

Existing Policy on Non-Rent Fees in Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) Programs

This guidance provides a summary of existing policy regarding the fees that PHAs and owners are permitted to charge tenants and the fees that they are prohibited from charging. None of the fees outlined below are new or reflect a change in federal public housing law, regulation, or policy. In addition to high level descriptions of the types of permitted and prohibited fees/charges, the charts also provide citations to the applicable federal statutes, regulations, and HUD issued guidance that provide more extensive details regarding these fees. This guidance does not address state or local laws which may be applicable. Please note, the term “owner” will be used throughout this document. For the HCV and PBV programs the owner is any person or entity with the legal right to lease or sublease a unit to a participant. Because the HCV/PBV programs utilize private market owners, for most of the fees, the lease and state and local law will dictate what owners can charge, and whether families can be evicted for non-payment of a charge. If a PHA owns units that are leased under the HCV or PBV programs, for purposes of this chart, the PHA is considered the owner, and they would be subject to the same rules any owner in the locality or state would be subject to as identified in the column entitled “Private Market HCV/PBV Owner Related Guidance.”

| Fee/Charge Type | PHA Related Guidance | Private Market HCV/PBV Owner Related Guidance | Guidance Location |
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| PRE-TENANCY FEES | | | |
| Application Fee | <p>PHAs may not charge an application fee to prospective tenants.</p> <p>PHAs may use HUD administrative fees to help families cover the cost of application fees charged by owners. Some special purpose voucher programs may also have specific funding available to assist with owner application fees (Community Choice Demonstration, Emergency Housing Voucher Program, Housing Mobility-related Services).</p> | <p>Owners may charge application fees, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws.</p> | <p>24 CFR 982.510(c) 24 CFR 983.354(b) Notice PIH 2009-39 Notice PIH 2022-18 Notice PIH 2021-15 (EHV) Housing Mobility Related Services Community Choice Demonstration</p> |

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| Assistance Animals | PHAs may not charge fees for assistance animals. | <p>Owners are prohibited from charging fees/deposits as a condition of allowing the applicant or tenant to keep an assistance animal.</p> <p>An owner may not charge a deposit, fee, or surcharge for an assistance animal. However, they may charge a tenant for damage an assistance animal causes if it is the provider’s usual practice to charge for damage caused by tenants (or deduct it from the standard security deposits imposed on all tenants).</p> <p>Note: Assistance animals are not pets, and the PHA/owner may have different fee for pets</p> | FHEO-2020-01 (The Assistance Animals Notice) |
| Credit Report Fees | <p>PHAs may not charge applicants (including an individual being added to an existing household) processing costs including credit report fees.</p> <p>PHAs may use HUD administrative fees to help families cover the cost of application fees, including credit report fees, charged by owners.</p> | <p>Owners may charge credit report fees, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws.</p> | <p>24 CFR 982.510(c)</p> <p>24 CFR 983.354(b)</p> <p>Notice PIH 2009-39</p> <p>Notice PIH 2022-18</p> |
| Fees for Verifying Income and Eligibility for Participation in the HCV or PBV program | PHAs are prohibited from charging such fees to the tenant; these costs are considered administrative expenses. | N/A | Notice PIH 2009-39 |
| Inspections | The PHA may not charge the family for an initial inspection or reinspection of the unit. However, the PHA may establish a reasonable fee to charge owners for a reinspection if an owner notifies the PHA that a repair has been made, or the period for repairs has elapsed, and the | If the PHA charges the owner a fee for a reinspection, the owner may not pass this fee along to the family. | 24 CFR 982.405(e) and (f) |

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| | deficiency was not corrected. The owner may not pass this fee along to the family. | | |
| Pet Deposit | N/A | Owners may charge pet deposits/fees, however the owner must not charge a subsidized tenant extra amounts customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws. | 24 CFR 982.510(c) 24 CFR 983.354(b) |
| Charges to obtain criminal background checks | PHAs are prohibited from charging such fees to the tenant; these costs are considered administrative expenses. | Owners may charge for criminal background checks, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state and local laws. | 24 CFR 982.510(c) Notice PIH 2009-39 24 CFR 983.354(b) |
| Security Deposit | The PHA does not charge security deposits for HCV or PBV participants. | <p>The owner may charge a security deposit. The amount may be limited by the PHA if it is in excess of private market practice, or in excess of amounts charged to unassisted tenants.</p> <p>When the tenant moves out of the dwelling unit, the owner, subject to state or local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for any unpaid rent payable by the tenant, damages to the unit or for other amounts the tenant owes under the lease.</p> | 24 CFR 982.313 24 CFR 982.510(c) 24 CFR 983.259 24 CFR 983.354(b) |

