



# Clermont Metropolitan Housing Authority

65 South Market Street | Batavia, Ohio 45103  
513.732.6010 | Fax 513.732.6520  
www.clermontmha.org

## BRIEFING GUIDE RECEIPT

This receipt confirms that I have received the HCV Briefing Guide, which contains information regarding participation in the Housing Choice Voucher (HCV) program. I certify the information contained in this Briefing Guide and its attachments have been explained to me, in detail, by Clermont Metropolitan Housing Authority (CMHA) staff. I understand that I am to contact my assigned caseworker for any additional information or assistance. Please initial to the right of each item.

### Tenant Information

1. Voucher Signed by HCV \_\_\_\_\_
2. Payment Standards \_\_\_\_\_
3. Utility Allowances \_\_\_\_\_
4. Housing Choice Voucher (HCV) Briefing Guide \_\_\_\_\_
5. Housing Discrimination Booklet \_\_\_\_\_
6. Lead Based Paint Pamphlet \_\_\_\_\_
7. HUD Booklet "A Good Place to Live" \_\_\_\_\_
8. Ohio Tenant Landlord Law Pamphlet \_\_\_\_\_
9. VAWA Forms HUD 5380 \_\_\_\_\_
10. VAWA Forms HUD 5382 \_\_\_\_\_
11. CMHA's Jurisdiction Map – Clermont County, OH \_\_\_\_\_
12. HUD Portability Handout \_\_\_\_\_
13. What You Should Know About EIV \_\_\_\_\_
14. Fraud, Is It Worth It? \_\_\_\_\_
15. HUD Form-903 \_\_\_\_\_

### Landlord Information

1. Request For Tenancy Approval (RTA) Form (RED DOT) \_\_\_\_\_
2. Housing Assistance Program (HAP) Contract (YELLOW DOT) \_\_\_\_\_
3. Sample Tenant Lease Agreement (BLACK DOT) \_\_\_\_\_
4. Disclosure Of Information on Lead-Based Paint & Hazards (GREEN DOT) \_\_\_\_\_
5. Property Owner Certification Page (BLUE DOT) \_\_\_\_\_
6. Rent Reasonableness Form \_\_\_\_\_
7. Direct Deposit Form (Landlord's Account Information) \_\_\_\_\_
8. W-9 Form to Be Completed and Signed by Landlord \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



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### **Housing Choice Voucher (HCV) Program Guide**

#### **How to reach us?**

Clermont Metropolitan Housing Authority (CMHA)

65 S Market St

Batavia, OH 45103

513-732-6010

[www.clermontmha.org](http://www.clermontmha.org)

#### **Your housing specialist's contact information (Circle the Correct One):**

Becky Richardson

513-732-6010 x. 223

[BRichardson@clermontmha.org](mailto:BRichardson@clermontmha.org)

Becky Lanham

513-732-6010 x. 224

[becky@clermontmha.org](mailto:becky@clermontmha.org)

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Barbara Kaetzel

513-732-6010 x 238

[bkaetzel@clermontmha.org](mailto:bkaetzel@clermontmha.org)

#### **Your information?**

The Clermont Metropolitan Housing Authority (CMHA) must be able to contact you for information or an appointment. It is important that you always keep us aware of any address changes, phone number changes and your email address. Failure to keep CMHA updated with this information could result in delays or possible loss of assistance.

#### **What is the Housing Choice Voucher (HCV) Program exactly?**

The Housing Choice Voucher (HCV) program is one of the federal government's housing programs for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. Since housing assistance is provided on behalf of the family or individual, participants can find their own housing from a private landlord. CMHA pays a rental assistance in the form of a subsidy (Housing Assistance Payment) to make up the difference between what the family can pay and the Contract Rent.

#### **Who receives Housing Assistance Payments (HAP)?**

Landlords receive the Housing Assistance Payments from CMHA through Direct Deposit.

#### **Why is a briefing required?**

A briefing is required to provide an applicant family with all the information they need to be successful in their search for suitable housing and to maintain good standing while they are on the program. After this briefing, a voucher is issued to the family.



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### **What about reasonable accommodations?**

CMHA will make all reasonable efforts to be flexible in assisting persons with disabilities to have equal access to utilizing housing services. Some types of reasonable accommodation include providing upon request accessible units known to CMHA, granting longer time on their voucher, providing an additional bedroom for live-in aids, using higher Payment Standards and/or higher adjusted Utility Allowances. All reasonable accommodation requests will need to demonstrate a nexus between the requested accommodation and the individual's disability.

