

# The Denver Housing Authority

## Section 8 Housing Choice Voucher Handbook for Landlords



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# Introduction



This Handbook is designed to provide property owners, managers, and landlords with vital information about the Section 8 Housing Choice Voucher Program.

# Acknowledgement

We, at the Denver Housing Authority, want to thank you for participating in the Section 8 Housing Choice Voucher Program. Landlord participation is an integral part of the Section 8 program. Without your assistance, we would not be able to effectively serve our community.



**DENVERHOUSINGAUTHORITY**  
THE BUSINESS OF HOUSING.

# What is Section 8?



The Section 8 Housing Choice Voucher Program (HCV Program) was established to provide rental assistance to very low-income families so they could afford safe, decent and sanitary housing in the private rental market.

The HCV Program is funded by the United States Department of Housing and Urban Development (HUD) and is administered through a public housing agency, such as the Denver Housing Authority (DHA).

# Lottery Process

DHA conducts an annual lottery. It is generally open for two consecutive days. Notice of the opening of the lottery is published in the Legal Notice of local newspapers.

In order to participate in the Section 8 Housing Choice Voucher Program, (HCV Program), all interested recipients must participate in the random choice lottery. During the lottery opening, all interested persons (eighteen of age and over) completes and submits their entry via the internet on Denver Housing Authority's website: [www.denverhousing.org](http://www.denverhousing.org). All computer entries must be complete. Incomplete and/or duplicate entries are voided. Recipients will receive a printed lottery number after their lottery information has been submitted.

All accepted lottery entries will be held in a pool. Drawings will be conducted, providing there is available funding, by DHA throughout the year.

# Lottery Process

All selected lottery numbers will be posted at DHA's Central Office (777 Grant Street) and other DHA locations listed in the notice.

Once the numbers are drawn and selected, lottery numbers are posted. DHA then mails Invitation to Apply letters and application packets to the selected recipients.

The selected lottery recipients will receive their letters within 120 days from the date of the drawing.



All lottery numbers not drawn during the calendar year are discarded on **December 31st**. The process starts over again the following year.

# Application Process

Selected lottery ticket recipients bring their Invitation to Apply letter and their completed application packet on their scheduled interview date at the DHA Section 8 Office.



# Eligibility Process

The Housing Authority will determine eligibility of the applicant after the interview has been conducted. Some of the main criteria in determining eligibility include: income and the review of the applicants arrest record.

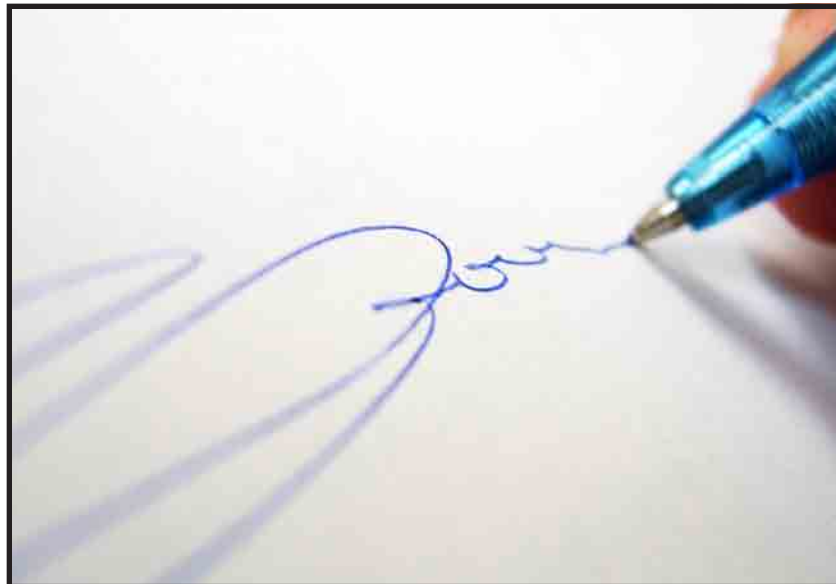
All applicants (eighteen years of age and over) must meet established HUD Regulations and DHA guidelines on criminal activity, such as no recent and/or history of drug related, violent criminal, or other criminal activity. DHA uses the Colorado Bureau of Investigation (CBI) Arrest Record Report. Once a determination on the applicant is made, a letter is mailed to the applicant either approving or denying their application.

All eligible applications are then sent to the Section 8 Department Moves Team, so the applicant can receive their voucher. All ineligible applicants are informed the reason of their ineligibility and are afforded the opportunity for an informal hearing if they desire to appeal the decision.

