

# Frequently-Asked Questions

## **What is the Housing Choice Voucher Program and how does it differ from Section 8?**

The Housing Choice Voucher (HCV) Program and Section 8 are two different names for the same program. This is a federal assistance program to help people with low income pay their rent.

## **What are the benefits of the Housing Choice Voucher Program for me, as a participant?**

- The program promotes housing choice; a household awarded a voucher can look for a unit within the neighborhood of your choice, within the housing authority's area
- The program promotes quality housing; units are inspected annually to ensure standards of health and safety are met
- The household contribution is approximately 30-40% of your monthly-adjusted income, with the balance paid by the housing authority to the property owner

## **Who is eligible for a voucher?**

Households qualify for the program if their household income is 80% or less of the Area Median Income (AMI) for Boulder County or Broomfield (some programs are capped at 30% and 50% AMI). Eligible households include individuals or families with low income, including people on a fixed income, such as those who are elderly and/or have a disability.

## **Where can I use my voucher?**

Vouchers may be used in Boulder County and Broomfield. Boulder County jurisdictions include Boulder, Erie (within Boulder County limits), Jamestown, Lafayette, Longmont, Louisville, Lyons, Nederland, Superior and Ward, and those in Unincorporated County include Allenspark, Caribou, Coal Creek (within Boulder County limits), Eldorado Springs, Gold Hill, Gunbarrel, Hygiene and Niwot.

## **What kind of rental units qualify for the program?**

All existing rental housing may be eligible; single-family homes, condominiums, apartments, mobile homes, townhouses and duplexes. Each unit must be located within Boulder County or Broomfield, rent for below the program's payment standards, and pass a Housing Quality Standards (HQS) Inspection, among other requirements.

## **How can I find a landlord that accepts voucher-holders?**

Some landlords seeking to rent to program participants note that in their rental advertisement. BCHA also maintains a landlord list noting landlords who accept rental assistance. Please contact your case manager.

## **What if I have special needs due to my disability?**

If you have special needs to adapt to your unit or living situation, you may request a Reasonable Accommodation (RA). Such requests may include the addition of a live-in aide, physical modifications to the unit (at your expense), the addition of a service animal, and the allowance of additional time to complete a request required of all tenants. Please note that requests are considered on a case-by-case basis, and if approved, it must also be approved by the property owner.

## **What are my rights and responsibilities as a tenant?**

At your annual recertification, you are given a list of Family Responsibilities to sign yearly, acknowledging an understanding of your responsibilities. Tenants have the *right* to:

- Request a Reasonable Accommodation for special needs. RA requests are approved on a case-by-case basis.
- File a complaint with HUD if you believe your Fair Housing rights have been violated on the basis of race, color, religion, sex, handicap, familial status, age, national origin and/or sexual orientation.
- Privacy within the unit. A landlord must provide appropriate notice to you if they wish to enter the unit during a reasonable time of day. In emergency cases, a landlord may enter the unit without notice to make necessary repairs.
- Choose not to renew the lease at the end of the term or, in the case of a mutual agreement to rescind the lease, to move out of the unit during the lease term, provided a proper notice was given as outlined in the lease agreement.
- Request an appeal hearing for staff decisions including termination of assistance or denial of a housing request.

Tenants have the following *responsibilities*. They must:

- Allow your case manager and/or the inspector to inspect the unit at reasonable times and after reasonable notice.
- Notify your case manager and landlord in writing before moving out of the unit or terminating the lease providing at least a 30-day notice.
- Request approval from BCHA and your landlord to add a household member as an occupant to the unit.
- Not commit fraud, bribery, drug-related, violent or any other corrupt or criminal act in connection with the program.
- Not commit any serious or repeated lease violations.

#### **How is income verified?**

All income, benefits, and allowances must be documented from independent third-party sources. Households are required to report all income; unreported income may result in repayment of housing assistance, or termination of assistance.

#### **How and when should I let you know if I have change to my income or household?**

Any change in income or household composition must be reported to the BCHA within 10 days of its occurrence. Let your case manager know your employer's name and fax number. Failure to report or under-reporting any changes could result in you repaying any monies owed, or risk program termination.

#### **What are annual recertification appointments, and why are they necessary?**

Voucher-holders are required to meet with their case manager at least once a year to update income, assets and household size, and to complete required forms. The purpose of the annual recertification appointment is to ensure that the correct amount of rent is being paid based on actual income and the home is the correct size for the household.