### **What is a Live-In Aid?**

The HUD definition of a live-in aide is a person who resides with one or more elderly persons, near-elderly persons, or persons with disabilities, and who:

1. Is determined to be essential to the care and well-being of the person(s);
2. is not obligated for the support of the person(s); and
3. would not be living in the unit except to provide the necessary supportive services

### **What about VAWA?**

On March 7, 2013, the violence against women reauthorization act of 2013 (VAWA 2013) was signed into law. The law significantly expanded housing protections to victims of domestic violence, dating violence, sexual assault, and stalking across housing and homelessness programs.

### **What about Limited English Proficiency (LEP)?**

For families who require an interpreter because English is not their primary language, CMHA implements an I-speak card process to determine the family's known dialect. Once that is established, CMHA will arrange at the PHA's cost for interpretive services for the family. Whenever possible, CMHA will use HUD forms in the applicant's known language.

### **What are some of the scams out there I should know about?**

- Never pay money to move up on the waiting list.
- Do not pay for anything not covered by the lease.
- Get a receipt for any money paid.
- Get a written explanation if required to pay any money other than rent

### **What are the steps to become leased up under the HCV Program?**

- Step A: Voucher Issuance
- Step B: Unit Selection
- Step C: Request for Tenancy Approval (RTA) Submission
- Step D: Affordability Determination
- Step E: Rent Reasonableness
- Step F: Housing Quality Standards (HQS) Inspection
- Step G: Contract Documents Submitted
- Step H: Family's Continued Program Participation



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### Step A – Voucher Issuance

#### **How is the applicant's family unit (voucher size) determined?**

CMHA determines the appropriate number of bedrooms under our subsidy standards and enters the family unit size on the voucher. The family unit size does not dictate the size of unit the family must lease, nor does it determine who in a household will share a bedroom/sleeping room. The PHA will assign one bedroom for each two persons within the household, except in the following circumstances:

- Persons of the opposite sex (other than spouses) will be allocated separate bedrooms.
- Live-in aides, but not members of their family, will be allocated a separate bedroom.
- Single person families will be allocated one bedroom.
- Persons of different generations will be allocated separate bedrooms.
- Foster children will be included in determining unit size only if they will be in the unit for more than 6 months.
- A pregnant woman provided she is the only member of the household.

CMHA will use the following chart in determining the appropriate voucher size for a family:

<b>Voucher size</b>	<b>Persons in Household (Minimum – Maximum)</b>
1 Bedroom	1-2
2 Bedrooms	2-4
3 Bedrooms	3-6
4 Bedrooms	4-8
5 Bedrooms	6-10

#### **What is the expiration date of the voucher?**

The voucher issued by CMHA is effective for 60 days from the date of the briefing.

#### **Can I get an extension on the voucher? (24 CFR 982.303(b), 982.54, 982.554(c)(4))**

CMHA has the authority to grant extensions of search time to specify the length of an extension, and to determine the circumstances under which extensions will be granted in accordance with the HCV Administrative Plan. All requests for extensions to the voucher term **must** be made in writing and submitted to CMHA prior to the expiration date of the voucher.

CMHA will automatically approve one 60-day extension *upon written request* from the family.

CMHA will only approve additional extensions, beyond the 60-day extension if:

- It is necessary as a reasonable accommodation for a person with disabilities.
- It is necessary due to reasons beyond the family's control.



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- The following is a list of extenuating circumstances that CMHA may consider. The presence of these circumstances **does not** guarantee that an extension will be granted:
  - Serious illness or death in the family
  - Other family emergency
  - Obstacles due to employment
  - Whether the family has already submitted requests for tenancy approval that were not approved by the PHA
  - Whether family size or other special circumstances make it difficult to find a suitable unit

CMHA may require the family to provide documentation to support the request or obtain verification from a qualified third party.

CMHA will decide whether to approve or deny an extension request within 10 business days of the date the request is received and will immediately provide the family written notice of its decision. CMHA's decision to deny a request for an extension of the voucher term is not subject to informal review.

### **What is tolling or suspensions of a voucher? (24 CFR 982.303(c))**

Tolling means "pausing" or "suspending" the time on the voucher. This tolling occurs when an RTA is submitted until the date CMHA notifies the family in writing the request has been approved or denied.

### **What happens if my voucher expires?**

If your voucher expires, your voucher will be terminated. You will not be added back to the HCV wait list and you will have to reapply when the HCV wait list reopens. Voucher expirations are not subject to informal review.

## **Step B – Unit Selection**

### **Where can I look for housing?**

The applicant family may search for suitable housing anywhere within Clermont County (map of jurisdiction is in the briefing packet). If the family applied to the HCV wait list while residing in or working in Clermont County, they will have the ability to exercise portability immediately (see portability later in this guide). If the family did not reside in or work in Clermont County at the time of application, then they will have to wait 12 months after leasing up in Clermont County before being permitted to exercise portability.



