

Housing Choice Voucher Briefing

Garfield County Housing Authority

Colorado Division of Housing Vouchers also administrated by the Garfield
County Housing Authority

Please Note

- ▶ You may be moving into a project-based unit, receiving a VASH Voucher, or receiving a Voucher from Garfield County or Division of Housing. Regulations may differ depending on what type of assistance you have been approved for. Please ask your Housing Specialist if you have questions regarding what type of housing you are receiving.

Steps to Assistance

- ▶ Step 1: PHA (Public Housing Authority) determines family's final eligibility
- ▶ Step 2: Voucher issued
- ▶ Step 3: Family decides where to live
- ▶ Step 4: Landlord approves family
- ▶ Step 5: Request for Tenancy Approval given to GCHA who approves the unit's maximum rent allowance
- ▶ Step 6: Unit passes inspection
 - ▶ All units must meet basic housing quality standards before assistance can be paid on behalf of the family and regularly throughout the term of the assisted tenancy.
- ▶ Step 7: Contract and lease signed
- ▶ Step 8: Housing assistance payments made

Portability

- ▶ With the rental assistance you will be receiving, you may be allowed the opportunity to move outside the locality in which you received assistance. This is called portability.
- ▶ With a Housing Choice Voucher, you may be allowed to move to another county or state as long as there is a PHA administering the program in the area in which the unit is located.
- ▶ If there is more than one agency in the area you wish to move, you can choose which agency you wish your voucher sent to or you can ask us to select an agency for you.
- ▶ Your new agency will have different administrative policies, practices and procedures, different payment standards and maximum rent allowances. Your new agency will provide you with this new information according to their intake procedures. Our agency will provide you with contact information for your new (receiving) agency.
- ▶ If you are living in a high-poverty census tract, you are encouraged to move to areas that offer greater opportunities for education and jobs. The advantages of moving to a low-poverty area typically offer greater job opportunities, better schools, better public services, lower crime rates, shopping and other amenities.

Portability Stipulations Per GCHA Administrative Plan

The voucher program **may** allow you to move anywhere within the United States with a few restrictions.

- ❖ Per GCHA Admin Plan-you will be required to live in Garfield County for one year after your initial lease up ***if you were not a resident of Garfield County at the time of application.***
- ❖ You cannot owe **any** Housing Authority money.
- ❖ You cannot owe **any** landlord of an assisted unit any money for rent or utilities.
- ❖ You must be in good standing with your present landlord.
- ❖ You must not violate the lease or the term of the lease in order to move.
- ❖ If you are an applicant you must income qualify under the very-low income guidelines ***for the area to which you are planning to move.***
- ❖ If the payment standard is higher than Garfield County's, **you may be denied** portability because of lack of sufficient funding.

Portability Stipulations Per Division of Housing's Administrative Plan

The voucher program may allow you to move anywhere within the United States with a few restrictions.

- ❖ You will be required to live in approved unit for one year after your initial lease up.
- ❖ You **cannot owe any landlord** of an assisted unit any money for rent or utilities.
- ❖ You must be in good standing with your present landlord.
- ❖ You must not violate the lease or the term of the lease in order to move.
- ❖ If you are an applicant, you must income qualify under the very-low-income guidelines *for the area to which you are planning to move*.
- ❖ If agency does not have sufficient funding other restrictions may apply.
- ❖ Portability request or instate transfer forms will be required.

To exercise portability:

- 1) Notify the Garfield County Housing Authority and your landlord that you intend to move.
- 2) Let GCHA know where you intend to move. GCHA will approve the payment standard, and if approved will send a packet of relevant file information to your new (receiving) Housing Authority.
- 3) Contact the receiving Housing Authority to schedule an appointment to meet with them.
- 4) Division of Housing must approve the portability request if applicable.

