

**A copy of our Section 8 HCV Rental Assistance program's manual is being provided to you in hopes that you will find the information useful.**

## **INTRODUCTION**

The US Department of Housing and Urban Development (HUD) provides Section 8 rental subsidies to families with low income in the form of Housing Choice Vouchers. The Virginia Housing and Redevelopment Authority (VHRA) administers the program in northern St. Louis County in Minnesota. The VHRA pays rent subsidies directly to rental property owners on behalf of eligible voucher families. Federal regulations govern the contractual relationships between the property owners, VHRA and tenants.

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# Helping Tenants Avoid Eviction

When renters are at risk of getting evicted, they often stop communicating and disappear. Don't disappear or stop communicating. Doing so basically forces the landlord to evict. Make sure to communicate well, agree on a date to voluntarily move out, and ask the landlord to not move forward with an eviction.

Find help with eviction prevention through legal assistance by calling 2-1-1, texting your zip code to 898-211, or searching the United Way 2-1-1 website

**MN Benefits:** Minnesota Emergency Assistance for Families/Emergency General Assistance is a short-term assistance program for people experiencing a financial hardship. You can access the program application through your local county human services office or at MN Benefits.

**Bridge to Benefits:** This web-based screening tool can help an individual identify if they are eligible for public works programs, including SNAP, WIC, School Meal Program, Minnesota Health Care Programs, Energy Assistance and Child Care Assistance. Visit the website for more information.

**Community Action Partnership Minnesota:** Community Action Partnership members provide assistance to individuals and families in times of crisis. Find Your Local Community Action Agency

**HOME Line:** A non-profit Minnesota tenant advocacy organization providing free and low-cost legal, organizing, education, and advocacy services so that tenants throughout Minnesota can solve their own rental housing problems. HOME Line's hotline is confidential: For English, call 612-728-5767 or email your question to one of our housing attorneys. Toll-free from Greater Minnesota: 866-866-3546. HOME Line's tenant hotline remains open during the COVID-19 pandemic. However, HOME Line's physical office is closed. Call or email for legal advice about your tenancy. Visit HOME Line's website for more information [LawHelpMN](#). In some cases, direct financial support may not be available. Visit [LawHelpMN](#) to get information about evictions.

## GENERAL INFORMATION

If you have questions about your payment, are looking to change your address or if there is a change of ownership, please contact your tenants' worker in our office. To determine which worker works with your tenant, please refer to previous mailings you have received.



# FAQ's

**What is the Section 8 Housing Choice Voucher Program?** The Housing Choice Voucher program, commonly known as HCV or Section 8, is the Federal government's primary program for assisting low-income families, the elderly, and persons with disabilities to afford rent in the private market. The HCV program of the Housing and Redevelopment Authority of Virginia, MN will help pay your rent if your income is below the income limit.

Eligible families select their own rental units and pay between 30-40% of their adjusted monthly income towards rent and utilities. The HRA pays the balance of the rent up to the payment standard.

## **Who can apply for rent assistance?**

The program is open to low-income families without regard to race, religion, national origin, gender, source of income, or present residential location.

**Where can a person rent and receive subsidy?** Rentals units can be rented anywhere within the jurisdiction of a Housing Authority in the United States that is administering a tenant-based program. The Virginia Housing Authority's jurisdiction is St. Louis County, north of Cotton, Minnesota.

**What is the term of the voucher?** The voucher is good for 120 days (about 4 months) from the date issued. You must submit a Request for tenant approval before your voucher expires. Generally, the PHA will not approve extensions to the term of a voucher. The PHA may approve additional extensions only in the following circumstances. It is necessary as a reasonable accommodation for a person with disabilities or it is necessary due to reasons beyond the family's control. The presence of these circumstances does not guarantee that an extension will be granted. Serious illness or death in the family, other family emergency, obstacles due to employment, whether the family has already submitted request for tenancy for approval that were not approved by the PHA or whether family size or other special circumstances make it difficult to find a suitable unit. Any request for an extension must include the reason for the extension and must be made in writing and submitted before the expiration date of the voucher. The PHA will decide whether to approve or deny an extension within 10 business days of the date the request is received.

**What are the income limits of the program?** [www.vhra.org](http://www.vhra.org)

**What types of rental housing are included?** Privately owned duplexes, townhomes, apartments, cooperatives, congregate housing, single family homes, and mobile homes are included if they are within the maximum rent limits of the program.

