



Section 8 Newsletter

This Section 8 landlord newsletter will answer many frequently asked questions and share new information about the program. Also included is an update on current Section 8 regulations.



The Section 8 program would not be possible without you, the Section 8 Landlord. The Housing Authority staff appreciates your efforts and continued support assisting low income families with housing. It is in everyone's best interest to understand how the Section 8 program works. If you have questions please feel free to call the Section 8 Programs Manager – Donna Holt-Cook (541)918-7314 or e-mail her at: donna@l-bha.org

KNOW YOUR HAP CONTRACT (HAP = Housing Assistance Payment)

Have you read the HAP (Housing Assistance Payments) Contract? If you have not read it in a while, it may be a good idea to review it. There is a lot of important information in it including your rights and responsibilities as an owner. If you have questions about your contract, or would like another copy of it, please contact an occupancy specialist.

CASELOAD DISTRIBUTIONS

Our telephone system has been updated in an effort to serve you better. However, as with most technology, we are still working the bugs out of the system. We appreciate your patience with this.

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FREQUENTLY ASKED QUESTIONS.....

My Section 8 tenant never pays their rent on time – why aren't you doing something about this?

Unless you tell us, the Linn-Benton Housing Authority does not know your tenant has not been paying you. Your contract with the Housing Authority requires you to provide us with a copy of every notice you give to your tenant including eviction notices. Make sure we have a copy. The family must comply with the terms of your lease. If they seriously or repeatedly violate some (or several) portions of the lease – this is a violation of their Family Obligations and could result in a loss of their assistance. Property management is a business, and we strongly encourage all landlords to enforce their lease with Section 8 families just as they would with any other non-subsidized renter.

Your inspectors have given me a list of deficiencies (fail items) that they say are my responsibility. But the tenant won't let me in to make repairs – plus I really resent making repairs when the tenant does not keep a clean house and some of these repairs should be their responsibility.

If you disagree with who has been assigned responsibility for the repairs, contact the inspector and discuss this with them. Often this is the first time this inspector has been in the rental unit. They may be unaware of the previous condition and incorrectly assign the repair to the landlord. Normal wear and tear items are required to be repaired by the landlord. Many landlords do not want their tenants making repairs and would prefer to do the repairs themselves and charge the tenant – this is perfectly acceptable.

Your lease is your governing contract between you and the tenant. Normally your lease will outline conditions by which you may enter the rental unit. In any event, this is your property and if the tenant is not cooperating, they are violating their lease with you and you have remedies under Landlord/Tenant Law. Please refer to the Oregon Landlord / Tenant Statutes for a description of proper notices.

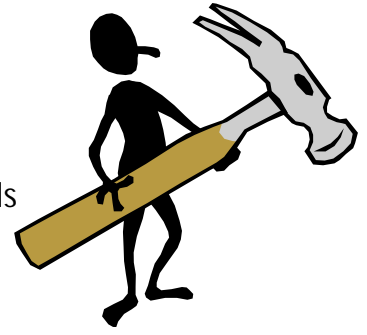
Thirdly, if the tenant is not taking care of the property it behooves you to either evict them or refuse to renew their lease at the end of the current lease term. Section 8 is a wonderful opportunity for both the landlord and tenant; however that does not mean you should settle for less than you would from non-subsidized tenants.

Why do you let people move in with Section 8 families who are not on the lease?

The Linn-Benton Housing Authority requires all changes in family composition to be reported to this agency within 10 days of the change. All additional members of the family must be screened and approved by the Housing Authority. When additional family members are added to the household through Section 8, an "Addition to Household" form is drawn up for your signature. Without both the approval of the landlord and Section 8 program, assisted families are not permitted to move additional people into the unit. If your renters have moved people in without your approval, they've probably moved them in without ours; please notify us as soon as possible.

INSPECTIONS

HQS (Housing Quality Inspection)



Meeting HQS (Housing Quality Standards) is very important. If an inspection fails to meet HQS and the repairs are not made in a timely manner, the HAP payments can be delayed, abated(stop payment), or terminated.

If you receive a Notice of Fail items for one of your units, please note that the letter states a due date for re-inspection. Commonly, landlords and managers mistakenly assume that this is a pre-scheduled appointment date. Please note that this date is not an appointment and you must call to set up an appointment so that the inspection can be completed and passed by this date. This will keep your HAP check from being delayed. Please communicate with the HQS Inspectors beforehand if you have concerns about meeting the deadline.