# New Client Orientations

All approved applicants under the Section 8 Housing Choice Voucher Program must attend the Section 8 New Client Orientation. Clients are notified by mail when to attend their scheduled Orientation Session.

At the orientation clients are informed of program regulations, guidelines, procedures, client/ landlord obligations and a Housing Choice Voucher. This begins their search for a suitable place to call home. Vouchers expire within 60 days of issuance.



# Voucher Term

The term of the Section 8 Housing Choice Voucher is sixty (60) days. No extensions are given, except when the client is granted a reasonable accommodation due to disability.

If the client does not submit a Request for Tenancy Approval within the 60 days, the client is cancelled from the Program.

(See Appendix A for Voucher Sample.)



# Moves/ Lease-Ups

The Section 8 client selects a suitable unit from the open market of privately owned units. If you, as a Landlord, are interested in renting your unit to a Section 8 client, you should screen the Section 8 client the same way you would screen any other tenant. This would include verifying all of his/her information on their application and conduct a thorough background check on the client to determine if the client is suitable for your unit.

## **DHA RECOMMENDS THAT YOU FOLLOW INDUSTRY PRACTICES TO DETERMINE SUITABILITY**

Some Landlords check:

- Credit Reports (such as Equifax, TRW, Experian)
- Police Reports, criminal background checks, (cbirecordscheck.org)
- Denver County courts record
- Interview current/previous landlords
- You may call DHA for previous Landlord contact information

Once you decide that a client will be a good tenant for your unit, you and the client must complete the Request for Tenancy Approval (RFTA).

The Section 8 client or the landlord submits the RFTA (see Appendix B) and other pertinent documents (such as, W-9, Lead Based Paint form, and Landlord Certification) in order to start the lease-up process.

# Moves/ Lease-Ups

The landlord may use their own lease or DHA can provide a standard lease (see Appendix C).

DHA then determines if the client is income-eligible for the unit. For the initial lease, the client:

***May not pay more than 40 percent of their adjusted monthly income toward the initial rent and utilities for the unit if the gross rent of the unit exceeds the applicable payment standard (you may obtain the current payment standard on [www.denverhousing.org](http://www.denverhousing.org)) for the family.***

Once a RFTA is submitted to the DHA, a Section 8 Housing Technician will complete and determine if the proposed rent amount is within the 40% Rule. If the 40% rule is exceeded and/or to discuss other RFTA issues, the Housing Technician will contact the landlord.

If the RFTA is approved, the leases and Housing Assistance Payments (HAP) Contracts (see Appendix D) are prepared and forwarded to the Inspections Department.

# Moves/ Lease-Ups

HUD requires that the unit meet certain Housing Quality Standards (HQS), before the housing assistance payments can begin. An inspector will contact the landlord to schedule an initial HQS inspection. The landlord is responsible for contacting the client. The landlord and the client should be present for the initial inspection.

**NOTE:** Since DHA does not conduct move-out inspection, we recommend that the landlord create their own move-in/out check list to document the condition of the unit when the client moved-in and moved-out. (See Appendix E for samples of Application and Move-In/Out Inspection Forms.)

DHA inspects the unit to ensure it is in compliance with HUD's HQS and that the unit rental amount meets rent reasonableness. The rent reasonableness comparison is conducted to ensure that the asking rent is comparable to surrounding non-subsidized units. (Refer to Appendix F to review the Inspection Checklist.)

# Moves/ Lease-Ups

## **Landlord's Own Lease**

- A Landlord may use their own lease, as long as it:

- is review by DHA
- Complies with State and Local laws
- No subleasing clause
- Specifies who is responsible for payment of utilities
- Applies generally to unassisted tenants in same property

- DHA will provide a HUD tenancy addendum regardless of the lease used.

## **DHA Lease**

DHA can provide a residential lease for the landlord and tenant  
DHA will provide a HUD tenancy addendum regardless of the lease used  
Landlord may add additional lease addendums i.e., crime free lease addendum, mold free addendum

# Moves/ Lease-Ups

## **THE LEASES AND CONTRACTS WILL BE EXECUTED AND HAP PAYMENTS WILL OCCUR PROVIDING:**

• The unit passes HQS Inspection

• The unit meets rent reasonableness

• The landlord and tenant must both sign leases and the landlord signs the HAP contracts.

• The first HAP check is normally issued within 60 days from the effective date.

