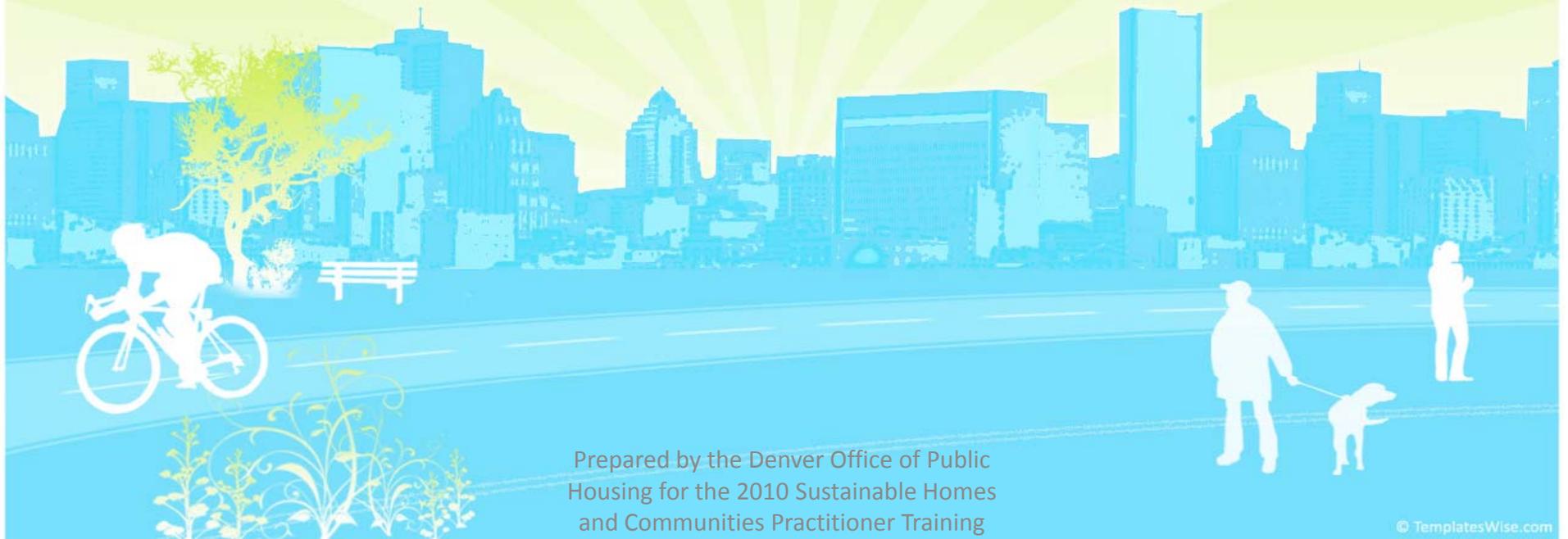




# The Occupancy Cycle

## Initial Lease-Up and Leasing Requirements



Prepared by the Denver Office of Public  
Housing for the 2010 Sustainable Homes  
and Communities Practitioner Training

# Initial Lease-Up

- Interviews and Verification Process - As applicants approach the top of the waiting list, they will be contacted and asked to come to the PHA for an interview to complete their applicant file.
- The following items must be verified to determine qualification for admission:
  - Family composition and type (Elderly/Disabled/near elderly /non-elderly);
  - Annual Income;
  - Assets and Asset Income;



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# Initial Lease-Up, cont.

- Deductions from Income;
- Preferences;
- Social Security Numbers of all Family Members;
- Applicant Screening Information, according to PHA Screening and Eviction Policy;
- Review EIV for Debts owed other PHAs; and
- Citizenship or eligible immigration status pursuant to 24 CFR §5.5.



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HUD Forms

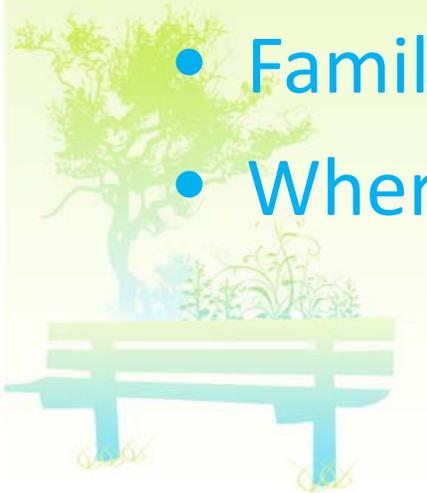


- HUD – 9886 - Authorization for the Release of Information/Privacy Act Notice
- Section 214 – Declaration of Citizenship Status
- HUD- 27061 – Race and Ethnic Data
- HUD – 52675 – Debts Owed to Public Housing Agencies and Terminations
- HUD - 92006 – Supplement to Application for Federally Assisted Housing
- What you should know about EIV - Notice PIH 2010 - 19
  - [http://portal.hud.gov/portal/page/portal/HUD/program\\_offices/administration/hudclips/notices/pih/files/10-19pihn1.pdf](http://portal.hud.gov/portal/page/portal/HUD/program_offices/administration/hudclips/notices/pih/files/10-19pihn1.pdf)
- PHA required forms



