

Albuquerque Housing Authority

Section 8 Housing Choice Voucher Program Landlord Handbook



ALBUQUERQUE HOUSING AUTHORITY

“Empowering people in our community through affordable housing and self sufficiency opportunities.”

1840 University Boulevard SE

Albuquerque, NM 87106

Phone: (505) 764-3920

Fax: (505) 764-3981

www.abqha.org

Contents

What is the Section 8 Housing Choice Voucher Program?	3
How does the subsidy work?	3
What's next?	3
Move-In Inspection	3
Responsibility of Landlord for Move-In Inspection	4
Move-In Inspection Passed	4
Move-In Inspection Failed	4
Important Notes	4
Rent	5
Negotiating Rent	5
How Do I Get Paid?	5
Security Deposits	5
Effective Date of Lease	6
Important Notes	6
Annual Inspections	6
Responsibility of Tenant for Annual Inspection	6
Responsibility of Landlord for Annual Inspection	7
Annual Inspection Failed	8
Important Notes	8
Quality Control Inspections	8
Rent Increases	8
Requirements of Rent Increases	9
Approved or Denied?	9
Landlord Responsibilities	9
Tenants Responsibilities	9
Other Things to Know	10

What is the Section 8 Housing Choice Voucher Program?

The Section 8 Housing Choice Voucher (HCV) Program is a form of Federal Rent Subsidy, which assists participating low-income households with monthly rental subsidy to ensure that residents have a decent, safe and sanitary place to live. The program affords low-income households to live closer to employment, educational, and medical service opportunities.

Albuquerque Housing Authority (AHA) administers funds received from the U.S. Department of Housing and Urban Development (HUD). Currently, the Section 8 Housing Choice Voucher Program assists over 4,000 households in Bernalillo and Sandoval Counties.

The tenants on the HCV Program pay approximately 30% of their gross monthly income as their portion of the rent and pay that directly to the landlord. AHA pays the landlord the difference between the tenant's portion of the rent and the contract rent amount (not to exceed current payment standards).

How does the subsidy work?

AHA reviews the eligibility of the HCV Program Participants based on their income and family composition. AHA **does not** pre-screen or select tenants for the rental units. The landlord is responsible for screening tenants and must follow Federal, State, and Local Equal Opportunity laws.

A tenant with a Section 8 Housing Choice Voucher has 60 days to find housing that is rent reasonable and can pass a Housing Quality Standards (HQS) inspection. The rental unit they choose will have to pass inspection by an AHA Housing Quality Compliance Inspector before subsidy can begin.

What's next?

Once the landlord has selected a tenant and wants to participate in the HCV Program the landlord will complete a Request for Tenancy Approval (RFTA). The tenant or the landlord must return the RFTA to our office, in order to set up an appointment for an inspection. **Our office will no longer accept any RFTAs via fax or email.** Please fill out all portions on RFTA; some RFTAs have important highlighted areas.

Move-In Inspection

Once our office has received the RFTA, an AHA Housing Quality Compliance Inspector will contact both the landlord and the tenant within 7-10 working days for an inspection of the property. **It is mandatory that both the tenant and the landlord be present for the move-in inspection.** PLEASE NOTE: If either party does not show up for the inspection, it will be rescheduled for another date and time.

Responsibility of Landlord for Move-In Inspection

It is the responsibility of the landlord to provide at the time of the inspection a:

- Completed W-9 form for Owner and/or Property Manager is required for each separate tenant and rental unit
- Completed copy of Property Management Agreement for each tenant and rental unit
- Proof of ownership of the property (a copy of a recorded warranty deed or current tax papers)
- Direct Deposit Form (if one has not been completed) and
- Copy of a signed and completed lease agreement must be turned in no later than **72 hours** after the passed inspection for processing and payment

Move-In Inspection Passed

If the rent is approved and the inspection passes, the landlord will sign a concurrent 1 year Housing Assistance Payment (HAP) Contract with AHA. The landlord will also sign a 1 year lease agreement with the tenant. **The lease start date and HAP Contract start date must match.** After the initial 1 year lease term, if the landlord and tenant decide they want to continue residency they may enter into another lease term for 1 year, 8 months, 5months, or month to month.

Move-In Inspection Failed

If the unit does not pass inspection, you will be given **up to 7 days to correct the noted violation(s)**. A re-inspection must be conducted to confirm the failed items were completed and the unit passes HQS inspection. **AHA will not make any rent payments to the landlord or be able to execute the HAP Contract until the unit meets all HQS requirements.**

Important Notes

Any item(s) that did not pass the HQS inspection must be corrected in a timely manner in order for the tenant to be housed. It is the responsibility for either party to contact an AHA Housing Quality Compliance Inspector for a final inspection. Utilities must be on by **either the landlord or the tenant** before the move-in inspection can be conducted. Please do not have the tenant sign a lease prior to a passed inspection.