The Fair Housing Act

The Fair Housing Act prohibits discrimination in housing because of:

- ❖ Race
- ❖ Color
- ❖ National Origin
- ❖ Religion
- ❖ Sex
- ❖ Familial Status
- ❖ Disability

Go here to file a fair housing complaint:

https://www.hud.gov/i_want_to/file_a_fair_housing_discrimination_complaint

Prohibit Housing Discrimination Source of Income

▶ BILL SUMMARY

- ▶ The act adds discrimination based on source of income as a type of unfair housing practice. "Source of income" is defined to include any source of money paid directly, indirectly, or on behalf of a person, including income from any lawful profession or from any government or private assistance, grant, or loan program.
- ▶ A person is prohibited from refusing to rent, lease, show for rent or lease, or transmit an offer to rent or lease housing based on a person's source of income. In addition, a person cannot discriminate in the terms or conditions of a rental agreement against another person based on source of income, or based upon the person's participation in a 3rd-party contract required as a condition of receiving public housing assistance. A person cannot include in any advertisement for the rent or lease of housing any limitation or preference based on source of income, or to use representations related to a person's source of income to induce another person to rent or lease property. The restrictions do not apply to a landlord with 3 or fewer rental units. A landlord who owns 5 or fewer single family rental homes, and no more than 5 total rental units including any single family rental homes, is not required to accept federal housing choice vouchers for the single family homes.
- ▶ A landlord is not prohibited from checking the credit of prospective tenant. Checking the credit of a prospective tenant is not an unfair housing practice if the landlord checks the credit of every prospective tenant.

Rental Application Fees

▶ BILL SUMMARY

- ▶ **Tenants and landlords - rental application process.** The act states that a landlord may not charge a prospective tenant a rental application fee unless the landlord uses the entire amount of the fee to cover the landlord's costs in processing the rental application. A landlord also may not charge a prospective tenant a rental application fee that is in a different amount than a rental application fee charged to another prospective tenant who applies to rent:
 - The same dwelling unit; or
 - If the landlord offers more than one dwelling unit for rent at the same time, any other dwelling unit offered by the landlord.
- ▶ The act requires a landlord to provide to any prospective tenant who has paid a rental application fee either a disclosure of the landlord's anticipated expenses for which the fee will be used or an itemization of the landlord's actual expenses incurred. The landlord is required to make a good-faith effort to refund any unused portion of an application fee within 20 days.
- ▶ The act states that if a landlord uses rental history or credit history as criteria in consideration of an application, the landlord shall not consider any rental history or credit history beyond 7 years immediately preceding the date of the application. If a landlord considers criminal history as a criterion, the landlord shall not consider an arrest record of a prospective tenant from any time or any conviction of a prospective tenant that occurred more than 5 years before the date of the application; except that a landlord may consider any criminal conviction record or deferred judgment relating to certain criminal offenses involving methamphetamine, any offense that required the prospective tenant to register as a sex offender, any offense that is classified as a homicide, or stalking.
- ▶ If a landlord denies a rental application, the landlord shall provide the prospective tenant a written notice of the denial that states the reasons for the denial.
- ▶ A landlord who violates any of the requirements created in the act is liable to the person who is charged a rental application fee for triple the amount of the rental application fee, plus court costs. A landlord who corrects or cures a violation not more than 7 calendar days after receiving notice of the violation is immune from liability. A person who intentionally and in bad faith brings a meritless claim against a landlord is liable for the landlord's court costs and reasonable attorney fees in defending the claim.

Reasonable Accommodation

- ▶ If you, or any member of your household is a person with disabilities and require a reasonable change to a policy or procedure to fully utilize our program and services, please contact the Garfield County Housing Authority, at 970-625-3589 or (888) 627-3589.
- ▶ There is also a request for reasonable accommodation form that needs to be completed and returned to the Garfield County Housing Authority. For Division of Housing Vouchers GCHA sends documents to Division of Housing for approval, additional verification, modification or rejection.
- ▶ You will receive a written decision on your request.

