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COLLABORATIVE, INC. (TAC)
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CITIZENS WITH DISABILITIES
(CCD) HOUSING TASK FORCE

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For a copy of *Section 8 Made Simple* please email info@tacinc.org or call Aggie at (617) 742-5657.

Section 8: The New Housing Choice Voucher Program

Written by Ann O'Hara and Emily Cooper

Introduction

The Section 8 program is one of the most important federal housing programs available to assist people with disabilities. With Section 8 housing assistance, people with disabilities can become more independent and have the opportunity for full community integration. It is now the **largest** federal housing program targeted to extremely low-income households. In fiscal year 2002, Congress appropriated approximately \$15 billion in continued funding for the Section 8 program – equal to half the entire U.S. Housing and Urban Development (HUD) budget.

Section 8 is also one of the most complicated and confusing programs. The Technical Assistance Collaborative, Inc. has recently published *Section 8 Made Simple: Using the Housing Choice Voucher Program to Assist People with Disabilities*. This guidebook is a valuable tool for self-advocates, case managers, family members, advocates, direct service providers, etc., who work with people with disabilities to address their housing needs. It contains practical information to assist people with disabilities and the entire disability community to navigate through the federal Section 8 program. This issue of *Opening Doors* highlights important information about the Section 8 program contained in *Section 8 Made Simple*.

What is the Section 8 Program?

The federal Section 8 program began in 1975 as a way to assist low-income families, elderly people, and people with disabilities to rent decent, safe, and affordable housing in the community. Through this program individuals, groups of individuals, and

families receive a “voucher” – also referred to as a “subsidy” – that can be used in housing of their choice that meets Section 8 program requirements. Tenants typically pay 30 percent of their income toward housing costs. The Section 8 subsidy pays the rest, up to a certain amount. These subsidies are long-term and considered permanent housing.

Since its inception, the program has been known as the “Section 8” program. In many communities, it is still referred to by this name. However, a federal law passed in 1998 renamed the program the Housing Choice Voucher Program (HCVP). Because it is more familiar, this issue of *Opening Doors* will use the term “Section 8 program” to refer to the new HCVP.

Section 8 Program Components

Tenant-based rental assistance is the most common and well-known type of Section 8 assistance. When people mention the Section 8 program or a Section 8 voucher, they are usually referring to the tenant-based rental assistance component of the program. In the past, there were actually two separate components of the Section 8 tenant-based program: certificates and vouchers. A federal housing law passed in 1998 merged these two programs into one tenant-based voucher program.

Section 8 tenant-based rental assistance helps people with disabilities to select rental housing that meets their individual preferences and needs, while also being fully integrated into the community. Through this component, an eligible household receives a voucher to use in a housing unit of their choice in the community. If the household moves to another unit, the voucher can be used in the new unit.

Opening Doors

A housing publication for the disability community

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The Technical Assistance Collaborative, Inc. is a non-profit organization that provides state-of-the-art technical assistance and training to housing and human service organizations so that they may achieve positive outcomes in their work on behalf of people who are disadvantaged and/or disabled. For more information, please contact Maura Collins Versluys, Technical Assistance Collaborative Inc., One Center Plaza, Suite 310, Boston, Massachusetts 02108. Phone: 617-742-5657 or Fax: 617-742-0509 or email: info@tacinc.org.



The Consortium for Citizens with Disabilities (CCD) is a national coalition of consumer, advocacy, provider, and professional organizations who advocate on behalf of people of all ages with disabilities and their families. CCD has created the CCD Housing Task Force to focus specifically on housing issues that affect people with disabilities.

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There are actually four types of Section 8 assistance:

- tenant-based rental assistance;
- project-based rental assistance;
- homeownership assistance; and
- down payment assistance.

However, this issue of *Opening Doors* focuses primarily on the tenant-based component of the Section 8 program since it is by far the most commonly used type of assistance for people with disabilities with the lowest incomes. More information about the other three Section 8 program components is available in the *Section 8 Made Simple* guidebook.

Why is the Section 8 Program So Hard to Understand?