## **PROVISIONS FOR LATE PAYMENTS:**

• The HAP Contract provides for late payment charges (after first payment is made) in accordance with generally accepted practices for late rent charges in the local market.

• The HAP Contract provision defines situations when late payment fees are deemed acceptable.

# Moves/ Lease-Ups

## **NOTICE OF LEASE TERMINATIONS:**

At the end of the lease term, if the landlord or the client wants to terminate the lease, proper written notice must be given as stated in the lease. A copy of the termination notice must be given to DHA.

However, if either wishes to terminate the lease prior to the expiration date and both parties agree, a Mutual Recision of the Lease must be completed and signed by both parties. The **original** Mutual Recision of the Lease form must be submitted to DHA.

**Note:** If the client does not comply with the lease, DHA recommends that the landlord enforce the lease and take the appropriate steps to terminate the lease. Copies of the legal notices must be submitted to DHA.

# Things You Should Know

## **LANDLORD RESPONSIBILITIES:**

As a landlord, you should treat Section 8 renters as you would a non-subsidized renter.

DHA is not a party to the lease, it is a contract between the landlord and tenant.

Landlords should collect a damage deposit that they deem appropriate.

Landlords should always enforce the lease for renters that are not complying with the lease.

Provide copies of correspondence or documents to DHA.

Evictions are performed by the landlord in accordance with state and local laws.

Landlords should conduct periodic inspections of their unit to ensure that the renter is maintaining the unit.

The issue of damages to the unit is between the landlord and the tenant. It is also the responsibility of the landlord to maintain the unit in proper living condition.

# DISAPPROVAL OF OWNER AND CANCELLATION OF THE HAP CONTRACT

## **MAY HAPPEN IF:**

• The owner has a history of failing to terminate tenancy for drug-related or violent criminal activity or other threatening activity.

• The owner has exhibited abusive or threatening behavior towards DHA personnel.

• The owner fails to maintain the unit in accordance with HQS excluding client caused damages.

• The landlord does not enforce the lease.

• If the owner charges additional rent in excess of the approved amount.

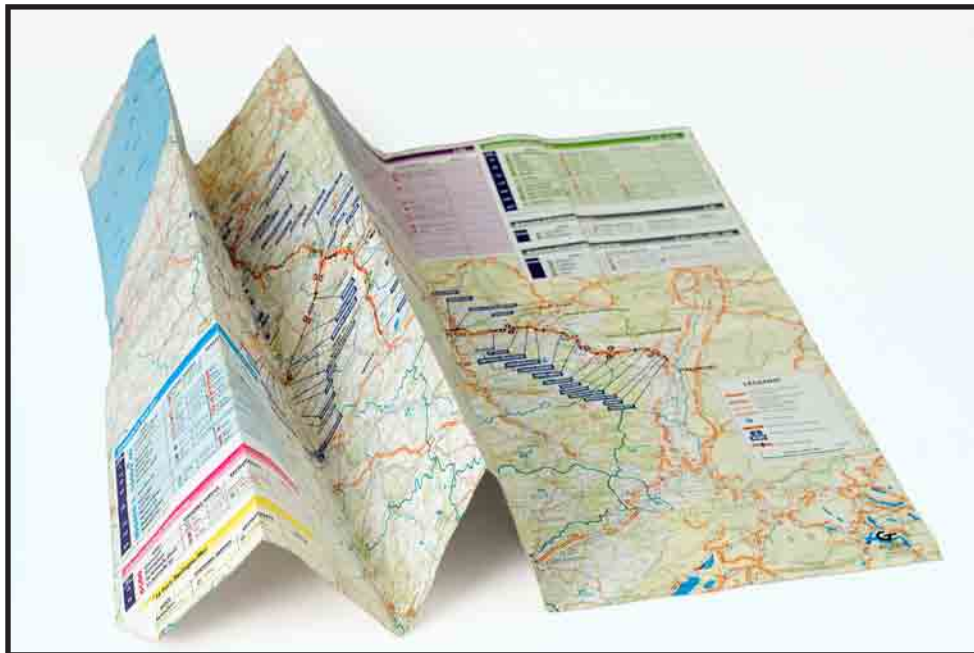
• The owner has engaged in drug-related or violent criminal activity.

• If the tenant vacates the unit, (or if a single member household is deceased) the Lease and HAP Contract are automatically terminated effective the date the unit is vacated by the authorized members of the household.

# Portability

Clients under the Section 8 Housing Choice Voucher Program, who lived in Denver County at the time of application, may transfer their Section 8 assistance from city-to-city or from state-to-state.