Victims of Domestic Violence

- ▶ If you are a victim of domestic violence, dating violence, sexual assault, or stalking, federal law also keeps PHAs from denying assistance to you simply because you are a victim if you otherwise qualified
- ▶ The Violence against Women Act of 2013 (VAWA) makes it illegal for PHAs and HCV owners to consider actual or threatened domestic violence, dating violence, sexual assault or stalking as a cause for denying assistance, terminating tenancy, occupancy, or program assistance of a victim regardless of age or gender
- ▶ GCHA, DOH, and landlords may ask for a certification documentation of victim status, but must keep information relating to a family's domestic violence circumstances confidential under the law

Voucher Term

The initial voucher term will be **90 calendar days**. (120 calendar days for DOH and VASH)

The **family must submit** a Request for Tenancy Approval and proposed lease within the 90-day period (120 for DOH) unless the PHA grants an extension. Receipt of RFTA suspends the Voucher clock and processing days are added to your search time.

The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

- ❖ Persons of the opposite sex other than spouses, and children under age 12 (age 3 for Division of Housing) will be allocated separate bedrooms.
- ❖ Live-in aides will be allocated a separate bedroom.
- ❖ Single person families will be allocated one bedroom.
- ❖ A single parent household with a child will be allocated separate bedrooms if the child is age 12 or older. (Age 3 or older for DOH)
- ❖ GCHA will reference the following chart in determining the appropriate voucher size for a family:

Voucher Size - Persons in Household (Min-Max)

0 Bedroom	1-2
1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	5-10

Calculating Family Share and PHA Subsidy

- GCHA currently has a \$50 minimum rent (\$25 for DOH) and has authority to suspend and exempt families from minimum rent when a financial hardship exists.
- If a family chooses a unit with a gross rent (rent to owner plus an allowance for tenant-paid utilities) that exceeds the PHA's applicable payment standard:
 - 1) The family will pay more than the total tenant payment, and
 - 2) at initial occupancy the PHA may not approve the tenancy if it would require the family share to exceed 40 percent of the family's monthly adjusted income.
- If applicable, GCHA will make utility reimbursements to a family's utility provider of choice. Family must choose one utility provider and GCHA will only change providers once a year. If you have a DOH Voucher DOH will make utility reimbursements directly to family via the Colorado Benefit Transfer (EBT) card system.
- GCHA will conduct zero income interviews for families reporting zero income.

Payment Standards

- ▶ The maximum amount that GCHA or DOH will pay is an amount equal to the payment standard minus your family's total tenant payment.
- ▶ The payment standard:
 - ❖ Is established by the housing agency based on the fair market rent established by HUD.
 - ❖ Is based on the cost of housing and utilities for your area.
 - ❖ Depends on your family composition and the bedroom size of the unit, so is higher for families requiring 3-bedroom units than for families requiring 1- bedroom units.

Medical Expenses

- Medical expenses may be deducted from the income of a family whose head, spouse, co-head or sole member is at least 62 years old, or is a person with disabilities. Once a family is considered an elderly or disabled family, the medical expenses of all the family members may be considered.
- Effective October 1, 2011 the Garfield County Housing Authority will use the IRS publication 502 Medical and Dental Expenses as the guide to determine medical expense deductions.
- The amount deducted for medical expenses is the portion of the family's "out-of-pocket" expenses exceeding three percent (3%) of the family's gross income.
- You can obtain a copy or view the publication at www.irs.gov.

Rent Estimates

- ▶ Rent **Estimates** are determined by Voucher size, income, and deductions for each individual family as well as a utility allowance defined by HUD for your unit size.
- ▶ *The estimate numbers can change* and are specific to your household.
- ▶ Final determination is based on the Request for Tenancy Approval (RFTA).

Verification

- GCHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance.
- HUD Authorization form (HUD-9886) is **REQUIRED** to be signed by the head of household with his/her complete social security number and signed by every person in the household age 18 and older, every year.
- The PHA will follow the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD.