Each year Congress appropriates funding for HUD to administer the Section 8 program. Since 1975, Congress has also passed laws that govern the program. For example, federal laws determine the income eligibility standards for the Section 8 program. These laws, combined with regulations developed by HUD, establish the **rules** for the administration of the Section 8 program at the state and local levels.

However, there are additional Section 8 **policies** that are determined by the state and local agencies – referred to as Public Housing Agencies or PHAs – that receive funding from HUD to administer the Section 8 program. For example, a PHA is allowed to determine the subsidy amount (within a HUD-determined range) provided by the Section 8 program. For the purposes of this *Opening Doors*, these locally established Section 8 guidelines will be referred to as “policies” and should be interpreted to mean that the PHA has some flexibility in establishing them.

This patchwork of federal rules and PHA policies is one of the most confusing aspects of the Section 8 program. It is often difficult to know which PHA Section 8 guidelines are actual HUD requirements and which are local PHA policies that could be changed.

Different Types of PHAs That Administer the Section 8 Program

On average, there are over 50 PHAs administering the Section 8 housing program per state, but the number varies greatly from state to state. For example, the State of Texas has over 400 PHAs while the State of Alaska has only two. The sheer number of PHAs administering the Section 8 program makes the program even more confusing. Following are the three types of PHAs that administer the Section 8 program:

1. Local Public Housing Authorities

Usually, but not always, Section 8 administering agencies are public housing authorities. A public housing authority is a unique governmental body that administers either public housing or Section 8 vouchers – or both – for the federal government at the local level. Public housing authorities are created in each state based on state laws.

Public housing authorities are not required by HUD to run the Section 8 program; in fact, some housing authorities only administer federal public housing units. Although there are over 3,000 public housing authorities across the country, approximately 2,600 housing authorities administer the Section 8 program.

Public housing authorities are the most common and well-known Section 8 administering agency. When people use the term “PHA” they are often referring to a public housing authority. To be consistent with HUD rules, however, the term “PHAs” refers to “Public Housing **Agencies**” and includes any agency with a contract with HUD to administer Section 8 assistance.

2. State Housing Agencies

Depending on state laws, many state housing agencies are also eligible to administer the Section 8 program. In some states, the state housing agency may be running the Section 8 program only in the areas of the state where there are no public housing authorities. In other states, both a public housing authority and a state housing agency may be administering separate Section 8 programs in the same local community.

3. Non-Profit Organizations

In 1999, certain non-profit disability organizations became eligible to administer specific vouchers for persons with disabilities, available through the Mainstream Housing Opportunities for Persons with Disabilities program. To date, there are over 25 non-profit agencies administering the Mainstream program across the nation. These non-profit organizations are required to run the Section 8 program in the same manner as other PHAs.

Non-profit organizations may also be administering the Section 8 program through a contract with a state housing agency. For example, the Massachusetts Department of Housing and Community Development administers a statewide Section 8 program through contracts with eight regional non-profit organizations. Although the state agency makes all decisions regarding Section 8 policies, the non-profit organizations are responsible for the day-to-day administration and management of the program, including selecting households, determining eligibility for the program, issuing Section 8 vouchers, inspecting housing units, and making rental payments to owners.

PHA Policies Vary

As long as they stay within HUD rules, PHAs have the flexibility to establish Section 8 policies that reflect local needs and circumstances. As a result, neighboring PHAs may have very different programs. For example, one PHA may accept Section 8 applications all the time while another may only accept them during two weeks each year. Given that there are many PHAs in each state, it can be extremely difficult to determine what the Section 8 policies are in a particular community.

Influencing Section 8 Policies

One way to find out how a PHA is administering its Section 8 program is to review the two documents required by HUD – the Public Housing Agency Plan and the Section 8 Administrative Plan. The PHA Plan documents the PHA’s long-range strategic plans for using the Section 8 program to meet the housing needs of the community. The Section 8 Administrative Plan describes the PHA’s policies for the day-to-day administration of the Section 8 program.

There may be policies described in these plans that impede access by people with disabilities to Section 8 assistance. Keep in mind that these plans can be amended at any time. After learning more about the Section 8 program, the disability community may want to approach the PHA to advocate for changes in Section 8 policies.