#### **What happens during an annual recertification appointment?**

Approximately three months prior to your annual recertification date, you will receive a letter with appointment information. You will be required to attend the meeting with all household members over age 18. To this appointment, bring copies of current income and asset documentation. This is also an opportunity to get questions answered.

#### **What if I cannot make my scheduled appointment?**

Staff encourages you to make this appointment a priority in your schedule. This meeting, usually only held once per year, is required for you to continue receiving assistance. However, some circumstances, such as illness, emergencies, or being out of town, require that it be rescheduled. If so, contact your case manager.

#### **What if I do not have transportation to meet my case manager at their office?**

If you are unable to get to your appointment, as your case manager to hold the meeting at your home.

#### **Are landlords required to rent to program participants?**

No, a landlord may choose if/when to rent to tenants receiving housing assistance.

#### **Can BCHA provide information to a landlord about my rental history?**

Staff reserves the right to release tenancy histories to an owner, as requested, with respect to such factors as payment of rent and utility bills; caring for a unit and premises; respecting the rights of others to the peaceful enjoyment of their housing; drug-related criminal activity or other criminal activity including drug trafficking; compliance with conditions of tenancy; and names, addresses and phone numbers of current and prior landlords.

#### **Can I rent a unit from a relative?**

HUD regulations prohibit BCHA from allowing a program participant to rent a unit from a relative. The only exception is for staff to determine that such a situation would provide a Reasonable Accommodation for a household member who has a special need. These decisions are addressed by a committee on a case-by-case basis.

#### **Can I pay extra rent to my landlord if the rent amount exceeds the payment standard?**

No, you must pay the full amount for rent and the utilities as outlined in your lease. The landlord may not, under any circumstance, charge or accept additional payments from any member of your household, other than that which has been approved by BCHA.

**Does Boulder County provide a specific lease for its participants?**

No, each landlord must provide their own lease, although BCHA may require and provide lease addendums. The initial lease must be for a one-year term, with the option to rent on a monthly basis thereafter. The lease should include names of the landlord and tenant (and all household members), unit address, lease term, monthly rent amount, how utilities are paid, which appliances are provided and other items as long as they are consistent with the laws.

**How much can a landlord charge for rent?**

The rent amount must not exceed BCHA's payment standard which is based on the average gross rents (including utilities) being paid in the community for modest housing units of varying sizes. Your tenant's case manager is not able to provide you with information regarding maximum rent you can charge, however they will let you know if you exceed it.

**Can a landlord request a rent increase?**

Each year, three months prior to the lease end date, your landlord will have an opportunity to state whether they want to extend the lease term, and if so, whether the amount will change and by how much. If they request an increase after the initial term of the lease and within the current lease period, they must provide at least 60 days written notice of any increase to your case manager. The proposed increase must not exceed the payment standards. BCHA reserves the right to deny any increase found to be unreasonable based on market conditions or delay the start of increases when proper notice has not been given.

**How does the landlord get paid their rent?**

The tenant is responsible for paying their rent each month and on time. If rent is late or unpaid, then the landlord has the right to enforce the lease. BCHA will directly deposit their portion of the rent on the 1st business day of each month.

**How are utilities paid?**

The landlord decides which utilities, if any, they will provide as a part of the rent, and which utilities the tenant(s) will pay. For tenant-paid utilities, BCHA will credit the household with a utility allowance, which is based on the average cost of utilities, size of the unit, and the location of the unit; not on the household's actual energy consumption. The utility allowance will lower the tenant's rental share and leave them with funds to assist with utility costs.

**Who is responsible for paying the security deposit, and how much can a landlord collect?**

The tenant pays their security deposit. The amount must be fair and reasonable, usually one month's rent amount, and in compliance with state and local laws, and must also be comparable to the deposit charged to their other tenants.

**What if I have a problem with my landlord?**

If you have a conflict with your landlord, you are encouraged to first speak with them about it. Contact your case manager if you need her involvement. It is important to note that your case manager may not always get involved on your behalf, but will guide you in resolving the situation. Additionally, local resources are available to help provide information and mediation for tenant-landlord issues, such as the Boulder County District Attorney's Office at 303/441-3700.

**Will my landlord contact BCHA about our landlord/tenant relationship?**

Your landlords should interact with you as they would with their tenant(s) who do not receive housing assistance. The only difference is that your case manager should be notified in certain circumstances such as unpaid rent; additional household members not listed on your lease; the use, sale or manufacturing of illegal drugs; or situations involving violence and/or domestic abuse. Your landlord should work directly with you on issues such as property maintenance, noise issues, pet concerns, parking issues, and property entrance agreements. If a landlord is uncertain about which issues should be brought to the attention of Boulder County, they should contact the tenant's case manager.