Rent

The rent requested must be “rent reasonable”. This means that the total rent cannot exceed similar unassisted units in the general area or neighborhood. Subsidized rents may not be more than non-subsidized rents for similar units.

Negotiating Rent

Criteria used to determine if the rent is “reasonable” include:

- Current payment standard amounts
- Which utilities the landlord will pay
- The overall condition of the unit
- A comparison of similar rental units within the general area or neighborhood in which the unit is located
- The tenants current income

How Do I Get Paid?

AHA will send a check or direct deposit for the HAP portion of the rent each month. We will continue to do so as long as the tenant remains eligible for HCV Program and your rental unit meets HQS. The landlord is responsible for collecting the tenant portion of the rent each month.

The initial payment will be made in the form of a check after the first rent payment, the subsequent rent payments will be issued on the first of each month, either by check or direct deposit.

Security Deposits

The landlord is encouraged to collect a security deposit. Security deposits must be held in compliance with State and Local laws regarding interest payments and disposition of deposits. **Our office has nothing to do with security deposits. The tenant is responsible to pay their own security deposit for the unit.**

Effective Date of Lease

The effective date of the Lease and HAP Contract will be determined after all HQS violations have been corrected and the tenant has terminated any previous HAP Contracts and Leases. **If the tenant takes possession of the unit before the authorized start date, the tenant will be responsible for the full market rent until the effective date of the new Lease and HAP Contract.**

Important Notes

If the tenant is subsidized at another unit with an existing Lease or HAP Contract they must return the keys for their previous unit and leave the unit in the same condition in which the unit was received (other than normal wear and tear). Also, all monies owed must be paid in full to establish a termination date for the Lease and HAP Contract.

If the tenant does not comply, a **“Conditional RFTA”** will be issued for the new unit, if a judgment is issued by the courts.

Annual Inspections

AHA will conduct an annual HQS inspection prior to the end of the lease term of the initial HAP Contract, to ensure the unit continues to meet HQS. Letters will be sent to both the Tenant and the landlord approximately 30 days prior to the date of the inspection. **Landlords are not required to be available for the annual HQS inspection, but may attend the inspection if they want.**

Responsibility of Tenant for Annual Inspection

Please check your units for necessary repairs when you receive this letter. Your unit should pass on the inspection date. If there are any repairs needed, please give your landlord notice, along with detailed descriptions of the repairs needed.

- Unit should be clean and ready for inspection, including carpets, and stove/oven
- All windows need to be accessible and clear for fire exit, we need to check that they open, close, and lock
- All tenants caused damages must be repaired (ex: holes or writing on walls)
- Smoke detectors will be checked. Please replace any that might have been removed
- All windows must have screens. Please replace any that might have been removed
- Light fixtures should work (replace missing bulbs) and bare bulbs must be covered with appropriate glass or plastic covers
- Make arrangements with your landlord to have any necessary repairs completed prior to the inspection date
- Yard must be free of excess weeds and debris
- All vehicles must be operable with current registration

- Make sure all pets are tied or restrained when the AHA Housing Quality Compliance Inspector comes out to conduct the inspection
- All units MUST have a house size, charged fire extinguisher
- Make sure your AHA Housing Quality Compliance Inspector has a gate code if you live in a gated community
- If you have changed your phone number since last year please call the Inspector that is on your letter and your Housing Service Specialist with a current phone number

AHA Housing Quality Compliance Inspectors are going out only to conduct inspections. Your Section 8 Housing Specialist will be sending a letter to you with a time and date for you to come into the office for your annual recertification. Paperwork will be sent out with that letter. If you have any questions on what paperwork you will need to bring to the appointment, you may contact your Section 8 Housing Specialist.

Responsibility of Landlord for Annual Inspection

Landlords – please check the unit for necessary repairs. All repairs should be addressed prior to the inspection date. Examples: Leaks, electrical repairs, malfunctioning lights, broken switch plates/outlets, windows that don't lock or cranks that don't work, mold (especially around sinks, tubs, and windows), along with gaps around exterior doors that may need weather stripping.