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Outreach

Each PHA that administers a Section 8 program is required to make a special effort – known as outreach – to inform the public about the program and provide information to help people to apply for Section 8 assistance. According to HUD rules, outreach efforts must at least include announcements in local newspapers and in minority media, as well as in other appropriate publications. These announcements must state where and when to apply for the program, and any limitations on eligibility for the Section 8 vouchers.

The disability community can play a very important role in outreach activities. In some localities, PHAs notify disability organizations ahead of time about their plans to start accepting applications. This “advance notice” helps the PHA and disability organizations to work together to ensure that eligible people with disabilities are informed about the opportunity to submit Section 8 applications. Often disability organizations play a key role in distributing applications, helping people with disabilities complete applications, collecting completed applications, and making sure they are received by the PHA on time.

In some circumstances, a PHA may open its waiting list only for certain types of applicants. For example, PHAs that have set-aside vouchers for people with disabilities may open their waiting list only for people with disabilities. In this case, a PHA may limit its outreach efforts to those activities that will most effectively reach this group. With this example, a PHA may choose to limit outreach to the disability community through informational meetings and fliers distributed to local social service and government agencies that provide services to people with disabilities. This underscores the importance of how having a good relationship with a PHA is beneficial in receiving notification of the availability of vouchers.

Section 8 Program Eligibility

Although it often seems confusing, basic eligibility for the Section 8 program is quite straightforward. To be eligible for the Section 8 program a household must:

- **Be very low-income.** A household’s income must be at or below 50 percent of the area-wide median income as determined by HUD. Each year, HUD publishes these Section 8 income limits for every housing market across the nation;
- **Be a citizen or a non-citizen with “eligible immigration status;”** and
- **Be in good standing with federal housing programs.** Specifically, a household must not have:
 - Been evicted from public housing;
 - Been terminated from another Section 8 program for cause;
 - Committed fraud or criminal acts in connection with a federal housing program; or
 - Failed to reimburse a PHA for unpaid rent or damages, or currently owe money to a PHA.

All people with disabilities receiving Supplemental Security Income (SSI) are income eligible for the Section 8 program because SSI benefits are well below 50 percent of the median income in every state. New federal “income targeting” laws require that at least 75 percent of a PHA’s Section 8 vouchers must go to households with incomes at or below 30 percent of the area median income. Because nationally SSI benefits are equal to 18.5 percent of the median income, this law should result in increased access to vouchers by people with disabilities.

Applying for a Section 8 Voucher

The first step to obtaining a voucher is successfully completing a Section 8 application. Unfortunately, there is not a standard Section 8 application. Instead, each PHA creates its own form. In general, however, most Section 8 applications request information about:

- Household composition;
- Income and assets;
- Disability status; and
- Other information needed to determine eligibility.

PHAs are required to make the application fully “accessible.” Most PHAs provide Section 8 applications in different languages and some may provide them in alternative formats – such as Braille or large print. In any case, a PHA must provide assistance completing an application if a person with a disability requests it. For example, a person who is visually impaired may request that PHA staff read and help fill out the application.

A person with a disability may want to include a contact person – such as an advocate, service provider, family member, or friend – on the application. As a reasonable accommodation, the applicant can request that this person receive a copy of all PHA correspondence sent to the applicant.

Methods for Accepting Applications

Each PHA has its own policies regarding when applications are accepted and in what manner they are collected and processed. Some PHAs require interested applicants to pick up and drop off an application at the PHA’s office **in person**. Some PHAs allow an applicant to mail or fax a written application into the PHA. Common methods for accepting applications include:

- PHAs may designate **one day** in which they distribute and/or receive applications.
- PHAs may distribute applications to local agencies and interested applicants for a **short time period** (e.g., 2 weeks) and require that they be submitted to the PHA by a specific deadline.
- PHAs may accept applications on an **on-going basis**.

The Section 8 application process often poses significant barriers to people with disabilities. Many people with disabilities have difficulty completing the application, understanding the deadlines, or obtaining help with the process. However, a person with a disability may request a reasonable accommodation to the PHA’s policies for accepting Section 8 applications if this diffi-

culty is related to the disability. Call your local PHA to learn if they are currently accepting applications and learn about their application process.

