

# HOUSING AUTHORITY OF THE COUNTY OF SAN MATEO

## Section 8 Housing Voucher Program Guide

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***Our Core Values:*** Productivity, Quality, Competence,  
Customer Service, Teamwork, Communication, Judgment,  
Personal Responsibility  
And Accountability

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**C**an owners rent their unit to a relative on the program?

Owners may not rent to family members: parents, children, grandparents, grandchildren, sisters or brothers of any member of the family, unless the HACSM has determined that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities.

**D**oes the Housing Authority refer tenants to owners?

No. Owners are responsible for the selection and screening of tenants. The HACSM does not screen families for their suitability as tenants.

**H**ow can owners list their units on the program?

Owners who wish to list their vacancies with HACSM may use a free online service called SMCHousingSearch.

To list your vacancies, register on the system and create your listing on-line through the SMCHousingSearch website. To access the SMCHousingSearch website registration screen and list your property, go to <http://www.smchousingnsearch.org>.

## **How much notice must owners give to tenants when terminating tenancy?**

When it comes to termination of tenancy, owners should always follow the terms and conditions of the lease agreement, observe the state and local laws, and consult legal representatives for legal advice, when necessary.

A recent ruling by the Superior Court of California, County of San Mateo, states that "...Section 8 tenancies are created by the federal government and administered by HUD. They operate under statutes of the US Code of Federal Regulations. Under the Section 8 program, the landlord must give good cause to terminate a tenancy. Any termination of the tenancy shall be preceded by the owner providing written notice to the tenant specifying the grounds for such action. 42 USC 1437f(d)(1)(B)(iv); 24 CFR 982.310(e)."

The California Code 1954.535 that went into effect on January 1, 2000 says "...Where an owner terminates or fails to renew a contract or recorded agreement with a governmental agency that provides for rent limitations to a qualified tenant, ... who were the beneficiaries of the contract or recorded agreement shall be given at least 90 days written notice of the effective date of the termination and shall not be obligated to pay more than the tenant's portion of the rent . ." You may find out the exact verbiage of the law at [www.leginfo.ca.gov](http://www.leginfo.ca.gov) and search for Civil Code 1954.535.

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# I. INTRODUCTION

This guide has been prepared in appreciation of your interest in the Section 8 Housing Voucher program. The program rules and regulations are determined at the federal level, by the Department of Housing and Urban Development (HUD), and are administered locally by the Housing Authority of the County of San Mateo (HACSM). The Housing Authority hopes this brochure will answer most of your questions. Since federal, state, and local regulations change frequently, we encourage you to contact us for answers to specific questions.

Currently, the HACSM assists approximately 4,300 low-income families in San Mateo County. The success of the program depends on the Housing Authority's ability to contract with property owners who have decent, safe, and sanitary rental units. Owner participation is voluntary; however, many low-income families in the community rely on owners that are willing to participate in the program. Participant families include elderly persons, disabled persons, and working families who do not earn enough to keep pace with rising rental housing costs.



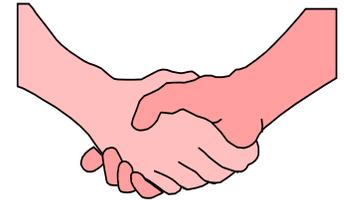
## **When are monthly owner checks mailed out?**

The monthly housing assistance payments are routinely mailed out during the first 3 days of the month. Direct deposit is also available and is strongly recommended for timely and uninterrupted deposits.

## **If there is a dispute between a tenant and owner, will the HACSM assist in the resolution of the problem?**

The HACSM does not mediate disputes between owners and tenants.

However, if the dispute is related to a lease violation, HACSM requires a copy of the violation notice issued to the tenant.



## **Can owners evict a tenant under the Voucher program?**

Yes. Owners may terminate tenancy for lease violation(s). The owner must give the tenant proper notice in accordance with state and local laws regarding unlawful detainer action. The owner must provide the HACSM with copies of any documentation pertaining to an eviction.

## **Can owners refer their current tenants to the program?**

All participating families are selected from the HACSM's waiting list in accordance with its admission rules. Owners play no role in the waiting list or eligibility process.

**Can owners charge late fees if the tenant rent is not paid on time?**

Yes. The late fee must be reasonable and consistent to the amount charged in the private market. Late charge information must be defined in the lease agreement.

**What should owners do when they decide to rent to a program participant?**

The owner and the tenant complete and submit the Request for Tenancy Approval packet and forward the packet to the HASCM office.

**What information do owners need to provide in order to receive housing assistance payments?**

HACSM requires a signed Tax Identification Statement (provided by the HACSM) for verification of the owner's tax ID number, proof of property ownership, and a management agreement, if applicable.

The owner signs a Housing Assistance Payments (HAP) Contract with the HASCM; and housing assistance payment are paid in accordance with the HAP Contract.

**How soon will owners receive their first rent check?**

Generally, the HACSM sends the owner its **first** housing assistance payment within 4 weeks after the execution of the HAP contract.

## **II. WHAT IS THE HOUSING VOUCHER PROGRAM?**

The Housing Voucher Program is a federal rent subsidy program for low-income families. The program is funded by HUD and administered in this county by the Housing Authority of the County of San Mateo (HACSM). To qualify for assistance, a family must have a gross household income of less than 50% of the HUD-determined median income for this county. Only families certified by the HACSM are eligible to participate.