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| | | <p>The owner must give the tenant a written list of all items charged against the security deposit, and the amount of each item. After deducting the amount, if any, used to reimburse the owner, the owner must refund promptly the full amount of the unused balance to the tenant.</p> <p>If the security deposit is not sufficient to cover amounts the tenant owes under the lease, the owner may seek to collect the balance from the tenant.</p> | |
| TENANCY FEES | | | |
| Attorney/Legal Costs | There are no specific HCV/PBV provisions that address this issue. | Owners may charge for attorney/legal fees, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws. | 24 CFR 982.510(c) 24 CFR 983.354(b) |
| Facilities, Services, and Other Charges | <p>Facilities: N/A</p> <p>Services: PHAs are obligated to ensure effective communication with applicants, participants, and members of the public and to furnish appropriate auxiliary aids and services where necessary to afford individuals with hearing and vision impairments an equal opportunity to access and participate in the program.</p> <p>PHAs must also make reasonable efforts to provide language assistance to ensure meaningful access for limited English proficient</p> | <p>Owners may charge a tenant for the use of facilities, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws.</p> <p>Owners may not include the cost of meals or supportive services in the rent to owner. The lease may not require the tenant or family members to pay charges for meals, supportive services, or</p> | <p>PHA: 24 CFR § 8.33</p> <p>24 CFR § 100.65</p> <p>24 CFR § 982.53</p> <p>24 CFR 982.551 and 552</p> <p>42 U.S.C. § 3604(f)</p> <p>FR-4878-N-02</p> |

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| | <p>(LEP) persons to the recipient's programs and activities.</p> <p>PHAs may not charge fees to families for these services.</p> | <p>furniture, which may be provided by the owner. Non-payment of such charges is not grounds for termination of tenancy.</p> <p>Exception for PBV assistance in assisted living developments: The owner may charge tenants, family members, or both for meals or supportive services. Any such charges must be specified in the lease. These charges may not be included in the rent to owner; however, non-payment of such charges is grounds for termination of the lease by the owner in assisted living developments. All fees and charges must comply with the lease and state and local law. The owner may not charge the tenant extra amounts for items provided at no additional cost to unsubsidized tenants in the premises.</p> | <p>Owner: 24 CFR 982.510</p> <p>24 CFR 983.354(a)</p> <p>24 CFR 982.510(c)</p> <p>Tenancy Addendum, Form HUD-52641-A (HCV)</p> <p>Tenancy Addendum, Form HUD-52530.c (PBV)</p> |
| Checks Returned for Insufficient Funds | There are no specific HCV/PBV provisions that address this issue. | Owners may charge for checks returned for insufficient funds, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws. | <p>24 CFR 982.552(c)(vii)</p> <p>24 CFR 982.510(c)</p> <p>Notice PIH 2018-18</p> |
| Damages | PHAs are not responsible for payment of amounts owed by the family to the owner, including damages to a unit. | When a tenant moves out, the owner, subject to state and local law, may use the security deposit, including any interest on the deposit, in accordance with the lease, as reimbursement for amounts owed to the owner, including damages to the unit. | <p>24 CFR 982.308</p> <p>24 CFR 982.313</p> <p>24 CFR 983.353(c)(2)</p> <p>24 CFR 983.256</p> <p>24 CFR 983.259</p> |

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| Late Payment of Rent | N/A | <p>Owners may charge fees related to late payment of rent; however, the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local law.</p> <p>If the PHA pays housing assistance payments (HAP) late to the owner, the family is not responsible for such payments (including the fees associated with the PHA's late payment). Late payment by the PHA is not grounds for termination of the family's tenancy.</p> | <p>24 CFR 982.451(b)(4)(iii)</p> <p>24 CFR 982.551(e)</p> <p>24 CFR 982.510(c)</p> <p>Tenancy Addendum, Form HUD-52641-A (HCV)</p> <p>Tenancy Addendum, Form HUD-52530.c (PBV)</p> |
| Utilities | The PHA provides a utility allowance for any tenant-supplied utilities. | Owners may charge utility fees, however the owner must not charge a subsidized tenant extra amounts for items customarily included in rent in the locality, or provided at no additional cost to unsubsidized tenants in the premises. These charges must also comply with any applicable lease requirements, state, and local laws. | <p>24 CFR 982.404(b)</p> <p>24 CFR 982.510(c)</p> |
| Fees Associated with the PHA Informal Hearing Process | The PHA must provide the family the opportunity to examine, before the PHA hearing, any PHA documents that are directly relevant to the hearing, and the family must be allowed to copy such documents, at the family's expense. | N/A | 982.555(e)(2)(i) |