Waiting Lists

Since the demand for housing assistance almost always exceeds the number of Section 8 vouchers available, PHAs are usually unable to assist a Section 8 applicant immediately. Instead, the PHA will add the application to its Section 8 waiting list. In

Importance of Fair Housing Laws and Reasonable Accommodation

Since the 1970s, there have been many federal and state laws passed in an effort to ensure that people with disabilities can participate fully and equally in federal and state housing programs. It is important to understand that, as a result of these laws, PHAs are obligated to make changes – known as “reasonable accommodations” – in Section 8 policies to ensure equal participation in the program by people with disabilities. For more information about reasonable accommodation and the federal fair housing laws, see issue 5 of *Opening Doors* available at www.tacinc.org.

general, PHAs use one of two methods to add applications to the waiting list: 1) **chronological order** – based on the date and time received; or 2) **randomly ordered** – referred to as a “lottery.”

In many communities, Section 8 waiting lists are extremely long and can result in lengthy waiting periods. Many PHAs’ lists are “closed” and have been for many years. Unfortunately, lists that are very old may include applicants who can no longer be easily contacted. Because a PHA must try to locate each applicant on the waiting list before moving on to the next person, old Section 8 waiting lists can mean long delays in getting Section 8 vouchers to people who need them. Some strategies to prevent old Section 8 waiting lists from impeding the process include:

- Encouraging PHAs to update their waiting lists regularly – at least once a year.
- Emphasizing that Section 8 applicants notify the PHA whenever they move.

It is important to note that although PHAs may establish a preference for people with disabilities, they may not establish a preference for people with a specific type of disability.

Section 8 Waiting List Preferences

Section 8 waiting list preferences are an extremely important aspect of the Section 8 program. PHAs have the discretion to establish “local preferences,” subject to HUD approval, to reflect the needs of their particular community. In selecting applicants from its waiting list, a PHA may give preference to an applicant who meets one of these preferences. Applicants who qualify for preferences are selected before other households on the waiting list who do not qualify for any preference. Examples of some local preferences include:

- People who work in or are residents of a specific community (known as a “residency” preference).
- People who are homeless.
- People with disabilities. It is important to note that although PHAs may establish a preference for people with disabilities, they may not establish a preference for people with a specific type of disability (e.g., people with mental retardation).

Given the extreme need for housing assistance among people with disabilities, it is critical that the disability community encourage PHAs to implement preferences

that assist people with disabilities to move quickly through the waiting list.

It is difficult for Section 8 applicants to know exactly how long they may be required to wait for a voucher. At some PHAs, applicants without a preference may never receive a voucher because applicants with a preference will always move ahead of them on the waiting list.

After the application is submitted, it is extremely important for applicants to stay as informed as possible about their waiting list status. One way to learn more about this status is to call the PHA. However, the PHA may not be able to provide a specific answer regarding the wait period and may only be able to give a general idea (e.g., within the next year).

PHA Waiting List Updates

To best manage the hundreds, or even thousands, of applicants on the Section 8 waiting list, PHAs should regularly update the list. Keep in mind that people may apply to many different PHAs and be on many waiting lists at the same time. Therefore, some PHAs update their waiting list once a year, or perhaps even every six months, to keep it as current as possible.

In order to update their waiting lists, PHAs must send out letters to applicants asking them to reconfirm their interest in the Section 8 program. Often these update letters require the applicant to respond by a certain date. If the PHA does not receive a response, the application is automatically removed from the list. Through this process, PHAs eliminate any applicants who do not respond appropriately to the update letter or who are no longer interested in the program.

Because the majority of PHAs correspond with Section 8 applicants via the mail, it is important that any change in address or contact information be relayed promptly to the PHA. As mentioned earlier, it may be helpful to include a secondary contact and request that the PHA copy this person on all PHA correspondence.



In the Section 8 program, a disabled family or disabled household is defined as a family whose head, spouse, or sole member is an adult with a disability. This definition could include:

- A single adult with a disability living alone;
- A group of people consisting of two or more unrelated disabled adults living together;
- One or more unrelated disabled adults living with one or more live-in aides;
- A related family in which the head of household or spouse is an adult with a disability; or
- Two or more related adults with disabilities living together.