Common Reasons for Inspections Not to Pass

- Smoke Detectors/Fire Extinguishers – must be present and working (all smoke detectors will be tested)
- Smoke alarms are now required in every sleeping area
- Cabinets, shelving, and appliances must be in working and good condition
- Windows must open with working balancers to stay open, close, lock and have screens
- No chipping or peeling paint in or outside of unit
- No evidence of rodent, roaches or vermin infestation
- No double key deadbolts
- Water heaters must have a pressure relief valve & discharge line
- No leaking pipes, A/C lines, or dripping faucets
- No missing/cracked outlet covers, or damaged electrical outlets/ switch plates or light fixture covers
- No unstable fences/gates
- Floor shouldn't have tears, lifts, or any other tripping hazards
- Remove and treat/cure any mold like substance in or on tub/shower, and caulking around windows, if necessary re-caulk around all areas
- Exit doors should have no gaps that allow air to escape and should be weather stripped
- Please ensure that all P-Traps have metal or PVC, anything else will fail the inspection

- It is required that all units have the correct address and apartment number attached to the building and/or mailbox.
- The unit must be in decent, safe, and sanitary condition

Annual Inspection Failed

The landlord and tenant will receive a letter from AHA if the unit does not pass inspection. The letter will list the item(s) that require repair and will give a date by which the repair(s) must be corrected.

If an extension is needed, the landlord will need to contact an AHA Housing Quality Compliance Inspector in writing to request an extension prior to the next scheduled date of re-inspection. **If the violation(s) are not corrected within the time given, AHA will abate the Housing Assistance Payment and terminate the current HAP Contract.** It is the landlord and tenant's responsibility to decide which failed items each party is responsible to fix according to your current lease.

Important Notes

When a landlord receives a letter that an inspection has been scheduled and our HCV Tenant no longer resides in the unit, please inform the inspector.

PLEASE NOTE: As of July 1, 2014, **we will ONLY make 2 attempts** to conduct an annual inspection. If the Tenant denies AHA access to the rental unit both times, they are at risk of losing their HCV and we can no longer pay subsidy on a rental unit that does not pass HQS.

Quality Control Inspections

Federal Regulations require that we conduct annual HQS inspections to ensure that the landlord and the tenant are maintaining the unit in accordance with their agreement and AHA Housing Quality Compliance Inspectors are maintaining the quality process when inspecting units for HQS. Units to be inspected will be randomly selected from inspections conducted in April, May and June of each year.

Rent Increases

The landlord may request a rent increase once a year. Rent increases are not automatic and **must be requested, in writing, to the inspector that conducted the inspection for that year.** A rent increase is determined by "rent reasonable". This means that the total rent cannot exceed similar unassisted units in the general area or neighborhood. Subsidized rents may not be more than non-subsidized rents for similar units.

Requirements of Rent Increases

The following are the requirements for requesting rent increase:

- Rent increases must be reasonable and be approved by AHA
- To request an increase, the landlord must submit a written request to both AHA and the tenant at least 60 days prior to the recertification date
- **Any rent increase granted will be effective on the recertification date of the HAP Contract**

Approved or Denied?

If the rent increase has been approved, an AHA Housing Quality Compliance Inspector will send both the landlord and the tenant a notice of the amount approved and the effective date. Another letter will follow from the tenants Section 8 Housing Specialist with the notice of the change in the portion of rent (if any) and the effective date. A letter will also be sent by an AHA Housing Quality Compliance Inspector if the rent increase has been denied.

Landlord Responsibilities

The landlord is expected to provide a home that meets HQS. They are responsible for making repairs to the unit in a timely manner. Depending on the lease, the landlord may be responsible for certain utilities. It is the landlord's responsibility to enforce the lease. **AHA will not do this for you.** The landlord has an obligation to serve a notice for serious violations of the lease. If eviction is necessary, the landlord must proceed according to State Law. A copy of all notices to the tenant must also be sent to the AHA Section 8 Housing Specialist in charge of your tenant's program. Periodic inspections by the landlord are encouraged.

Tenants Responsibilities

The Lease is the binding agreement between the landlord and the tenant, which states the responsibilities of both parties, including the amount of the tenant rent, utility responsibility and security deposit.

By signing the Lease, the tenant is agreeing to abide by all of its terms, which include paying rent on time. The tenant is expected to pay their portion of the rent to the landlord on whatever date is stipulated in the lease. Depending on the lease, the tenant may also be responsible for paying certain utilities.

The tenant is also responsible for the cost of repairs for damage caused by the family or a guest. The tenant's HCV Program assistance may be terminated if they fail to correct HQS deficiencies they have caused.

The tenant must also comply with certain "family obligations" with AHA in order to remain eligible for the HCV Program. Their obligations include, but are not limited to, providing current information to AHA on their family composition, and reporting all sources of income and assets.

Other Things to Know

Our website to add your property to our availability list is www.gosection8.com

AHA website is www.abqha.org

We do not conduct move-out inspections

No side contracts or deals are allowed with tenants

If any questions, please contact the Section 8 Housing Specialist assigned to your tenant unless it concerns inspections

If giving any notices to your tenant, i.e., 3 day, 7 day, 30 day, etc., please make sure to send a copy to the assigned Section 8 Housing Specialist

Fax numbers:

Inspection Department (505) 764-3919

Section 8 Department (505) 848-1358