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### **What resources are there to find housing?**

- View website [www.gosection8.com](http://www.gosection8.com) for a landlord listing.
- Drive through neighborhoods where you want to live
- Ask friends or relatives about good places
- Check bulletin boards in supermarkets, libraries, or laundromats.
- Websites such as Google, Bing, Zillow, Trulia, ForRent, Rent.Com, Homes.Com, Apartmenthomeliving.Com can also assist in housing searches.

### **Can I pick the unit I currently live for the HCV Program?**

An applicant family may be eligible to receive assistance at their present unit if the unit qualifies as outlined in this guide and the landlord is willing to participate in the program. A new lease will be required to be submitted, since the effective date of the lease must be within 60 days of the executed HAP Contract.

### **Can I rent a larger sized unit than what is on my voucher?**

An applicant family may live in a unit with more bedrooms than the bedroom size on the voucher, but only if the unit qualifies under the program rules. The unit must be affordable using the correct Payment Standard, which is the lower of the voucher size or the unit size.

### **What information will CMHA provide to a prospective landlord?**

If known, CMHA will provide the current and prior landlord's name to the prospective landlord if requested in writing. CMHA will also disclose, with a release signed by the tenant, if known any past eviction history, unit damage, criminal history (including violent, drug or other), and any public knowledge of registered sex offenders.

### **What does the landlord's right to inquire mean?**

Most property landlords and managers will ask a family to complete an application, check rental history, and credit score. Landlords can deny a family a rental unit if they have a previous history of not fulfilling their obligations under a lease, if the family has bad credit, or members of the family have an unacceptable police record.

### **What are the advantages of moving to areas with low concentrations of poverty?**

Research has shown that moving to areas of low-poverty concentration has strong positive physical and mental health effects. Families who lived in low-poverty neighborhoods for a longer period had an increased likelihood of finding employment and having higher incomes, and their children also had higher scores in school and were more likely to enroll in college.

Additional information on this research can be found at:

<http://www.equality-of-opportunity.org/index.php/executive-summaries>

<http://www.urban.org/research/publication/benefits-living-high-opportunity-neighborhoods>.

[http://www.HUDuser.org/publications/pdf/mtofhd\\_fullreport\\_v2.pdf](http://www.HUDuser.org/publications/pdf/mtofhd_fullreport_v2.pdf).



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### **What is portability?**

An applicant family can use their assistance to move not only across town but also to move to anywhere in the United States. They do this by “porting” their voucher to another PHA by notifying CMHA (initial PHA) they wish to port out to another PHA (receiving PHA).

An applicant family, who lived outside of Clermont County at time of application, must reside in Clermont County with their HCV assistance for a year prior to exercising portability. Applicant families, who lived or worked in Clermont County at time of application, can exercise immediate portability.

Included in the briefing packet is a HUD flier about how portability works. For eligible families, the portability request form is available at [www.clermontmha.org](http://www.clermontmha.org). Complete the portability form and forward to the family’s housing specialist. A list of all the public housing authorities in the country can be found by going to [www.HUD.gov](http://www.HUD.gov) and searching public housing authorities.

### **Some things to consider when selecting a unit**

- What is the cost of utilities? Is the unit energy efficient, free from drafts?
- Are tenant-paid utilities separately metered?
- Is the building secure, do all windows and entrance doors have locks?
- Is there evidence that the unit has not been well maintained? Is the unit clean and ready to move in? Who do you call for maintenance and repair issues?
- Does the landlord provide pest control? Is garbage pickup available?
- Will your furniture fit in the unit? Are the rooms big enough?
- Is the refrigerator and stove large enough for your family size?
- Are there restrictions on pets? Is there sufficient parking and storage?
- Where do your children attend school? Are you close to daycare? Work? Family?

### **How do I confront housing discrimination?**

Under federal law, it is illegal to deny housing to anyone based on race, color, religion, sex, national origin, familial status, and disability. If you believe that you have been discriminated against, please complete, and mail the housing discrimination complaint (HUD Form-903) which has been provided to you. The applicant family may also report this information online by going to [www.HUD.gov](http://www.HUD.gov). You may also contact Housing Opportunities Made Equal (HOME) at 513-721-4663.

### **What is a security deposit, and do I have to pay it?**

Landlords usually charge a security deposit which can be used to repair damage caused by a renter or to pay any outstanding fees or rent. The maximum amount of the security deposit cannot exceed the amount the landlord would request for a unit not subsidized by CMHA, or one month’s rent. The tenant is responsible for paying this security deposit.