It is important to note that for the Section 8 program, a disabled family does **not** include those households in which a minor child is the **only** family member with a disability. To qualify as a disabled family, a person with a disability must be an adult member of the household who is considered to be the head of household or spouse.

Section 8 Screening Policies

In the late 1990s, PHAs were given the authority to screen Section 8 applicants for prior tenant history, owner references, credit history, and other criteria. Screening Section 8 applicants is now an option for PHAs, but is **not mandated** by law. Each PHA has the ability to decide how in-depth this screening process is and how strictly to apply the screening criteria. Some PHAs conduct lengthy criminal records checks and deny any applicant who has committed a crime within the past three years. In many communities, new screening criteria have added even more paperwork and waiting time to an already cumbersome and lengthy application process.

A PHA must screen all its Section 8 applicants uniformly. For example, if a PHA conducts a criminal records check on one applicant, it must conduct one on every applicant – not just those who “look” like ex-offenders. PHAs are also obligated to modify their screening process to accommodate a person with a disability. For example, if a PHA denies assistance to an applicant with mental illness based on past criminal history (e.g., the applicant was arrested for loitering and disorderly conduct last year when not taking medications), the applicant can ask the PHA to disregard the criminal history. This request could be “reasonable” if the applicant is now receiving support services for medication management.

It is important to note that the burden of requesting a reasonable accommodation from the PHA and presenting any documentation to show why it is reasonable falls on the applicant.

Denial of Assistance

Some applicants are denied Section 8 assistance. For example:

- A household could have too much income and may not meet the low-income criteria described earlier.
- A household could have a poor tenant history or recent criminal history, such as:

- Have committed recent drug related activity or violent criminal activity;
- Have been evicted for cause from private housing;
- Failed to pay rent in previous housing; or
- Have behaved disruptively in previous housing.

PHAs may deny Section 8 assistance to an applicant based on the reasons listed above **even if it was not the applicant's fault**, but rather due to the past history of another member of the applicant's household.

Appealing Decisions

A PHA is required to have a formal process for appealing decisions made in the Section 8 program, including eligibility determinations. Ideally, this process allows the applicant to present any mitigating circumstances that may help to reverse the PHA's decision regarding the applicant's eligibility. For example, applicants who in the past owed money to a PHA may still be given a voucher if they show proof of a repayment agreement in good standing with the previous PHA.

Many PHAs have specific procedures for appealing decisions, including informal hearings with applicants and PHA staff, or input from objective stakeholders such as other staff and/or advocates (e.g., service providers, family members) of the applicant. However, some PHAs may not make applicants aware of their right to appeal PHA decisions. If denied assistance or determined ineligible, the PHA must put in writing the reasons for the denial and provide information regarding its appeals process.

Verification and Documentation of Eligibility

Actual documentation – such as written verification of income (including any assets); household composition (including the age and social security numbers of all household members); citizen status; disability

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New rules allow HUD to recapture unused vouchers and redistribute them to PHAs with higher voucher “utilization” rates. This new rule may jeopardize thousands of vouchers for people with disabilities.

status (if applicable); and other criteria established by the PHA – is required to prove eligibility for the Section 8 program. Some PHAs will require applicants to verify eligibility only when they reach the top of the waiting list. Other PHAs require that applicants verify their eligibility at two different times – first when originally submitting the application and again when the applicant has been selected from the waiting list. Because there is usually a significant amount of time between these two events, applicants are almost always required to update any documentation previously submitted to the PHA.

PHAs usually require all verification to be “third party.” This means that the actual documentation has to come from another person or agency (such as an employer, public agency, physician, etc.) Service providers and other members of the disability community are often good sources of third party verification and can also help obtain this information.

Determining the Total Tenant Payment and the Section 8 Rent Subsidy

In the Section 8 program, both the Section 8 household and the PHA pay a portion of the monthly housing costs – the rent and any tenant-paid utilities – to the owner. The household’s share is called the “total tenant payment” and is based on the household’s income. Usually the total tenant payment for a Section 8 household is equal to 30 percent of the household’s monthly adjusted income, although it can vary under some circumstances. However, it may never be more than 40 percent of income at the time the household first moves into a rental unit using a voucher.