Once approved by the HACSM, an eligible family receives a Housing Voucher that authorizes them to find a rental unit. The participating families are responsible for securing their own housing unit within the time limit specified on their Voucher.

The HACSM determines the maximum rent subsidy for the family by comparing the family's annual adjusted income and the voucher unit size or actual unit size (whichever is smaller) to a tiered subsidy table. The HACSM pays the rent subsidy directly to the owner. The family's portion of rent to the owner is the difference between the rent subsidy and the contract rent. There is a minimum tenant rent of \$50 regardless of the maximum rent subsidy amount.

All apartments and houses rented by participants are privately owned and managed. The Voucher follows participants, not buildings. There are no Section 8 buildings in San Mateo County. There may, however, be buildings whose residents all happen to be housing participants. These buildings are still owned and managed by private property owners.

### III. ADVANTAGES OF THE HOUSING VOUCHER PROGRAM FOR OWNERS

- ✓ The program guarantees a portion of the rent as long as the lease and contract remain in effect.
- ✓ The program offers comparable rents.
- ✓ Participation in the program will help keep your vacancies at a minimum.
- ✓ The program assists owners in helping to meet the housing needs of low-income families.
- ✓ Acceptance of one participant does not require acceptance of any other voucher participant.
- ✓ Owners retain their ability to screen families for tenancy.
- ✓ Owners retain their rights to enforce the lease agreement.
- ✓ The HACSM conducts inspections of the assisted unit to ensure it continues to meet decent, safe and sanitary conditions.



#### What about the security deposit?

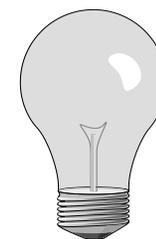
Tenants are responsible for paying the security deposit. An owner may collect a deposit according to State and local laws.

#### Can owners charge first and last month's rent?

No. Owners may ask for a security deposit from a tenant, **plus** the “*tenant's portion*” of the first month's rent.

#### Who pays for utilities?

The utility responsibility is negotiated between the owner and the tenant and the terms are defined in the lease agreement.



#### What kinds of units qualify?

Any existing rental unit may qualify: a house, duplex, apartment, condo, townhouse, or mobile home, providing the unit conforms to Housing Quality Standards (HQS) set by HUD, and HACSM policy.

#### Can owners expect tenants to pay their rent on time?

Since the tenant pays an affordable percentage of family income on rent, the tenant rent should be within their budget.

#### What if the tenant doesn't pay his/her portion of the rent?

Landlords are responsible to enforce the lease and take legal action if a tenant does not pay his/her portion of rent.

## VII. FREQUENTLY ASKED QUESTIONS

### How much rent can owners charge for a unit?

In the Voucher program, rents are not “capped”. However, there are two limits: (1) the rent must be reasonable in comparison to the rents charged in the neighborhood for comparable unassisted units. (2) tenants may not pay more than an amount determined to be affordable for them



### Can owners use their own Lease agreement?

Owners **must** use their own lease agreement. However, the HACSM-prescribed Tenancy Addendum must be a part of the lease agreement.

### How long is the lease term?

The lease term is negotiated between the owner and the tenant.

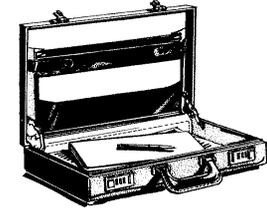
### Can the rent be raised over time?

Yes—any time after the initial term of the lease. Under the Voucher program, the owner must give a written 60-day notice for the rent increase to the tenant and a copy to the HACSM.

Rent increases are subject to rent reasonableness test and HACSM’s approval.

## IV. HOUSING AUTHORITY RESPONSIBILITIES

- ✓ Review all applications to determine whether an applicant is eligible for the program.
- ✓ Explain the rules of the program to all of the families who qualify.
- ✓ Issue a Housing Voucher once a family is determined eligible to receive one.
- ✓ Approve the unit, and the lease.
- ✓ Make housing assistance payments to the owner in a timely manner.
- ✓ Ensure that both the family and the unit continue to qualify under the program by conducting recertifications with the family and inspections of the property.
- ✓ Ensure that owners and families comply with the program rules and regulations.
- ✓ Provide families and owners with prompt, professional service.



## V. OWNER'S RESPONSIBILITIES

- ✓ Screen families for suitability.
- ✓ Enforce lease agreement.
- ✓ Collect tenant rent.
- ✓ Comply with fair housing laws, and not discriminate against any family.
- ✓ Comply with the terms of the Housing Assistance Contract with the HACSM.
- ✓ Not accept side payments from tenants.
- ✓ Maintain the housing unit by making necessary repairs in a timely manner.



## VI. PARTICIPANT'S RESPONSIBILITIES

- ✓ Provide the HACSM with complete and accurate information.
- ✓ Not allow unauthorized person(s) to stay in the unit.
- ✓ Not make side rent payments to the owner.
- ✓ Attend all appointments scheduled by the HACSM.
- ✓ Take care of the unit and report any needed repair immediately to the owner.
- ✓ Comply with the lease agreement.
- ✓ Comply with the Family Obligations listed on the Housing Voucher.

