

The Housing Assistance Payments (HAP) program is a federally funded program, administered by local public housing agencies. The program enables families to obtain decent, safe, and affordable housing by subsidizing a portion of each participant's monthly rent and paying it directly and promptly to the property owner. Any type of private rental housing is eligible. Paperwork is minimal and the owner retains normal management rights and responsibilities including tenant selection, rent collection, property maintenance, and lease termination.

Who participates in the HAP program?

The Rolette County Housing Authority selects families who meet income and other eligibility requirements but does not "screen" for tenant suitability.

How is rental assistance provided?

The Authority calculates the amount of assistance each family receives, based on size and income. A family is expected to pay approximately 30 percent of its adjusted gross income towards rent. A participating family may choose to remain in its current unit or move to another unit. When a family finds a unit and signs a lease, the agency signs a contract with the owner. Each month the agency makes a payment directly to the owner. These payments are *guaranteed monthly income* to the owner as long as the family lives there and as long as the family & dwelling unit meets programs requirements.

What are the tenant's rent responsibilities?

The tenant must pay all rent and utilities that are not covered by the HAP contract. Because the family is receiving assistance, the rent burden is reduced and the family should be able to pay its rent more easily and on time.

Are there any maximum rent limits in the HAP program?

HUD publishes total housing cost guidelines for rental units in Rolette County. The owner is expected to charge a reasonable market rent for the unit based on the size location and amenities. The RCHA applies a rent reasonableness test to the rent the owner is requesting. Exception rents above the total housing cost guideline may be granted by the RCHA on a case-by-case basis.

Once under lease, the RCHA may allow annual rent increases by an amount not to exceed HUD's annual adjustment factor; the HAP payment is adjusted accordingly.

TENANT SELECTION AND SECURITY DEPOSITS

1. Screening and selecting tenants: As an owner, you are responsible for using your normal tenant selection procedures to screen and select prospective tenant. Please check rental references and past credit history. You may ask the RCHA if rental history of the family is known. The fact that a person qualifies for the Section 8 Program is *NOT* meant to be a reference.

2. Security Deposit: You are allowed to charge a security deposit of up to one month's rent payment. This maximum amount has been set by state law. The Authority will not otherwise tell you the maximum amount that you may charge.

The owner may use the security deposit as reimbursement for any unpaid rent or damages caused by the tenant. The owner must provide the tenant with a list of all the items and the amounts charged against the security deposit. After deducting any amounts owed, the unused balance must be promptly refunded to the tenant.

When you decide that you would like to lease your unit to a program participant, the prospective tenant must return to the Housing Authority the following forms completed by landlord:

1. Request for Lease Approval.
2. Request for Taxpayer Identification Number & Certification - IRS form W-9.

After the tenant/landlord submit the documents, an inspector from the Authority will inspect the unit. You may go through the unit with the inspector and learn of any deficiencies which exist or may be imminent. You will be given ample time to correct any deficiencies noted. The unit must be re-inspected after the deficiencies are corrected. The Authority will notify the landlord and the family if the unit meets program requirements in both cases.

Housing condition: All units in the HAP program must meet the health, safety, security, and occupancy standards of the program.

Here is a partial guide for the criteria the RCHA will use regarding Housing Quality Standards-(HQS): [See also "A Good Place to Live" handout]

All units must have a working smoke detector on each floor used by tenant.

To insure the recipients of rental assistance are living in "decent" housing, the RCHA requires the unit to be cleaned and/or painted at time of initial inspection, unless otherwise approved by HQS inspector.

The unit must have a minimum of a living room, kitchen area and bathroom and must contain at least one sleeping or combination living/sleeping room for each two persons. The living room and each bedroom must have at one operable window.

The bathroom must be located in a separate room and have a source of ventilation, either an operable window, a fan or vent. There must be a flushing toilet, a fixed basin with hot and cold running water and a shower or tub, all in proper working condition.

The unit must have a cooking stove & refrigerator, (appliances may be supplied by either the landlord or the tenant) and a kitchen sink with hot and cold running water. The unit must have space for storage and preparation of food.

All dwelling windows which are accessible from the outside must be lockable. The unit's exterior doors must have a working lock. The building must provide an alternate means of exit in case of fire (such as fire stairs or exit through windows, with use of a ladder if windows are above the second floor).

The unit must contain heating facilities, that provide heat to each room, insuring a healthy living environment. The unit must not contain un-vented room heaters which burn gas, oil, or kerosene.

The bathroom must have a permanent working ceiling or wall type light fixture. The living room, kitchen and each bedroom must have at least two working electrical outlets. (Overhead or wall mounted light fixtures may be counted as one of the required electrical outlets).

The Rolette County Housing Authority will make recommendations to owners for improving housing quality standards above these minimum requirements. The RCHA is required to conduct unit inspections for HQS before the execution of a HAP contract and annually thereafter to insure the unit is in the compliance with HQS. **NO HOUSING ASSISTANCE CAN BE PAID ON BEHALF OF THE CLIENT UNTIL THE UNIT PASSES THE HQS INSPECTION!!**

Each year the Rolette County Housing Authority re-evaluates the following;

1. **Tenant income, family composition, and on-going eligibility:**

A change in the tenant's income or family circumstances is likely to result in a change in the portion of the rent paid by the tenant.

2. **Willingness of both parties to continue in the program:**

Prior to the expiration of the lease, the owner and the family must decide if they wish to renew the lease. If they agree to renew, the lease will automatically become a monthly lease. Any changes must be agreed to by the tenant and Housing Authority.

TERMINATION OF THE LEASE

1. **If the tenant becomes ineligible for assistance:** The Authority will cancel its contract with you. However, you may arrange with the family to continue to lease without housing assistance.

2. **If the owner\family wants to terminate the lease:** The owner and the tenant are entering into a one year lease that can only be terminated for "good cause" as described in the HAP contract. After the first year the lease becomes a month-to-month lease which may be terminated by either party giving a written 30 day notice on or before the first day of any given month.

3. **If the owner sells the property:** The owner must contact the Authority prior to the sale of the property. The contract and the lease terminate upon sale of the property.

4. **If the tenant vacates the unit in violation of the lease:**

The Landlord may retain the housing assistance payment for the month in which the tenant moved.

5. **Eviction procedures:** If the landlord decides to begin eviction proceeding against a tenant, you may follow standard procedures required by the state and local law. You must give WRITTEN notice to the family and Housing Authority stating the grounds of the proposed eviction.

RENTING TO A RELATED FAMILY MEMBER.

The Tenant and Landlord, must declare the *Owner is not related* as a grandfather, grandmother, grandson, granddaughter, father, mother, brother or sister to any members of tenant family. 6-98

NON-DISCRIMINATION IN HOUSING

In the selection of tenants, provision of services, or in any other manner, federal law states that an owner may not discriminate against any person because of race, color, religion, sex, or national origin. Additionally, state and local statutes may prohibit discrimination on broader grounds (e.g., age, marital status). Program participants are instructed to report all cases of discrimination.

Please contact the Rolette County Housing Authority at 246-3421 or Box 567, Rolette, ND 58366 with any questions you may have regarding the Section 8 Existing Program. (The program is also known as Voucher and/or H.A.P. program).

An Equal Housing Opportunity Agency