The amount of the PHA rent subsidy is determined by several factors, including: the amount of the total tenant payment; rental housing market costs in the community where the Section 8 voucher is being used; as well as the amount of rent requested by the owner and any tenant-paid utilities for the unit to be leased by the Section 8 household. The subsidy is calculated by using the PHA’s Section 8 “payment standard,” which is based on Fair Market Rents published annually by HUD

for modest rental housing in the area. Unfortunately, the Section program has fairly complicated rules concerning how these calculations are made, so it is important for the disability community to ask the PHA for a clear and accurate explanation of all information pertaining to the total tenant payment and the Section 8 subsidy amount.

Getting a Section 8 Voucher and Obtaining Housing

Getting a voucher and searching for housing that meets Section 8 guidelines is a very important step in the Section 8 process. Many voucher holders have a difficult time locating suitable housing within PHA guidelines. It can be difficult to find an owner willing to accept a Section 8 voucher, find a unit of good quality, and/or find a unit that meets the Section 8 rent guidelines. Some households have the unfortunate experience of having their voucher “expire” before finding a unit that can be leased.

Because of these difficulties, some PHAs are not using all of their vouchers. New “use it or lose it” rules allow HUD to recapture unused vouchers and redistribute them to PHAs with higher voucher “utilization” rates. This new rule may jeopardize thousands of vouchers for people with disabilities. Now more than ever, it is important that people with disabilities receive the support they need to use their Section 8 voucher successfully.

Section 8 Briefing

Applicants who reach the top of the waiting list must attend a Section 8 briefing. At this briefing, the voucher is “issued” to the applicant, and the rules about leasing units and participating in the Section 8 program are explained. Briefing sessions are often conducted as group sessions with 25 or more households all receiving their vouchers at the same time. Needless to say, they can be very confusing.

People with disabilities can ask to have a friend, family member, advocate, or service provider accompany them to the

briefing. Ideally, the person who attends the briefing session also helps with the housing search process. Allowing for this additional support is another example of a reasonable accommodation that a PHA can make for a person with a disability.

It is important not to miss the Section 8 briefing since some PHAs have rigid policies regarding missed appointments. For example, a PHA may only allow an applicant to miss one briefing session before returning the application to the bottom of the waiting list, or worse, discarding the application all together. It is important for people with disabilities and their advocates to plan ahead and to notify the PHA promptly if a briefing session needs to be rescheduled.

The Housing Search Process

Once the voucher is issued, the hard part is finding suitable rental housing in the community. A PHA must give the household at least 60 days to find a unit that meets the Section 8 guidelines. HUD rules do not mandate a maximum search time. Rather, PHAs have the flexibility to determine what the maximum search time should be. Many PHAs grant housing search times that are longer than 60 days, especially in those housing markets where it is particularly difficult to locate affordable rental housing that meets Section 8 requirements. If a unit is not found during the established housing search time period, a PHA can grant an extension.

A person with a disability can request an extension to the housing search time (even beyond the PHA's maximum) as a reasonable accommodation. This extension allows the household to keep looking for a unit. Eventually, if a unit is not found, the household's voucher will expire and subsequently be issued to another household from the waiting list.

Some households that receive Section 8 vouchers are already living in rental housing that meets their needs and may be able to "lease in place." To lease in place, the following must occur:

- The unit must pass a Housing Quality Standards inspection (see page 10);
- The unit must meet Section 8 payment

standard requirements;

- The owner must agree to participate in the Section 8 program and accept Section 8 payments from the PHA; and
- Both parties must sign a new Section 8 lease.

Searching for housing with a Section 8 voucher is not an easy task. For some people, a poor housing history or credit problems may pose a significant barrier, even if the owner has no objections to the Section 8 voucher program. Households that are able to locate an acceptable unit and a willing owner still may have to come up with the funds to cover the security and utility deposits; moving expenses; etc. Some PHAs try to help with the housing search process by providing lists of interested owners or a resource room with phones and vacancy listings. However, the majority of PHAs do not provide intensive assistance with housing search.

Many organizations within the disability community have been successful partnering with PHAs to help people with disabilities use Section 8 vouchers. As part of these partnerships, the disability organization may provide assistance with the housing search process, including locating apartments and negotiating rents with owners. Some also provide funds to cover some of the costs associated with moving, such as security deposits, first/last month's rent, realtor fees, moving vans, utility deposits, or other one-time costs.