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### **How do I get my security deposit back?**

A tenant who has paid all amounts owed to the landlord for rent and repairs, given proper notice to vacate, and has cleaned the home properly before moving out, should be eligible to have the security deposit refunded. According to Ohio Tenant Landlord Law, when the tenant moves out, the landlord must refund any portion of the security deposit within 30 days from the date of the notice or the actual move-out of the unit, whichever date is greater. Provide the landlord a forwarding address so the security deposit refund can be mailed to you.

## **Step C – Request for Tenancy Approval (RTA) Submission**

### **What is a “Request for Tenancy Approval”?**

When the applicant family selects a unit they wish to rent, the tenant and the landlord complete the Request for Tenancy Approval (RTA) (RED DOT).

### **How is the RTA submitted?**

CMHA recommends submitting the RTA in person at the front desk during regular business hours so staff can review it prior to submission. However, in cases when that is not possible, the RTA can be submitted via email or fax.

### **What is a complete RTA?**

A completed RTA is signed by both parties and submitted along with a copy of the residential lease. The landlord can use the sample residential lease provided or their own lease, whichever they use for market renters.

### **How is ownership of the unit verified?**

CMHA requires documentation of ownership by deed for conventional housing or title for mobile homes. A search can also be done on the Clermont County auditor’s page.

### **Can more than one RTA be submitted at a time?**

No. The family may not submit, and CMHA will not process, more than one (1) RTA at a time for different units. Additionally, CMHA will not process more than one (1) RTA for a specific unit at a time for different tenants.

## **Step D – Affordability Determination**

The Housing Choice Voucher (HCV) Program is an income-based program. This means that the family’s rental portion is calculated based on their income and household composition.

### **What is Annual Income (24 CFR 5.609)?**

CMHA is required to annualize the family’s current income to determine the family’s rental portion. For an applicant family, Annual Income is the anticipated total money from all current



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sources, including but not limited to wages, child support, SS, SSI, OWF received by the family, including all income derived from assets.

### **What deductions are allowed (24 CFR 5.611)?**

HUD regulations require PHAs to deduct from Annual Income any of five mandatory deductions for which a family qualifies.

These 5 deductions are the following:

- (1) \$480 for each dependent.
- (2) \$400 for any elderly family or disabled family.
- (3) the sum of the following, to the extent the sum exceeds three percent of Annual Income:
  - (i) unreimbursed medical expenses of any elderly family or disabled family.
  - (ii) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each member of the family who is a person with disabilities, to the extent necessary to enable any member of the family (including the member who is a person with disabilities) to be employed. This deduction may not exceed the earned income received by family members who are 18 years of age or older and who are able to work because of such attendant care or auxiliary apparatus; and
- (4) any reasonable childcare expenses necessary to enable a member of the family to be employed or to further his or her education.

### **How much rent will I pay?**

At the time of move in, an applicant family will pay a minimum of their Total Tenant Payment (*usually 30% of their Adjusted Gross Income (AGI)*), but not more than 40% of their Adjusted Gross Income (AGI). After moving in, the family's rental portion will be recalculated any time the family's income or family size changes. CMHA requires all families to report their household composition and income changes in writing within **30 days**.

### **What is the Total Tenant Payment (TTP)?**

Total Tenant Payment (TTP) is the tenant's portion of rent, and is the *greater* of:

- 30% monthly adjusted income.
- 10% monthly gross income.
- \$50 minimum rent

### **What are Fair Market Rents (FMRs)?**

Fair Market Rents (FMRs) are established by HUD each year, usually in October. CMHA is permitted to establish Payment Standards between 90% to 110% of the FMRs.

### **What are Payment Standards?**

A Payment Standard is used to determine the "maximum monthly assistance payment for a family before deducting the Total Tenant Payment by the family." The Payment Standard used to calculate a family's TTP will be the lower of:



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- 1) the Payment Standard for the family voucher size, or
- 2) the Payment Standard for the size of the dwelling unit rented by the family.

### **Are there exceptions provided to subsidy standards?**

CMHA may grant an exception to its established subsidy standards as a reasonable accommodation for a person with disabilities, who establishes a nexus between their disability and the specific unit that justifies the exception. I.e. An extra bedroom for a live-in aid.

### **What are Utility Allowances?**

An amount determined by CMHA as an allowance for the cost of utilities (except cable and telephone) and charges for other services paid directly by the family. The Utility Allowance sheet is reviewed annually and updated whenever there is a 10% or more increase to utility costs. The utilities allowances are based on the lower of:

- 1) the Utility Allowance for the family voucher size, or
- 2) the Utility Allowance for the size of the dwelling unit rented by the family.