For Section 8 clients who are transferring their assistance to Denver the same regulations apply. The clients must contact the Section 8 office and follow proper procedure, including attendance at a mandatory orientation, before they may lease-up.



# Rent Increases

Landlords may request one rent increase every 12 months, at the end of the initial lease term for each individual unit.

The Landlord must give DHA and the Client sixty (60) days written notice of the proposed rent increase request.

Each Rent Increase request must meet Rent Reasonableness in order to be approved.

Client/tenant has the option to move rather than accept the new rental amount.

(See Appendix C for Rent Increase Form Samples.)



# Landlord Changes

## Owner/Agent Change of Address

• Notice of the change must be given to DHA's Section 8 office in writing.

• If an agent is added, a copy of the management agreement must be provided.

## Change of Ownership

• When a property is sold and there is a Section 8 client residing in the unit, the vendor listed on the contract must be changed in our computer system.

• Either old or new owner may request a change of ownership packet from the Section 8 office.

*(See Appendix C for Landlord Change Form Samples.)*

*Direct Deposit is now available!*

Forms are available online at [www.denverhousing.org](http://www.denverhousing.org)  
or at 777 Grant Street, Denver, Colorado, 80203.

# Inspections



# Initial Inspections

A Housing Quality Standards (HQS) inspection is required for all properties under the Section 8 Program.

The Inspections department will make arrangements with the landlord to schedule the inspection within 7 to 10 business days after the completed RFTA is approved and processed.

The Inspection process takes approximately one hour.



# Initial Inspections

The landlord and tenant must be present at the time of the inspection.

Signatures of both parties are obtained when the unit passes inspection.

The Lease and Housing Assistance Payments Contract are effective after the unit passes the inspection, meets rent reasonableness, and signatures are obtained.

Should the unit not pass inspection, a re-inspection of the unit will be scheduled after necessary repairs are made. The repairs must be completed in 30 days. The re-inspection can delay the effective date of the lease. If the unit fails the second time, the unit will be considered unsuitable. The client must submit a new RFTA for a different unit, as long as the client's voucher has not expired.

# Annual Inspections

HUD also requires an Annual Inspection to ensure the unit is properly maintained based on HUD's Housing Quality Standards. Annual Inspections for Section 8 units are scheduled by zip code.

Inspections are scheduled every 10 months to allow time for needed repairs, so that the unit meets HQS requirements within 12 months.

If the unit does not meet HQS, the client and landlord will have 30-days to make the necessary repairs. Emergency items must be repaired within 24 hours. If the repairs are made, the client and landlord will need to submit a signed certification along with receipts, verifications, and/or statements (of how repairs were made).

However, if the repairs are not made within the required timeframe, the contract for that unit is cancelled. If it is client caused, the client may be cancelled from the Program.

If the client or an adult over the age of 18 is not present (must have a valid Colorado ID), the inspection will be failed. Inspection will be rescheduled for the unit one time only. If the client (or authorized representative) is not present for the second inspection, the client's assistance will be terminated.

# Annual Inspections

## COMMONLY FAILED ITEMS:

- Missing/broken outlet covers
- Leaky faucets/ plumbing
- Windows/doors not opening or locking as designed
- Smoke alarm /CO detectors - not working
- Tripping hazards
- Stove knobs broken and/or missing
- Appliances not working (as designed)
- Defective Paint
- Handrails (four steps or more)
- Exposed wires
- Hot water heater missing discharge line & temperature-pressure relief valve (TRV)
- Broken and/or cracked windows
- Vermin and rodent infestation.

# Quality Control Inspections

Randomly selected units are re-inspected within approximately two months after a passed inspection. This is to ensure that the inspection was done in accordance with HQS.



# Complaint Inspections

The Inspections department will arrange for an appointment with the client and/or landlord at the unit regarding the complaint.

If the inspection reveals failed HQS item(s), the responsible party has 30 days to make the necessary repairs or the Housing Assistance Payments (HAP) payment may be delayed, or the contract may be cancelled.

Tenant caused damages are the responsibility of the tenant.

Normal wear and tear repairs are the responsibility of the landlord.

Landlord and/or client can request an inspection for a HQS item(s) that has not been addressed.

# Emergency Inspections

If the unit is unsafe for occupancy due to no utilities, fire, flood, structural damage, or any other items that DHA determines to be an emergency (such as, life-threatening and safety issues), an emergency inspection may be required.