Special Housing Types

PHAs may allow Section 8 vouchers to be used in certain "non-traditional" living situations (known as "special housing types"). Some of these special housing types include:

- **Single Room Occupancy (SRO) units:** An SRO is a unit within a building that may have shared kitchen and bathroom facilities. For Section 8 purposes, SROs are occupied only by one individual and are usually found in rooming houses or renovated hotels.
- **Group homes:** A Section 8 voucher may also be used in a group home. In this situation, a group home must be "licensed, certified, or otherwise ap-

Many organizations within the disability community have been successful partnering with PHAs to help people with disabilities use Section 8 vouchers.

proved by the State, [as a] facility for elderly persons or persons with disabilities,” according to the Section 8 regulations. PHAs rarely allow Section 8 participants to use vouchers in group homes since it can be bureaucratically confusing. PHAs are often unsure whether each person in the group home must have their own voucher or whether one voucher can be used for the entire group home. Both of these approaches are permissible according to HUD’s rules.

- **Congregate housing:** Congregate housing is defined as shared housing arrangements for people with disabilities and/or elderly people (including any needed live-in aides). Unlike group homes, there is no requirement that congregate housing be licensed or certified in any way.
- **Shared housing:** PHAs may allow Section 8 participants to have a roommate in their housing – referred to as “shared housing” – including a live-in aide, another person with a Section 8 voucher, or a person without any rental assistance. For example, a person with a disability could receive a voucher and share a two-bedroom apartment with a roommate who does not have a voucher. As with the group home situation, the paperwork involved with shared housing can be cumbersome and often acts as a barrier to PHAs establishing a shared housing policy.

Many PHAs are not very knowledgeable about the intricacies of special housing models and have not established Section 8 policies that include these housing settings. For example, in some group homes, the cost of food is included in the “rent” but could not be included for Section 8 purposes. However, according to HUD rules, PHAs **must** permit the use of any special housing type if needed as a reasonable accommodation so that the Section 8 program is readily accessible to and useable by people with disabilities. It is important that PHAs and disability organizations work together to determine how to effectively use vouchers in these special housing types.

Request for Lease Approval

Once a unit has been located, the Section 8 voucher holder fills out the “Request for Lease Approval” form that PHAs distribute at briefings, and submits it to the PHA. The submission of this form “freezes” the housing search “clock” and signals the PHA to:

- Start the inspection process;
- Check to make sure rent is reasonable (discussed below);
- Verify that rent is acceptable given payment standard guidelines; and
- Determine the subsidy amount.

If the housing unit fails to meet Section 8 requirements, the housing search clock will be restarted and the household resumes its search for housing that can meet these guidelines.

Rent Reasonableness and Section 8

In the Section 8 program, the PHA is responsible for ensuring that the rent charged by the owner for the unit is reasonable when compared to similar unsubsidized units in the community, taking into account the location, size, type, quality, amenities, facilities, management, and maintenance of the unit. The rent reasonableness process is designed to ensure that owners of rental housing do not overcharge for Section 8 units.

It is important to note that, for rent reasonableness, Section 8 units must be judged against **comparable** units in the community. This means that the rents of housing units with special accessibility features must be compared to those of unassisted units in the community with similar features.

Housing Quality Standards Inspection

Housing leased under the Section 8 program must meet HUD’s Housing Quality Standards (HQS), and must be

physically inspected by the PHA. The inspection is required to ensure that housing leased with federal funds is maintained in decent and safe condition. Assistance will not be provided to units that fail to meet HQS requirements. HUD requires PHAs to take the HQS inspection requirements very seriously, and can penalize PHAs financially for units in the Section 8 program that fail to meet HUD inspection standards.

Conducting HQS inspections promptly and effectively can “make or break” the PHA’s reputation with local owners. Some PHAs can take 15 days to complete an inspection, a long time for an owner to hold a unit. Disability organizations can learn to work with a PHA’s inspection policies, encourage the PHA to conduct timely inspections, and – in some instances – even assist in the inspection process.