**Can a program participant be evicted?**

Yes, a tenant who is a program participant may be evicted for any lease violations. If and when a warning letter is received by the tenant, they should notify their case manager so she/he can work with them to try to remedy the situation in an effort to avoid an eviction. A landlord may not, however, evict a tenant for non-payment of the BCHA portion.

**What are (some of) landlords' rights and responsibilities?**

Landlords have the right to:

- Terminate tenancy under conditions outlined in the contract for such reasons as serious and repeated violations of the lease, criminal activity, destruction of property, and failure to pay the tenant portion of rent
- Refuse tenancy to an program participant as long as it does not violate Fair Housing laws
- Collect an appropriate security deposit, used in accordance with local and state laws

- Raise rent at the end of the lease term provided the case manager is given notice within the required timeframe, and that the increased amount does not exceed payment standards
- Choose not to renew a lease with an existing tenant at the end of the lease term

Landlords have the following responsibilities. They must:

- Use their own lease. BCHA may require and provide lease addendums. BCHA must receive a copy of the lease.
- Sign and return all required documentation in a timely manner.
- Sign, submit and provide updates for documentation and information as required, such as taxpayer identification information, change of address, change of name, and/or change of the building owner.
- Contact the tenant's case manager to alert them of any lease violations within the required timeframe.
- Provide copies of any eviction notices, if applicable, to the case manager at the time the notice is sent to the tenant.
- Perform all necessary maintenance to ensure the unit meets HUD's Housing Quality Standards.
- Allow the unit to be inspected at least annually and must correct all report failures within the specified time period. Failure to make repairs may result in either a halt of BCHA's portion of the rent or termination of the HAP Contract.
- Comply with Fair Housing laws.

#### **Can I take my voucher with me if I want to move to another county/state?**

Yes, you may take your voucher to another county or state. To do this, you should contact your case manager to complete the required forms. Your case manager will transfer your paperwork to BCHA's Portability Specialist to complete the process, which includes providing documentation to the new housing authority.

#### **What does the housing inspector look for during an annual inspection?**

Each unit is inspected annually (or more, as needed) to ensure it meets HUD's Minimum Housing Quality Standards. The tenant, or an alternate person over age 18, must be present for inspections. Inspected items include building structure and exterior; plumbing, heating and electrical systems; windows, exits and hallways; and all rooms to make sure the unit is safe, clean, and in good condition. The inspector must have access to the unit, the basement, and all common areas. If repairs are required, the landlord must correct deficiencies, within a certain time period, and pass a re-inspection. If repairs are not made within the timeframe, the housing assistance payments will be halted, and in certain situations impacting health and safety, the tenant will not be able to occupy the unit.

#### **What is the Carbon Monoxide Detector Law and does it apply to a tenant?**

Effective July 1, 2009, Colorado House Bill 1091 requires homeowners and owners of rental property (single-family homes, multi-family homes) to install carbon monoxide alarms near the bedrooms (or other room lawfully used for sleeping purposes) in every home that is heated with natural gas or propane, has a gas appliance, has a fireplace, or has an attached garage. This requirement applies to every home that is sold, remodeled, repaired, or leased to a new tenant after July 1, 2009, including landlords participating in the program. For more information, please read House Bill 1091.

#### **What is the Violence Against Women Act (VAWA) and how does it affect a participant's assistance?**

The Violence Against Women Act (VAWA) is a federal law, effective 2006, to protect individuals who are victims of domestic violence by prohibiting apartment firms from evicting the resident because of criminal activity committed by a member of the victim's household.

#### **What types of actions may lead to termination from the program?**

The following are *some* actions that may lead to program termination: fraud (i.e., providing false information or documentation), non-compliance with program requirements, criminal or drug activity, unauthorized household members, non-compliance with a lease. If a program participant is terminated, they will receive a termination letter which informs them of their opportunity to present their case to the Housing Board for reinstatement. BCHA and HUD are stringent regarding program compliance and will take action as necessary.

#### **How can I find out more information about landlord participation?**

To learn more information about landlord participation, please refer to Frequently Asked Questions for Landlords.

#### **What if I have questions that have not been answered?**

If you have questions that have not been answered, please contact your case manager.