### **Are there exceptions to Utility Allowances?**

CMHA may grant an exception to its established Utility Allowances as a reasonable accommodation for a person with disabilities, who establishes a nexus between their disability and the justification for increased Utility Allowances.

### **Will I receive a Utility Reimbursement Check?**

If the applicant family pays for their own utilities, the family will receive an allowance which reduces the portion that the family pays toward the Contract Rent. If the Utility Allowance exceeds the share the family pays in rent, the family may qualify for a Utility Reimbursement payment which CMHA will pay directly to the appropriate utility company.

### **How much rent can the landlord charge on the unit?**

The Contract Rent requested by the landlord cannot be more than what is affordable for the family (Affordability). CMHA will also review the landlord's rent against the established rents for our area and local market conditions (Rent Reasonableness).

### **What is the Gross Rent of the unit (24 CFR 982.508)?**

To determine if the unit is affordable, CMHA must first determine the Gross Rent.

$$\begin{array}{r} \text{Gross Rent} = \text{The Contract Rent} \\ \text{(From the RTA)} \end{array} \quad + \quad \begin{array}{r} \text{Tenant Paid Utilities} \\ \text{(From the Utility Allowance Sheet)} \end{array}$$

- If the Gross Rent is equal to or less than the Payment Standard, the unit is affordable.
- If the Gross Rent is more than the Payment Standard, the unit must undergo affordability.



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### How is Affordability determined?

If the Gross Rent of the unit is less than or equal to the Payment Standard, the family will pay their TTP between rent and utilities. If the Gross Rent of the unit is more than the Payment Standard, the Affordability Test must be done to ensure the family is not paying more than 40% of their Adjusted Gross Income (AGI) to rent and utilities.

Example #1: The landlord wants to rent a 2-bedroom unit for \$550  
 The tenant is going to pay for electric and electric stove in the unit which = \$50  
 The tenant has a 2-bedroom voucher.  
 The Payment Standard for a 2-bedroom is \$725.  
 TTP = 30% of the family's Adjusted Gross Income (AGI) is \$215

Since the Gross Rent is  $\$550 + \$50 = \$600$ , which is less than the Payment Standard of \$725, the family will pay  $\$215 - \$50 = \$165$  to the landlord each month and approximately \$50 to the utility company. CMHA will pay the difference between  $\$725 - \$165 = \$560$  in a Housing Assistance Payment (HAP) or subsidy to the landlord.

Example #2: The landlord wants to rent a 2-bedroom unit for \$750  
 The tenant is going to pay for electric and electric stove in the unit which = \$50  
 The tenant has a 2-bedroom voucher.  
 The Payment Standard for a 2-bedroom is \$725  
 TTP = 30% of the family's Adjusted Gross Income (AGI) is \$215  
 40% of the family's Adjusted Gross Income (AGI) is \$286

In this scenario, since the Gross Rent is  $\$750 + \$50 = \$800$  is more than the Payment Standard of \$725, CMHA will have to calculate the affordability and apply the 40% rule to determine if the family can still qualify for the unit.

Determine the Subsidy for the Family:

Payment Standard	\$725
TTP (30% family's AGI)	<u>- \$215</u>
Subsidy (Housing Assistance Payment)	\$510

Determine the Total Family Contribution:

Contract Rent	\$750	
Less Subsidy	<u>- \$510</u>	
Tenant's portion of rent	\$240	
Add tenant responsible utilities	<u>+ \$50</u>	
Total family contribution (TFC)	\$290	----- this is over the family's 40% of \$286 by \$4.

This means, the Contract Rent would have to be reduced from \$750 to \$746.



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### **Can't I just pay the landlord the difference if CMHA asks them to lower the rent?**

No. It is against the program rules for the landlord to charge a higher rent to the family than what is approved by CMHA. This is considered a side deal. CMHA may terminate both the family who paid the higher rent and terminate the landlord for collecting it. All separate agreements between the landlord and family must be approved by CMHA.

### **Is CMHA responsible for the family's share of the rent?**

No, the tenant is responsible for paying their portion of the rent to landlord and their portion of utilities. CMHA will provide the Housing Assistance Payment (HAP) only.

## **Step E – Rent Reasonableness**

### **What is Rent Reasonableness?**

To be eligible, the dwelling unit must have a reasonable rent. The rent must be reasonable in relation to comparable unassisted units in the area and must not be more than rents charged by the landlord for comparable, unassisted units on the premises.