Emergency inspections are normally arranged within one business day.

If the unit is determined to be a threat to the health and safety of a family, the corrective action must take place within 24 hours of the inspection. If action is not immediately taken and documentation is not received, the contract with DHA will be cancelled.

Included but are not limited to:

- Utilities shut off due to non payment on behalf of either the tenant or landlord
- No water and/or potable water
- No hot water due to faulty water heater
- No heat due to furnace not properly working

# Rent Reasonableness Market Analysis

DHA contracts with Dr. Gordon Von Stroh, an Economics Professor at Daniels College of Business at the University of Denver, to conduct market analysis used in determining rent reasonableness.

Rent reasonableness is calculated at the time of the initial inspection or when a rent increase is requested.

If the requested rent exceeds the Rent reasonableness, the rent will need to be reduced to the market area rent to execute the lease and contract. If the landlord disagrees, the client will not be able to lease the unit.

(Appendix  Sample Rent Reasonableness Worksheets.)



# Lead-Based Paint (LBP)

Lead-based paint requirements apply to: All dwelling units built before January 1, 1978 **and** occupied or to be occupied with one or more children under the age of 6.

Please ensure the unit does not have defective paint surfaces prior to the HQS Inspection.

HQS Inspections include a visual assessment of defective paint for interior and exterior surfaces of the unit.

Defective paint is defined as peeling, chipping, chalking, cracking paint, and damaged substrates.



# Lead-Based Paint Surfaces

Interior surfaces of de minimus level is larger than two square feet in any one interior room. This includes floors, walls and the ceiling.

Exterior surfaces of de minimus is a total of 20 square feet on all the exterior surfaces.

Interior and Exterior surfaces of 10 percent of small components (e.g. window sill).

If the deteriorated paint exceeds de minimum for either interior or exterior, the deteriorated surfaces require lead hazard testing. If lead hazards are detected, safe work practices and clearance must be performed.

# Lead-Based Paint

Clearance examinations must be performed by persons who have EPA or state-approved training and are licensed or certified to perform clearance examinations.

It is the responsibility of the property owner to:

- Obtain a certified inspector
- Protect the residents and their belongs
- Repair substrate damage/repair the paint
- Conduct cleanup and submit the clearance certification to DHA once completed



# Lead-Based Paint & Lead-Based Paint Hazards

Landlord and Client are both required to sign the Disclosure of Information on Lead-Based Paint and Lead-Based Hazards.

The Lead Listing provides the names of firms which can provide clearance testing.

1-800-424-LEAD OR [www.epa.gov/lead](http://www.epa.gov/lead).



# Family Obligations



# Annual Re-Certification

In accordance with HUD regulations, all Section 8 recipients are recertified once a year. The purpose for this is:

• To make certain that the information Section 8 has about the client's family composition, income, and deductions are correct; and

• To determine the rental portion to be paid to the landlord by Housing Assistance payments and by the tenant.

To accomplish this, packets are sent to clients that must be completed and returned to Section 8. Clients may be cancelled from the program for Non-Compliance with program rules.

The landlord and the client will receive a Contract Change Clause, normally a 30-day notice is given, that shows the client's new rental portion and DHA's HAP payment.

# Interim Re-Determination

A family may request a re-determination at any time, based on any change in the family's income or family composition.

When a change is requested, a re-determination packet must be completed and returned to the Section 8 office with all the required documentation for the change.

A family is required to report, in writing, all changes in the family's income or the family's composition within ten days of the date of change. Failure to report changes may result in cancellation from the program.

The landlord and the client will receive a Contract Change Clause, normally 30-day notice is given, that shows the client's new rental portion and DHA's HAP payment.

# Grounds for Termination of the Client

- Violation of family obligations
- Eviction from public housing
- Previous termination from a Housing Authority
- Serious/repeated lease violations
- Payments owed to any Housing Authority
- Engaged in or threatened violence toward Housing personnel
- Drug-related or violent criminal activity
- Receiving housing assistance under more than one program at the same time
- The family is responsible for causing conditions in the home which constitute a breach of housing quality standards
- A family fails to allow the Housing Authority to inspect their home at a reasonable time and after reasonable notice

# Hearing Process

Clients have the opportunity to request an informal hearing in the event of a change or termination of their Section 8 Housing Assistance.

This request must be submitted, in writing, within ten days from the date of the initial notice of change or termination.

Clients will be notified by mail, via first class, of the hearing date and the Hearing Officer's decision once a determination has been made.

