustments to comparable units based on variations between the subject unit and the comparable unit.

When the rent reasonableness for a single-room occupancy (SRO) unit cannot be determined due to insufficient comparable units available in the rent reasonability database, the HA will use 0.75 times the reasonable rent for a comparable studio unit to determine the reasonable rent of an SRO unit.

9.2 MAKING PAYMENTS TO OWNERS

24 CFR 982.311 (a): “*Payments under HAP contract. Housing assistance payments are paid to the owner in accordance with the terms of the HAP contract.*”

Policy:

Under special circumstances and with prior approval, checks may be made available for owners to pick up in person at the HA with proper identification.

Checks that are not received will not be replaced until the payee has made a request and a stop payment has been placed on the check.

9.3 PAYMENT STANDARDS

24 CFR 982.503 (b) (1) (i): “The PHA may establish the payment standard amount for a unit size at any level between 90 percent and 110 percent of the published FMR for that unit size.”

PIH Notice 2013-18: “The HUD Field Office Public Housing Director can approve exception payment standards above 110 percent to 120 percent of the FMR as a reasonable accommodation in accordance with 24 CFR 982.503 (c)(2)(ii). Only HUD Headquarters may waive 24 CFR 982.505 (d) to allow the PHA to approve any exception payment standards higher than 120 percent of the FMR as a reasonable accommodation.”

MTW Plan:

The HA will “forego the final step (HUD approval)” and “make the final determination whether to approve any documented and reasonable exception payment standard.”

Policy:

The HA will review payment standards annually, after it has received notification of its annual HCV budget authority. If there is a 20% or more difference between payment standards and current average open market rents for any bedroom size, staff will evaluate the costs and effects of revising current payment standards to align closer to open market rents with a goal of maintaining 90% funding utilization.

The HA may additionally consider the following factors in establishing the payment standards:

- Financial Impact
- Rent burden of participating families
- Quality of units selected
- Changes in rent to owner
- Unit availability
- Expanding housing opportunity

MTW Participants: The HA will review and approve requests for a payment standard exception above 110% of the Fair Market Rent (FMR) as a reasonable accommodation.

Non-MTW participants: Requests for an exception payment standard above 110% of the FMR will be reviewed and approved by HUD in accordance with PIH Notice 2013-18.

9.4 RENT ADJUSTMENTS

24 CFR 982.519 (a): “*When rent is adjusted. At each anniversary date of the HAP contract, the PHA must adjust the rent to owner at the request of the owner in accordance with this section.*”

MTW Plan:

The HA will “impose a freeze on any owner requests to increase their contract rents for a one year period [...and] the decision on whether and when to implement any future freezes would be subject to HACSC’s Board of Commissioners’ consideration and approval.

Policy:

The HA will not accept rent adjustment requests more than 4 months prior to the requested effective date.

The HA will not approve more than one contract rent increase per contracted unit within a 12-month period from the date of the last contract rent increase.

9.5 VACANCY PAYMENTS

24 CFR 982.311 (d) (1): “If the family moves out of the unit, the PHA may not make any housing assistance payment to the owner for any month after the month when the family moves out.”

MTW Plan:

The HA will “provide vacancy payments to participating owners who re-lease a vacant HCV unit to a new HCV participant....which is a payment of 80% of the contract rent for up to 30 days.”

Policy:

MTW Participants: Vacancy payments (calculated based on 80% of the last HCV tenant’s contract rent amount) may be made for up to 30 days to participating owners who re-lease a vacant unit to an MTW HCV tenant if:

- The Request for Tenancy Approval (RFTA) for the new tenant is received within 90 days from the date that the last HCV tenant vacated the unit.

Non-MTW Participants: The HA will not provide vacancy payments to participating owners who re-lease a vacant unit to a non-MTW HCV tenant.