## **Step F – Housing Quality Standards (HQS) Inspection**

### **What is a housing quality standards (HQS) inspection (24 CFR 982) ?**

Housing Choice Voucher (HCV) program regulations set forth basic Housing Quality Standards (HQS) which all units must meet before assistance can be paid on behalf of a family and at least biennially throughout the term of the assisted tenancy. HQS establish the minimum criteria for the health and safety of program participants. The standards must be maintained for the duration of the lease and are described in more detail in the "A Good Place to Live" booklet in the briefing packet.

### **What are the 13 key aspects of housing quality covered by performance requirements and acceptability criteria in the HQS Inspection?**

Sanitary facilities	Interior air quality	Water supply
Food preparation & refuse disposal	Space & security	Lead-based paint
Thermal environment	Access	Sanitary conditions
Illumination & electricity	Smoke detectors	Site & neighborhood
Structure & materials		

### **How long does it take to get to inspection after the RTA is submitted?**

CMHA has **15 days** after the receipt of the RTA to schedule the inspection. However, this timeline is suspended if the unit is not available for inspection. I.e. if the RTA is received on the 15<sup>th</sup> of the month but the unit will not be available until the 1<sup>st</sup> of the following month.



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### **What happens if the unit fails inspection?**

The landlord will be given a reasonable time to correct any items that failed. Rental assistance cannot begin until the repair items are completed and approved by the inspector.

## **Step G – Contract Documents Submitted**

### **When will CMHA approve the lease and dwelling unit?**

After the unit passes the HQS inspection, CMHA will prepare the necessary paperwork and the family's assistance will begin.

### **What is required to issue payment? (CFR 982.308(a))**

CMHA requires an executed written dwelling lease agreement for the assisted unit. This written lease is a contract between the tenant family and the landlord; CMHA is not a party to this contract. The tenant must have legal capacity to enter a lease under state and local law. 'Legal capacity' means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the landlord.

### **Can the lease be the one they use with market renters? (24 CFR 982.308)**

Yes, but the HAP Contract and Tenancy Addendum (YELLOW DOT) will be addendums to the lease. If the landlord uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form. If the landlord does not use a standard lease form for rental to unassisted tenants, the landlord may use another form of lease. The HAP Contract prescribed by HUD contains the landlord's certification that if the landlord uses a standard lease form for rental to unassisted tenants, the lease for the assisted tenants is in such standard form. A sample lease has been included in the documents provided at the briefing (BLACK DOT).

All provisions in the HUD-required Tenancy Addendum must be added word-for-word to the landlord's standard lease form. The Tenancy Addendum includes the HUD requirements for the tenancy. Because it is a part of the lease, the tenant shall have the right to enforce the Tenancy Addendum against the landlord. If there is a conflict between the landlord's lease and the Tenancy Addendum, the terms of the Tenancy Addendum shall prevail over any other provisions of the lease. The lease **must** be within 60 days of the HAP Contract execution date.

### **What information must be in the lease? (24 CFR 982.308(d))**

The assisted dwelling lease must contain all the required information as listed below:

- The names of the landlord and the tenant:
- The unit rented (complete address including apartment number)
- The term of the lease (initial term must be for 1 year, and any provisions for renewal)
- The amount of the monthly rent to landlord
- A specification of what utilities and appliances are to be supplied by the landlord, and what utilities and appliances are to be supplied by the family



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### **When and how is the landlord paid?**

The landlord is issued a Housing Assistance Payment (HAP) through Direct Deposit. The landlord will be issued this portion of rent with the first available check run. Check runs are done two times a month, around the first and fifteenth.

## **Step H – Family’s Continued Program Participation**

### **What is the tenant’s responsibility?**

- Pay the landlord by the date outlined in the lease.
- Live up to the terms of the lease.
- Respect the rental property.
- Pay a security deposit to the landlord.
- Give proper notice of your intent to move to both the landlord and CMHA , and
- Notify CMHA within 30 days in writing of any changes in the family size and/or income.
- Allow inspections to be completed.

### **Can the family leave the HCV Program?**

If the family gives at least a 30-day notice to CMHA, the family can leave the program at any time; however, it is important to note, CMHA is not party to the lease. The landlord may hold the family responsible under the lease, which may remain in effect.

### **What if I did not give notice to CMHA and left the unit?**

If the family vacates the unit without proper notice, they will be terminated from the program and not eligible to participate for up to five years.

### **When do I report income changes?**

Whenever a change in income or household composition occurs, the family is responsible for notifying CMHA in writing within 30 days. Both the family and the landlord will receive notification of any change to rental portions. Decreases, after verification is received, will go into effect the month after which the change was reported. CMHA is obligated to provide a 30-day notice any time in which the family’s portion increases.