HQS INSPECTORS

Colin Warner	(541)918-7332	colin@l-bha.org
Erik Ohlen	(541)918-7331	erik@l-bha.org

RENT PAYMENTS AND HAP PAYMENTS

Section 8 Participants shall not pay rent amounts different from portion of rent designated by the Housing Authority. Landlords shall not accept rent amounts from their Section 8 tenants different from portion of rent designated by the Housing Authority. *Please see HAP Contract Page 5. Owner Certification*

CONTRACT RENT INCREASES

Section 8 regulations require that you give the Housing Authority 60-days written notice before raising your tenant's rent. If the initial term of your lease is up, you are able to give your tenant a rent increase notice. However, it must be a 60-day notice and you must give the HA a copy of it immediately. If the HA receives a notice that does not meet the 60-day requirement, the HA will make the rent increase effective on the first day of the month that follows the 60-day requirement (*example: 60 day notice of rent increase given on 3/23/04 would be effective 6/1/04*). This information is located in your HAP contract on page 10 under "Changes in Lease or Rent" Please note that rent increases do not require a new lease.

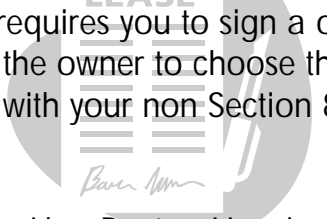


UTILITY CHANGES

If you plan to change any other aspect of your lease (i.e. utility assignments, terms etc), we ask that you give the HA at least sixty days written notice. Any changes in the contract (besides rent changes) require the HA to do a new inspection and contract. This is a lengthy process that requires as much advance notice as possible.



Did you know?

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- ❖ That the HA no longer requires you to sign a one year lease with your tenant? The regulations have changed to allow the owner to choose the terms of the lease. If your practice is to sign month to month leases with your non Section 8 tenants, you can also do so with Section 8 families.
 - ❖ That you can contact the Linn-Benton Housing Authority Occupancy Specialist assigned to your tenant/potential tenant to check on any (*if available*) rental (*tenancy*) history that might be in the file. You must have a signed release from that person or have turned in a signed and completed Request for Tenancy Approval (our inspection form in blue or green). *Please note that all other personal information other than previous rental/unit information is not available due to confidentiality reasons.*
 - ❖ Linn-Benton Housing Authority Inspectors will conduct a move-out inspection on your unit AFTER a section 8 participant has moved from your unit IF you feel that they have left your unit dirty and/or damaged beyond normal wear and tear. *Please note that the purpose for this is to identify those families/individuals that are in violation of our program rules so that we can limit their participation in our program.*
 - ❖ Background checks and screening of ALL potential tenants that you are considering (*Including Section 8 Voucher holders*) is strongly advised and may prevent future problems in your unit.
 - ❖ The Linn-Benton Housing Authority staff will meet with your rental agency staff to train them on the Section 8 program and answer any questions that you have about the Program. We cannot give Landlord / Tenant Law advice but we do know the ins and outs of this program. Please call to set up a time that we may come visit you and get to know you and your staff a little better and help you have more of an understanding about our program. Please call Donna Holt-Cook, Section 8 Programs Manager at (541)918-7314 or e-mail at donna@l-bha.org. to arrange a training time.

*D*IFFERENCE

	<u>Open Market</u>	<u>Section 8 Voucher</u>
1. Can the landlord require an application?	Yes	Yes, if other tenants are required to submit
2. Who screens the applicant for suitability?	The owner	The owner
3. How much security deposit can be charged?	Per state or local law	Per state or local law
4. Is there an inspection?	There may be an occasional city or county code inspection	LBHA will conduct an inspection for housing quality standards before the contract is signed
5. Who determines what rent to charge?	The market, the owner, and the tenant	The owner and the tenant - Property must be "rent reasonable"
6. Who pays the rent?	The tenant	The tenant pays part of the rent, based on their income. This amount will be specified in the lease. LBHA pays the rest
7. Who decides who pays the utilities?	Owner-tenant	Owner-tenant
8. Who maintains the unit?	Owner	Owner is responsible under the contract
9. Who pays for damages to the unit beyond normal wear and tear?	Tenant, if allowed in the lease	Tenant, if allowed in the lease and caused by the tenant, family member, or guest. Tenant could lose Housing Choice assistance
10. How much can the rent increase from year to year?	Negotiated by owner and tenant (market). Must comply with lease	Negotiated between owner and tenant. Must be "rent reasonable". Sufficient notice must be provided
11. Who enforces the lease?	The owner	The owner
12. Who may file an eviction?	The owner	The owner
13. Must the owner comply with Fair Housing laws?	Yes	Yes