**What are the maximum rents allowed for the program?** [www.vhra.org](http://www.vhra.org)

**When are new payment standards applied to tenants?** Payment Standards are applied at initial move-in and annual reexam.

## **How does the program work?**

To receive rental assistance, you must complete a Section 8 HCV program application and return it to the Virginia



HRA. Applications are available at our office, or on our website. Applications may be mailed, hand delivered, faxed, or emailed. Once we have received your application, your name is placed on the Section 8 waiting list in chronological order. A letter stating the date that your application was received and placed on the waiting list will be mailed to you. Once an opening occurs within the Section 8 program, applicants will be selected from the waiting list and a letter will be mailed requesting that Applications provide information for a background check. Upon eligibility, applicants are required to attend a briefing session in order to obtain a voucher. The briefing session will consist of what the Section 8 HCV program is, the processes, rules, and additional housing information.

### **What Does the program offer to owners?**

- **Guaranteed Rent:** The HRA's contracted portion of the rent is paid directly to the landlord on time and every month.
- **Protection Against Tenant Loss of Income:** A Section 8 clients' rent portion is based on household income and the HRA's portion of the rent can be increased if the tenants' income drops. Landlords have the assurance that their tenant will always be able to afford their portion of the rent.
- **Beter Unit Maintenance:** Because inspections are being done on an initial basis, it ensures the quality of the unit before a tenant occupies the unit. With biennial inspections, maintenance issues are pointed out that may have gone unnoticed and for out-of-town landlords, it's another eye on their property.
- **Free Vacant Unit Advertising:** Available units can be posted in our office if you call (218) 741-2610 ext. 6301 and speak with our front desk representative.
- **You Choose Your Tenants:** Landlords have full discretion in tenant selection within the guidelines of the Fair Housing Act.

### **How much rent can an owner charge for his/her unit?**

The Housing Choice Voucher Program is based on the premise that housing with suitable amenities can be obtained on the private market. HUD publishes payment standards annually. The limits, or payment standards, are published by bedroom size and locality. Exceptions to the payment standard are generally not permitted. An exception may be made as a reasonable accommodation for a family that includes a person with disabilities. Gross rent is the contract rent plus tenant paid utilities. The utility amounts are obtained from the utility allowance the HRA obtains annually or as needed. Additionally, the HRA must ensure that all approved lease payments are reasonable in relation to rents currently charged for comparable rents in the private, unassisted market and does not exceed the rent being charges for unassisted units in the same building. The tenant must not pay any amounts other than what is shown on the lease.

### **When can the rent amount be changed?**

Rent amounts cannot be changed during the initial 12-month term of the lease. HUD requires 2 full rental period notice for rent increases after that. The HRA must ensure that the rent is reasonable based on market information. The adjustment must not exceed the amounts charged for other comparable units in the same building.

**What is the required term of the lease?**

HUD requires an initial 12-month lease, after that, it can be month to month.

**When does the HRA send rent payments?**

Rent payments are generally sent via ACH on the first of the month.

**What is the process if a tenant wants to move to another unit in the same building?**

The tenant is required to give the HRA a full rental period notice. Moving in the same building is the same as moving to another location. Moving is moving.

**What if I want to move out of the area?**

Portability is moving with your voucher out of the PHA jurisdiction. You may need to live in the PHA's jurisdiction for 12 months before exercising portability. Please contact the PHA for further information.

**What is a HAP Contract?**

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52641.pdf>

The HAP Contract is between the owner and the HRA. Essentially, it guarantees that the HRA will pay its portion of the rent, providing that the owner performs his/her responsibilities under the lease to receive a check on the 1<sup>st</sup> of the month

**What is the Tenancy Addendum?**

Tenancy Addendum (attached to tenant lease)

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52641A.pdf>

It is part of the HAP contract and is attached to the tenant's lease. It has provisions that the tenant and landlord must adhere to. Please visit our website for more information.

**Who is eligible for the program?**

Anyone with gross annual incomes not exceeding federal income limits is eligible for the program. (A family is eligible for the program, not a housing unit).

**What information can the PHA give to a prospective landlord?**

The PHA can provide the owner with the family's current and prior address as shown in the PHA records and name and address of current and previous landlords. The PHA is permitted, but not required to offer the owner other information in the PHA's possession about the tenancy. We do not provide references.

**How does an owner get involved in the program?**

An owner becomes involved in the program through a family with a housing choice voucher. The family looking for a rental unit will inform the owner that they have a voucher for rent assistance and will ask the owner if he/she is willing to participate in the program.