In situations where the family has delayed reporting, or not been compliant with CMHA request for information, the family will be required to repay any over-paid hap. CMHA is required to use Enterprise Income Verification (EIV) at each annual review. If there are unreported income changes reported by the family, CMHA is required to retro-actively apply this income and charge the correct HAP. These back charges are called Retro-Active Rent and must be repaid by the family.



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### **Can I move from one unit to another?**

Yes, provided the family and landlord follow correct transfer protocol. After the first twelve months are up under the existing lease, the family may give the landlord and CMHA a 30-day notice. In the event of an abatement at the unit, or the landlord sells the property, or with manager's discretion, a move prior to 12 months may be permitted.

### **What is an Annual Recertifications?**

CMHA requires the family to provide updated information at least once a year and sign required HUD forms. To provide time for the family to submit their documentation to CMHA, the process begins between 120 – 90 days prior to the family's anniversary on the program. Families are sent applications and a set of forms along with a letter detailing what is required from them to complete the process. This Annual Recertification is done to assure the family is paying the right amount of rent based on their income and that the unit is the appropriate size for the family. Enterprise Income Verification (EIV) is pulled with every Annual Recertification to check for unreported income. If the family is found to have not reported their income correctly, the family will be required to repay overpaid subsidy made by CMHA on their behalf.

### **What is a Biennial Inspection?**

CMHA is also required to complete an inspection of the family's unit at least biennially (once every two years). CMHA notifies the family by mail of the date of the inspection. It is the family's responsibility to make sure that an adult is present to allow the inspector to enter the premises. No inspections will be performed if only minors are present. After two missed inspections, CMHA may terminate the family's assistance for non-compliance.

### **Who is responsible for management and maintenance of the property?**

The landlord is responsible for all management and maintenance issues. If tenant caused damages occur, the landlord is permitted to charge tenants for repairs. If the landlord is not responding to issues being reported at the unit, it is the tenant's responsibility to contact CMHA to report inspection issues. An emergency or complaint inspection will be scheduled. Depending on what type of repair (emergency or non-emergency) is needed per the HQS Inspector, a deadline of either 24 hours (emergency) or 30 days (non-emergency) will be provided to the landlord to fix the issues.

### **What is considered a maintenance emergency?**

The following items are considered by CMHA to be of an emergency nature and must be corrected by the responsible party within 24 hours of notice by CMHA's inspector: non-working smoke detector, lack of security for the unit, waterlogged ceiling in imminent danger of falling, major plumbing leaks or flooding, natural gas leak or fumes, electrical problem which could result in shock or fire, no heat when outside temperature is below 40 degrees Fahrenheit and temperature inside the unit is below 60 degrees Fahrenheit, utilities not in service, no running hot water, broken glass where someone could be injured, obstacle which prevents tenant's entrance or exit or lack of functioning toilet.





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### **When will maintenance repairs be done?**

Emergency repairs should be handled within 24-hours. Non-emergency repairs depend entirely on the landlord's procedures, the number of workers available, and other repairs waiting to be done at any given time, but usually within 30 days. Give the landlord a reasonable time to complete ordinary repairs.

### **How can my housekeeping jeopardize my voucher?**

A family's participation in the HCV Program may be terminated if the family does not comply with the terms of the lease. Usually, the lease specifies the family must keep the property in decent, safe, and sanitary condition, except for normal wear and tear. If housekeeping practices damage the property, the family may be evicted.

### **What are some good housekeeping tips?**

It is the family's responsibility to keep their unit clean. Keeping your home free of trash and food waste keeps insects and other pests under control. Storing clothes, newspapers and household cleaning products properly also reduces the risk of accidental fire. Report all maintenance problems, including water leaks, to the property manager or landlord. These basic chores should be done periodically:

- Clean grease and spilled food from the stove after cooking to prevent grease fires.
- Clean the inside and outside of your refrigerator clean.
- Defrost your refrigerator as needed if it is not a frost-free model.
- Scrub your bathtub, shower, sink and toilet as needed or at least every week to keep them sanitary.
- Throw away your kitchen garbage and household trash often.

### **Are smoke detectors required?**

All housing units rented to families under the HCV Program must have working smoke detectors. Tenants should not tamper with them or remove batteries. If the smoke detector(s) are found to be non-working during an inspection, the smoke detector(s) must be repaired within 24 hours. CMHA recommends checking them once a month. Replace damaged or non-functioning smoke detectors immediately. If the smoke detector has been covered up or the battery has been removed, it will not work when it is needed the most.