Signing a Lease and Moving In

Once the unit is found to meet all Section 8 inspection requirements, the household signs a lease with the owner. In addition to the lease, the Section 8 rules require that owners enter into a written contract with the PHA – known as a Housing Assistance Payment (HAP) contract. Unfortunately, some owners are unwilling to agree to these federal requirements, and are reluctant to rent to households using Section 8 assistance. In a few states and localities, there are laws that protect people trying to rent housing using a Section 8 voucher. However, in most communities, there is no way to force an owner to participate in the Section 8 program.

Once a unit is leased through the Section 8 program, the owner usually receives two monthly payments: one from the PHA and one from the Section 8 household. This two payment system – in addition to the PHA paperwork – is often cited as a deterrent to owners who might accept Section 8 vouchers. However, this system also guarantees that the owner automatically receives the Section 8 subsidy from the PHA each month. This subsidy guarantee is a program feature that can help

to negotiate with owners, especially if there is a concern about a Section 8 household’s past credit history.

Section 8 Household Responsibilities

The responsibilities of the Section 8 household do not end when a unit is found and a lease is signed. Like other government programs, Section 8 households are responsible for continuing to meet the obligations of the Section 8 program as long as they are receiving housing assistance, including:

- On an annual basis, re-certifying income and household composition;
- Notifying the PHA promptly of any changes in income or household composition. Failure to notify the PHA about these changes could result in termination of Section 8 assistance;
- On at least an annual basis, allowing the unit to be re-inspected; and
- Meeting all responsibilities included in the lease with the owner.

Owner Responsibilities

Owners receiving Section 8 payments from a PHA have responsibilities too. The role of the owner in the voucher program is to provide decent, safe, and sanitary housing at a reasonable rent. To receive Section 8 assistance, the housing unit must pass the program’s housing quality standards and be maintained up to those standards as long as the owner receives payments from the PHA. In addition, the owner is expected to meet all owner obligations in the lease signed with the Section 8 household and the HAP contract signed with the PHA.

Moving with a Section 8 Voucher

A household’s housing needs may change over time. The Section 8 program is designed to allow households to move to another PHA’s jurisdiction without losing the voucher. This feature in the Section 8

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Upcoming HUD SuperNOFA

As of press time, HUD had not published its annual Notice of Funding Availability (SuperNOFA) announcing the funding for many federal housing programs. When it is published, TAC will post an announcement on its website and notify list serve members. Join TAC's email list serve at www.tacinc.org.

program is referred to as “portability.” Simply stated, portability means that a Section 8 household may use their voucher to lease a unit in any state or community as long as there is a PHA administering the program in that locality.

However, a PHA may establish a policy that requires a new Section 8 household that resided outside of the PHA's jurisdiction when the voucher was **first** issued to live within the PHA's jurisdiction for a specific amount of time, **not** to exceed one year. After that time period, the household may move outside the PHA's jurisdiction as long as the household (1) notifies the PHA ahead of time; (2) legally terminates its existing lease with the owner; and (3) can find housing approvable under Section 8 program guidelines elsewhere.

People with disabilities who need to move out of the PHA's jurisdiction because of a disability-related issue may request that this one-year waiting period be waived as a reasonable accommodation.

Terminating Section 8 Assistance

Section 8 households remain eligible for assistance until 30 percent of the household's income equals the rent (plus tenant-paid utilities) for the unit. At that point, the household no longer needs the housing subsidy.

There are several circumstances that could result in a household being involuntarily terminated from the Section 8 program, including any or all of the following:

1. If the household violates the Section 8 family obligations (e.g., fails to report increases in income or changes in family size).
2. If any member of the household commits drug related or violent criminal activity.
3. If any member of the household commits fraud, bribery, or any other corrupt criminal act in connection with any federal housing program.
4. If the household owes rent or other amounts to the PHA and refuses to enter into a repayment agreement, or is not complying with the terms of an existing repayment agreement.
5. If the household breaches an agreement with another PHA to pay amounts owed to that PHA.
6. If any member of the household engages in or threatens abusive or violent behavior toward PHA personnel or a property owner.

As with most Section 8 decisions, PHAs must establish a process for allowing Section 8 households to appeal decisions regarding termination of Section 8 assistance.

Opening Doors

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