**Does the HRA screen families for the owner?**

The HRA does not screen applicants. Tenant screening and selection is the responsibility of the owner. The HRA recommends that the owner check references of all applicants, assisted and non-assisted. If you're at all concerned about discrimination, please refer to the included hand-out titled, "Landlords and Tenants: Rights and Responsibilities" which is published by the Minnesota Attorney General's Office.

**Can an owner obtain information about the family from the HRA?**

Regulations will allow the HRA to give information about clients to landlords. This may allow us to give information about clients to landlords, including information about current and former landlords if known.

**Is an owner required to participate in the Section 8 Program?**

An owner has the same right of tenant selection with Section 8 participants as other applicants. State and Federal laws prohibit housing discrimination based on race, color, religion, sex, national origin, age, familial status, disability, creed, marital status, sexual orientation, or reliance on public assistance in connection with the lease.

**What is the process if an owner has a rental unit he/she wishes to rent to a section 8 participant?**

The owner should contact the HRA who will complete a referral form with the pertinent unit information. Program participants looking for housing will be informed of the vacancy.

**What types of housing units can be rented by the family?**

Apartments, single-family homes, duplexes, townhouses, condominiums, and mobile homes are eligible housing types. Our jurisdiction covers Northern St. Louis County with cities including, but not limited to: Hoyt Lakes, Aurora, Biwabik, Embarrass, Ely, Babbitt, Eveleth, Gilbert, Virginia, Mountain Iron, Cherry/Forbes/Zim, Chisholm, Hibbing, Orr and Cook. Duluth and Grand Rapids are not in our jurisdiction.

**Is the unit inspected by the HRA and what is the purpose of the inspection?**

Yes, a unit must be inspected by the HRA to 1) ensure that the unit meets Federal Housing Quality Standards, and 2) document the condition of the unit at the time assistance begins. The HQS were developed to ensure the housing assistance through the program is "decent, safe and sanitary." The unit is re-inspected biennially. Inspections serve as a reference for landlords to have the beginning

conditions of their properties documented before the lease begins.

### **What is a Request for Tenancy Approval?**

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52517.pdf>

The Request for Tenancy (RTA) is a form that the household provides to the owner. A copy of this form is provided for your viewing. The owner completes the following portions: unit size, rent, availability, address, and utility responsibilities. The family is responsible for returning it to the HRA. Once the HRA receives the RTA, after the rent is verified, the inspector will receive the RTA and proceed. This form provides the HRA with the information necessary for the preparation of the Tenancy addendum, HAP Program contract, documents, and inspection.

Please note: the RTA must be fully completed.

### **What if a unit fails an initial inspection?**

Under Federal regulations, a unit either passes or fails. Any item that does not meet the standards will cause the unit to fail. The owner will be notified, in writing if the unit “fails.” The owner determines whether he/she is willing to make the repairs. If the owner elects to make the repairs and participate with the program, the HRA must be notified of repair completion, and the unit will be re-inspected. If the owner chooses not to make the repairs, the family must select another unit to receive assistance.

Assistance cannot begin, nor is the contract effective, until the unit passes inspection. If the inspection passes after the first of the month, the HRA rent portion will be prorated for the number of days remaining in the month.

Payment of the differences between the HRA’s prorated and full payment must be negotiated between the owner and the family.

### **How is the estimate for utilities paid by the tenant determined?**

The estimate for tenant paid utilities (excluding telephone and cable) is calculated by the HRA using average consumption data by bedroom size, structure type, and energy source. This data is updated annually. [Link to webpage](#)