### **When can I move?**

A tenant may move after living in the unit for at least one year. Here are some general guidelines for moving out the proper way (the landlord/lease may have other requirements).

- Give at least 30-60 day written notice to the landlord and CMHA.
- Pay all your bills prior to moving (rent and utilities)
- Clean the unit
- Provide your landlord a forwarding address for the security deposit refund (if applicable).



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### **How can my family be terminated?**

There are several ways families can lose their HCV assistance. Here is a partial list of typical reasons to cause CMHA to terminate HCV assistance:

- Vacating the housing without proper notice.
- Allowing unauthorized persons to live in the housing unit.
- Failure to report all changes in income or provide information required by CMHA
- 180 days without a subsidy payment
- Owing money to any public housing CMHA or other federally assisted programs.
- Involvement in drug-related, violent, or other criminal activities.
- Serious or repeated lease violations, including evictions.
- Causing significant damage to your unit.
- Not using the assisted unit for residence by the family or as your only residence
- Committing fraud or misrepresentation of income/household composition

### **What is No Subsidy assistance?**

If the tenant has an increase to either the income or a reduction in the household that results in the tenant responsible portion equally or exceeding the Contract Rent, there is zero assistance paid by CMHA. However, if the tenant remains in the unit, the Housing Assistance Contract with the landlord will remain in effect for 180 calendar days. During this period, the family is still considered to be on the program, even though assistance payments are not being paid. If there is a reduction of income and the family once again becomes eligible for assistance during this period, CMHA will resume payments to the landlord based on the new amount of the family income.

### **What is the penalty for committing fraud or misrepresentation?**

Proving false, incomplete, or inaccurate information on your application or recertification forms to mislead CMHA into overpaying subsidy is considered fraud or misrepresentation of information.

HUD places a high priority on preventing fraud and may penalize the family in the following way:

- Terminated from the HCV Program.
- Required to repay all overpaid rental assistance received.
- Fined up to \$10,000.
- Imprisoned for up to 5 years; and/or
- Prohibited from receiving future assistance.

### **What should I do if I know someone who is committing fraud?**

If a family is aware of anyone who has falsified an application, or if anyone tries to persuade you to make false statements, report them to CMHA or the local HUD office.



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### **What does drug-related, violent, or other criminal activity mean?**

HUD defines these as:

- *Drug-related criminal activity* is the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute, or use the drug.
- *Violent criminal activity* is any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.
- *Other criminal activity* is any criminal activity that may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity.
- *Immediate vicinity* means within a three-block radius of the premises.

### **What do landlords consider grounds for eviction?**

If the family does not abide by the terms in their lease, the landlord has the right to evict them from his or her property. Some common reasons for eviction are non-payment of rent, disturbing the peaceful enjoyment of others, disconnection of utilities, and unauthorized tenants. If you need legal representation or advise for pending evictions, you may call The Legal Aid Society, which helps people with limited income to obtain legal representation. You may also contact Housing Opportunities Made Equal (HOME) at 513-721-4663 or Clermont County Fair Housing Program at (513)-732-7286.

### **What are my rights if I am being terminated by CMHA?**

Prior to terminating HAP assistance, CMHA is required to provide the family a notice explaining the family's actions or inactions that resulted in the termination review, the HUD regulations violated, and the date by which the family has a right to a hearing to dispute the termination. If the family disagrees with CMHA determination and requests an informal hearing, the family will be promptly notified of the scheduled date of the hearing and their right to counsel at their own expense. After the hearing, a copy of the hearing decision will be issued by the hearing officer to the family within 14 days following the hearing.



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### Utility Companies in Clermont County

Residents responsible for direct payment of utilities must abide by all regulations of the specific utility company, including regulations pertaining to advance payments of deposits. Failure to maintain utility services and keeping payments current during residency is a lease violation and may be grounds for eviction. The utility service must be on in the name of an approved adult member of the household.

Utility Company	Utility Type	Phone Number
Bethel Board of Public Affairs	Water, Electric, Trash	513-734-2243
Duke Energy	Gas, Electric	800-544-6900
Village Of Milford	Water, Sewer, Trash	513-248-5081
Clermont Water Resources	Water, Sewer	513-753-3830
CSI /Republic	Trash	513-771-4200
Rumpke Residential Services	Trash	513-742-2900
New Richmond Utilities	Water, Sewer, Trash	513-553-2001
Tate-Monroe Water	Water	513-734-2236
Western Water	Water	513-722-1682
Village of Batavia	Water, Sewer, Trash	513-732-2020
Village of Williamsburg	Water, Sewer, Trash	513-724 6107