# HCV Oral Briefing: Initial Lease- UP

- Briefing and Voucher Issuance
- 24 CFR 982.301 - The PHA must give a family an **oral briefing and must include the following:**
- Description of how the program works,
- Family and owner responsibilities
- Where the family can lease (jurisdiction)



Prepared by the Denver Office of Public  
Housing for the 2010 Sustainable Homes  
and Communities Practitioner Training



# HCV Oral Briefing

- Explanation of how portability works
- Advantages of moving to an area that does not have a high concentration of poor families
- Ensure communication for a family with a disability is in accordance with 24 CFR §8.6



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV - Briefing Information Packet, cont.

## Briefing information **packet must include the following:**

- Term of the voucher and any extensions explaining how the family can request an extension
- How the PHA determines the HAP
- How the PHA determines the Payment Standard
- Maximum Rent and where the family can lease a unit



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV - Briefing Information Packet, cont.

- Tenancy Addendum and that it must be included as a part of the lease
- The FRLA form including an explanation of how to request such approval
- Statement of PHA policy on what information is provided to prospective owners
- Payment standards and when an exception will be granted
- Lease Approval
- HQS Inspection

Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



© Department of Housing and Urban Development

# HCV - Briefing Information Packet, cont.

- HUD brochure on how to select a unit
- Information on Fed, State and Local equal opportunity laws, and a copy of the housing discrimination complaint form.
- A list of landlord or other party who may be willing to lease a accept voucher or help the family find a unit.
- A list of accessible units for a disabled family
- Family obligations



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV - Briefing Information Packet, cont.

- PHA informal hearing process - must describe when the PHA is required to give the participant the opportunity for an informal hearing and how to request a hearing.



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV – Leasing Requirements

- PHA issues a voucher to the family, HUD 52646 (7/00)
- Term of the voucher is 60 days. It is the up to the PHA policy to grant one or more extensions of the voucher.
- The PHA must in accordance with Part 8 extend the voucher term up to the term reasonably required for a disabled family.



# HCV – Leasing Requirements

- Family locates a unit in the private rental market
- Owners agrees to lease unit
- Family must submit a RFTA including a copy of the lease and tenancy addendum. HUD form -52646.



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV – Leasing Requirements

- PHA must determine the unit is eligible
- Inspected by the PHA and passed HQS
- The lease includes the tenancy addendum
- Rent is reasonable
- Gross rent does not exceed 40 % of the family's monthly adjusted income
- PHA must ensure the lead based paint disclosure information is included in the lease (24 CFR §35.92)

Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV – Disapproval of Landlord

- **Mandatory disapproval**
  - Owner suspended, debarred, or subject to LDP
  - When directed by HUD (Fair Housing violation)
  - Owner is parent, child, grandparent, grandchild, sister or brother of any member of participant family
  - Note: exceptions for reasonable accommodation
- **PHA Policy – disapproval**
  - Owner is engaged in criminal activity
  - Owner has violated obligations under HAP
  - Owner has a history of noncompliance with HQS
  - Owner has not paid State or local real estate taxes fines or assessments.



# HCV – HAP Contract

- HAP Contract should be executed before the beginning of lease, but no later than 60 day from beginning of lease
- If the HAP is executed during the 60 day period, the PHA will pay HAP to cover the portion of the lease term before execution of the HAP contract 24 CFR §982.306(c)(3). Compliance with Admin Plan 24 CFR §982.153)

PHA must inspect the unit with in 15 days from submission of the RFTA >1250 units



# HCV – Participant Obligations

- Comply with the lease and program requirements - 24 CFR §982.551
- Pay share of rent on time
- Maintain unit in good condition
- Notify PHA of changes in income and family composition



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# HCV – Owner Obligations

- Screen tenants
- Provide decent, safe and sanitary housing at a reasonable rent
- Unit must pass HQS inspection and be maintained by those standards as long as the unit is assisted
- Comply with the lease terms
- Pay for utilities (unless paid for by family under the lease)



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# LRPH – Lease-Up

- Applicant provides third party verifications
- Move in inspection - Resident and PHA must sign the inspection form
- Applicant must read and sign lease and receives a copy of the lease including all the required attachments
- Pay the Rent and Security Deposit
- Signs the Lead Disclosure Form
- Prepare Resident File and submit to PIC the 50058 - **NOTICE: PIH-2010-25**
- Prepare the welcome basket and hand them the keys!