Finding a unit

- ▶ You must find a landlord willing to work with the program and you as a tenant. Please review list of interested landlords included in your paperwork.
- ▶ You must give landlord the Request for Tenancy packet to fill out. You must also sign! Once received, we will schedule an inspection of the unit.
- ▶ Do NOT sign the lease until final approval! The unit must pass inspection prior to signing the lease.
- ▶ The **initial** lease term MUST be one year. The Garfield County Housing Authority and Division of Housing approves moves once every 12 months. If you have been issued a VASH Voucher, there may be exceptions.
- ▶ We do not help with deposits or last months rent. Please contact other agencies such as Catholic Charities.
- ▶ As soon as you sign Lease, please establish a mailing address.
- ▶ We do not send out monthly rent notifications, only when there is a rent change.

Annual Reexaminations

- GCHA must conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated.
- GCHA will begin the annual reexamination process 120 days in advance of its scheduled effective date. If the family moves into a new unit, GCHA will perform a new annual reexamination.
- We also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.
- If the family does not provide the required documents or information within the required time period the family must be sent a notice of termination.
- In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's certification date, and the family will be notified at least 30 days in advance.

Interim Reexaminations

- ▶ Family circumstances may change between annual reexaminations. GCHA may conduct interim reexaminations in the following instances:
 - Changes in household composition
 - If the family has reported zero income or loss of employment
 - If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (such as a seasonable job)
 - Family reports new employer, change of employers or additional income sources
 - For Division of Housing- increases to gross earned income of \$250 per month or more
 - Rent changes

It is highly recommended you report ALL changes in income within 10 days and GCHA will follow regulations on interim reexaminations.

Family Obligations

- ▶ **No side agreements with landlord! This is fraud!**
- ▶ Unit must be primary residence.
- ▶ Head of household must be present for housing inspections.
- ▶ Must notify GCHA of absences of more than 30 days.
- ▶ Visitors cannot stay 30 consecutive days, or 90 days per 12-month period, or **as defined by the lease**, whichever is the less.
- ▶ Family obligations form signed by each adult household member. Please refer to the Family Obligation form.
- ▶ Must always provide true and accurate information.
- ▶ **All notifications must be in writing within 10 days followed by appropriate documentation such as pay stubs!**

Most Violated

- ▶ Income: Failure to report changes in income.
- ▶ Overpayment by GCHA or DOH for failure to report income requires mandatory repayment to GCHA under the federal guidelines.
- ▶ Changes in household composition: ***Additional adults must be approved PRIOR to moving in by both the landlord and the housing authority.***
- ▶ Eviction from unit may result in program termination.
- ▶ Lease violations are program violations.
- ▶ If you are terminated from the program, you have the right to request an informal hearing.
- ▶ If the termination is upheld, you are ineligible for assistance with GCHA in the future. (Not applicable through Division of Housing. DOH operates under a 3 strikes your off the program rule. However, some program violations require immediate program termination.

Other Obligations

- ▶ You must respond to deadlines.
- ▶ You must pay utilities and never allow the tenant paid utilities to be shut off.
- ▶ Violent criminal behavior, drugs, alcohol, marijuana, and damage to the unit may result in termination.
- ▶ Household sign a HUD Authorization and EIV acknowledgement giving us permission to verify income through database.
- ▶ Debts Owed Form- National database for those who have been terminated, owes money or serious violations.

Section 1001 of Title 18 of the United States Code, states that a person who knowingly and willingly makes **false or fraudulent statements** to any department or agency of the United States is **guilty of a felony**.

Don't commit fraud.

Fraud can result in termination of Section 8 assistance, as well as restitution of funds, probation, or even prison. Fraud may be defined as any of the following offenses:...

- Knowingly omitting or under-reporting income or assets from household income.
- Transferring assets or income to achieve eligibility.
- Falsifying or using false Social Security documents.
- Falsifying the number of members in your household.
- Getting assistance on top of Section 8 without notifying the appropriate parties.
- Renting out or subletting all or part of the unit.
- Charging rent from any tenants who may be living with you.

We are here to help

- ▶ Please check our website at www.garfieldhousing.com for Administrative Plan, forms, important notices, to report program fraud or program abuse, and office closures.
- ▶ Visit <https://cdola.colorado.gov/publications-reporting> to review Division of Housings current Administrative Plan.
- ▶ We recommend you make an appointment to see your Housing Specialist.