### **Can I rent my unit to a family member who is a Section 8 client?**

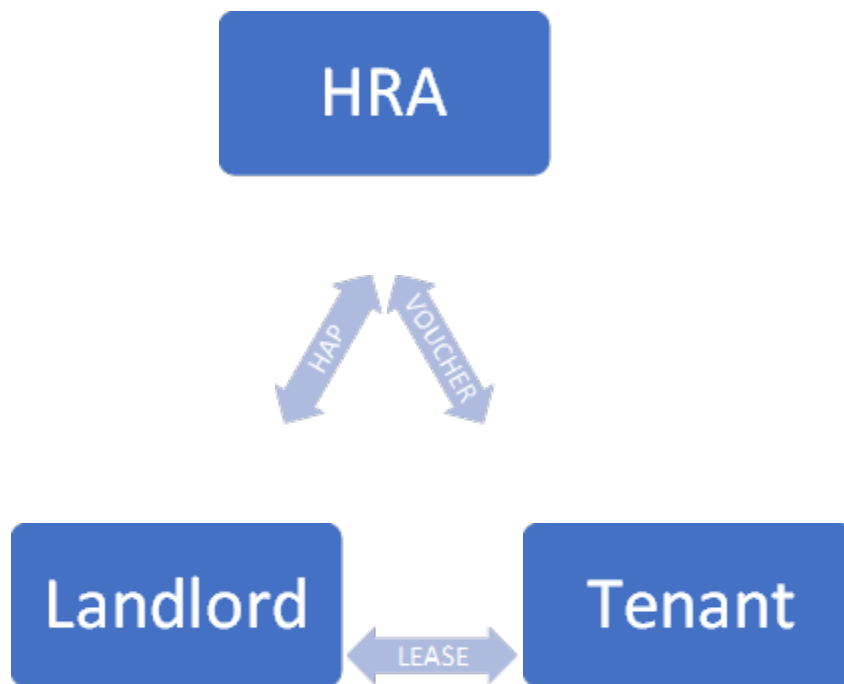
No, the HRA is prohibited by federal regulations from approving a unit for assistance if the owner is a parent, grandparent, child, or sibling of any member of the family. The only exception is if the program participant is a person with disabilities and it has been determined that approving the unit would be providing a reasonable accommodation. However, it is a very rare situation to be approved under these circumstances.

### **What do I do if my tenant is damaging the unit or not paying rent?**

If your tenant is causing damage to your unit, that is most likely a lease violation, and you are free to evict them as you wish and on your terms. If the tenant is evicted with a court ordered judgement, the tenant will lose their voucher for 3 years. If you evict a tenant and it is not via a court order, they may remain on our Section 8 program. However, clients are not allowed to owe back-rent to any other Housing Authorities or landlords. If you have documented proof of non-payment of rent, we will take the client's voucher away until the rent is paid within the specified time frame.

This prevents tenants from moving around and owing many landlords money.

### Roles-Tenant, Landlord, Housing & Redevelopment Authority and HUD



Once the HRA approves an eligible family's housing unit, the family and landlord sign a lease. At the same time, the landlord and the HRA sign a housing assistance payments (HAP) contract that runs for the same term as the lease. This means that everyone: tenant, landlord and HRA have obligations and responsibilities under the voucher program.



## **The Tenant**

When a family selects a housing unit and the HRA approves the unit and lease, the family signs a lease with the landlord for a minimum of one year. The tenant may be required to pay a security deposit to the landlord. After the first year, the landlord may initiate a new lease or allow the family to remain in the unit on a month-to-month lease. When the family is moved into a new home, the family is expected to comply with the lease and the program requirements, pay its share of rent on time, maintain the unit in good condition and notify the HRA of any changes in income or the families composition.

## **The Landlord**

The role of a landlord in the voucher program is to provide decent, safe, and sanitary housing to a tenant at a reasonable rent. The unit must pass the programs Housing Quality Standards (HQS) and be maintained up to those standards as long as the owner receives housing subsidy payments. In addition, the landlord is expected to provide the services agreed to as part of the lease signed with the tenant and the contract signed with the HRA.

## **The Housing Authority**

The HRA administers the voucher program locally. The HRA provides a household with rental assistance that enables the family to seek out suitable housing. The HRA enters into a contract with the landlord to provide housing assistance payments on behalf of the family. If the landlord fails to meet the owner's obligations under the lease, the HRA has the right to terminate assistance payments. The HRA must re-examine the family's income and composition annually. The HRA must inspect the unit biennially to ensure it meets with HQS.

## **HUD**

To cover the cost of the program, HUD provides funding to HRA's to make HAP on behalf of the families. HUD also pays the HRA a fee for the cost of administering the Section 8 Program.

When additional funds become available to assist new families, HUD invites HRA's to submit applications for funds for additional housing vouchers. Applications are reviewed and awarded to selected HRA's on a competitive basis. The federal regulation that covers the HCV program is 24 CFR Part 982.

## **Lease**

The owners must supply their own lease. The owners' lease must comply with state and local laws. A Tenancy Addendum will be attached to the lease and if a conflict between the lease and addendum occurs, the provisions required by H.U.D shall control. Please note that the HRA is not a party to the lease.

A 12-month (1 year) lease is the minimum term for a lease. At the end of that year, you may create a new lease or continue on a month-to-month basis. A mutual termination may be executed at any time to terminate the lease, providing that all involved parties are interested in the termination. A copy of a mutual termination of the lease has been provided for your viewing. After the first year of residence, the owner may terminate the lease at any time, providing that the required written notice is given.