Prepared by the Denver Office of Public Housing for the 2010 Sustainable Homes and Communities Practitioner Training



# LRPH – Lease Terms

- 12 months term
- Automatic renewal except for noncompliance with community service
- Tenancy cannot be terminated except for “serious or repeated violation of terms or conditions of lease or other good cause”.



# LRPH – Tenant Obligations

- Use unit solely as dwelling unit
- May not assign , sublet, or provide housing to boarders or lodgers
- Abide by necessary and reasonable regulations adopted by PHA
- Comply with building and housing code requirements
- Refrain from damaging or defacing dwelling unit
- Act in a manner that does not disturb other residents



# LRPH – PHA Obligations

- Maintain unit and project in decent, safe and sanitary condition
- Comply with building and housing codes
- Make necessary repairs to the unit
- Maintain appliances and facilities in good working order
- Supply water and heat to units
- Notify tenant of specific grounds for any proposed adverse action, i.e. eviction



# LRPH – Lease Agreement

- A well-written lease is an essential tool for good property management.
- Makes clear management's expectation and responsibilities.
- HUD regulations governing leases gives PHAs valuable flexibility to tailor their leases to local situations. So long as the HUD-required provisions are included and the prohibited provisions are excluded.



# LRPH – Lease Regulations

- §966.3 - Dwelling leases procedures and requirements
- §966.3- Tenant opportunity for comment – The PHA shall provide 30 days notice ... before formal adoption of any new lease form
- §966.4 – Lease requirements – Each PHA shall provide at least 30 days notice to tenant ... setting forth proposed changes in the lease form used by the PHA... comments submitted shall be considered by the PHA before formal adoption of any new lease form.
- §966.4 (a) - Parties, dwelling unit and term
- §966.4 (b) - Payments due under the lease
- §966.4 (c) – Redetermination of rent and family composition

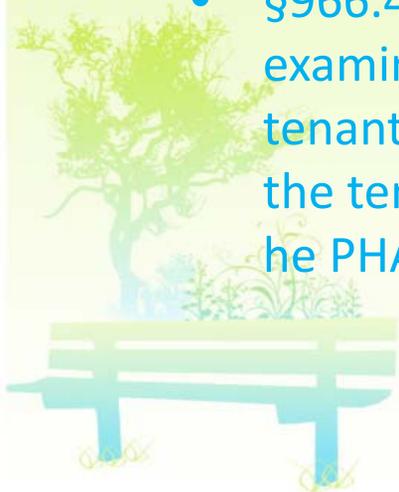


# LRPH – Lease Regulations

- §966.4(d) – Tenant right to use and occupancy (24 CFR 5.100 (2) with the consent of the PHA, members of the household may engage in legal profit making activities in the dwelling unit. (3)(i) With the consent of the PHA a foster child or a live in-aide may reside in the unit. The PHA may adopt reasonable policies concerning resident by a... Under such policies, the factors considered by the PHA may include: (A) whether the addition of a new occupant may necessitate a transfer of the family, (B) The PHA's obligation of make reasonable accommodation for handicapped persons...
- §966.4 (e) – The PHA's obligations – the lease shall set forth the PHA's obligations under the lease...
- §966.4 (f) – Tenant obligations...
- §966.4 (g) – Tenant maintenance – The lease may provide that the tenant shall perform seasonal maintenance...
- §966.4 (h) Defects hazardous to life, health, or safety – The lease shall set forth the rights and obligations of the tenant and the PHA if the dwelling unit is damaged...(1) notification (2)reasonable costs of repair (3)alternative accommodation (4) abatement of rent

# LRPH – Lease Regulations

- §966.4 (i) - Pre Occupancy and pre-termination inspections
- §966.4 (j) – Entry of dwelling unit during tenancy – The PHA shall upon reasonable advance notification to the tenant be permitted to enter the dwelling unit...
- §966.4 (k) – Notice procedures – The lease shall provide procedures to be followed by the PHA and tenant in giving notice one to the other...
- §966.4 (l) – Termination of tenancy and eviction - Procedures. The lease shall state the procedures to be followed by the PHA and by the tenant to terminate the tenancy (2) Grounds...
- §966.4 (m) – The notice shall also inform the tenant of the rights to examine PHA documents.. When the PHA is required to afford the tenant the opportunity for a grievance hearing, the notice shall inform the tenant of the tenant’s right to request a hearing in accordance with the PHA’s grievance procedures....



# LRPH – Lease Regulations

- §966.5 - Posting of policies, rules and regulations - Schedules of special charges for services, repairs and utilities and rules and regulations which are required to be incorporate in the lease by reference shall be publicly posted in a conspicuous manner in the Project Office and shall be furnished to applicants and tenants on request...
- §966.6 Prohibited lease provisions
- §966.7 – Accommodation of person with disabilities