The owner may terminate the lease for serious and/or repeated violations of the terms of the lease, violation of

Federal, State, or local laws regarding the occupancy or use of the unit.

## INFORMAL HEARING PROCEDURE

### A. Complaints

1. A complaint shall be presented orally or in writing to the Housing Authority Office. (If the complaint is written the complainant must sign it). The complaint must be presented within a reasonable time, not in excess of the first working day after the tenth (10) day of the action that is the basis of the complaint. It may be simply stated, but shall specify; (1) the particular grounds upon which it is based, (2) the name, address and telephone number of the complainant.

### B. Informal Hearings

1. Decisions requiring hearing.

The following types of decisions will be subject to informal hearing to determine that the Decision is in accordance with law, HUD regulations, and PHA rules:

- a. A determination of the amount of the Total Tenant Payment Rent (not of utility allowances for families in the PHA's Section 8 Program).
  - b. A decision to deny or terminate assistance on behalf of the participant.
  - c. A determination that a participant family is residing in units with a larger number of bedrooms than appropriate under the PHA standards and the PHA's determination to deny the family's request for an exception from the standards.
  - d. In the case of an assisted family who wants to move to another dwelling unit with the continued participation in the PHA program the Housing Authority's determination of the number of bedrooms to be entered on the Housing Choice Voucher issued to the family under the PHA's standards.
2. Hearing Procedures
    - a. If the Housing Authority has decided to terminate housing assistance payments on behalf of a participant under an outstanding contract, (and if the PHA is required to give the participant an informal hearing on the decision), the participant shall be afforded the opportunity for such informal hearing BEFORE the termination of housing assistance payments.
    - b. In all other cases where a hearing is required under an informal hearing, Section B1, the Housing Authority shall proceed with a hearing in a reasonably expeditious manner upon the request of the participant.
    - c. The hearing may be conducted by any person or persons designated by the Housing Authority, other than a person who made or approved the decision under review or a subordinate of such person.
    - d. At his/her own expense, a lawyer or other representative may represent the participant.
    - e. The person who conducts the hearing may regulate its conduct in accordance with the PHA hearing proceedings.
    - f. The Housing Authority and the participant shall be given the opportunity to present evidence and may question any

witnesses. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

- h. The person who conducts the hearing shall issue a written decision stating briefly the reasons for the decision. Factual determinations relating to the participant's individual circumstances shall be based on the evidence presented at the hearing. A copy of the hearing decision shall be furnished promptly to the participant.
- i. The Housing Authority is not bound by a hearing decision; (1) concerning a matter for which the PHA is not required to provide an opportunity for an informal hearing as listed above or otherwise in excess of the authority of the person conducting the hearing under the hearing procedures listed above, and (2) contrary to HUD regulations or requirements, or otherwise contrary to Federal,  
j. State, or local law.  
If the Housing Authority determines that it is not bound by a hearing decision, the PHA shall promptly notify the participant of the determination and the reason for the determination.

## **Section 8 Rental Assistance Program “Portability Fact Sheet”**



“Portability” means that your family is able to move out of this Housing & Redevelopment Authority’s jurisdiction and still use the Housing Choice Voucher.

Housing Choice Vouchers are portable in the jurisdiction of an HRA in anywhere the United States that is administering a tenant-based program.

If you want to move out of this HRA’s jurisdiction, you must contact your representative to arrange for portability transfer to the new HRA’s community. The new HRA will have the option of giving you one of their vouchers or billing us for administrative costs on your rental subsidy.

**PORTABILITY FACTS YOU SHOULD KNOW:**

You will need to complete an application with the new HRA. The new HRA may have some different rules, policies, deadlines, etc. and you will probably have to attend a briefing session as a new participant. This may result in a delay in receiving assistance.

Some HRA’s may require that you have a completed “Request for Lease Approval” for the new unit before you can transfer.

The new HRA may have a different utility allowance and rent limits, which will affect the amount of rent charged by the landlord in the voucher program, and the amount you pay towards rent.

You must be in good standing with this HRA or current with your repayment if you currently owe this HRA some monies before portability can be made.

If you need more time to find a unit you will need to contact this HRA to request an extension on your voucher.

Information contained in this HRA’s Section 8 file will be shared with the new HRA; including information about any monies you owe this HRA for damage, unpaid rent, and delinquencies under any repayment agreements with this HRA.

If you want to use the portability feature of your voucher, please contact your HRA representative.