



# Landlord Booklet

The Owner's Guide to the Housing Choice Voucher Program

**REASONABLE ACCOMMODATION & VIOLENCE AGAINST WOMEN ACT**

If you or anyone in your household is a person with disabilities and requires a specific accommodation in order to fully comply with this notice or if you are a victim or threatened victim of domestic violence, dating violence, or stalking, you have certain protections under the Violence Against Women Act (VAWA), please contact the THDA's 504 Coordinator at 615.815.2165 or email [RARrequest@thda.org](mailto:RARrequest@thda.org).



## **GENERAL PROGRAM INFORMATION**

Your willingness to provide an affordable housing option for low-income families is appreciated! The Housing Choice Voucher (HCV) Program is a three-way partnership between the Tennessee Housing Development Agency (THDA), the tenant family, and you. In order for the program to work all parties have unique responsibilities. Your cooperation is essential to the THDA's ability to serve you and the family you select as a renter. This booklet has been organized in question and answer format to address the most frequent questions landlords may have regarding the rights and responsibilities of landlords under the Program. Federal regulations and Program rules are not always easy to understand, so it is important to contact your local field office with any questions you may have so that you remain in good standing under the Program. Below the Frequently Asked Questions is an excerpt from the Code of Federal Regulations, which lists the Department of Housing and Urban Development's (HUD) expectation of landlords under the HCV Program.

## **FREQUENTLY ASKED QUESTIONS**

### **How do I become a landlord under the Housing Choice Voucher (HCV) Program?**

You may advertise your unit as accepting Section 8 HCV Program participants in normal media outlets. In addition, the THDA has developed an online resource where you may also list your unit at [www.TNHousingSearch.org](http://www.TNHousingSearch.org) free of charge.

### **Who is responsible for tenant selection?**

Tenant selection is the owner's responsibility. The THDA encourages owners to screen potential tenants. However, the THDA does not make recommendations to owners regarding whom they should refuse or accept as tenants and is not responsible for tenant behavior. The landlord must comply with fair housing laws and not discriminate in the selection of tenants.

### **What information will the THDA make available to me as the landlord regarding a prospective tenant?**

In accordance with HUD requirements, the THDA will furnish prospective owners with the family's current address as shown in our records and, if known, the name and address of the landlord at the family's current and prior address only. An exception will be made if the family's whereabouts must be protected due to domestic abuse or witness protection.

### **I have found a HCV Program participant interested in leasing my unit, what is the next step?**

Attached to this booklet is a copy of a Request for Tenancy Approval (RTA) form. You must fully complete this form and you and the tenant must sign and date it. You must submit the RTA, a W-9 form, proof of ownership, direct deposit form, and a Notice of Property Management Agreement (if applicable). All of these forms must be received by the THDA before the deadline, which is the expiration date listed on the tenant's voucher.

## **What happens after I submit the RTA and other documents?**

The THDA will review the RTA and determine whether the tenant is income eligible and whether the proposed rent is reasonable. If the THDA determines that the proposed rent is too high, the THDA will contact you to inform you of what the rent would have to be for the RTA to be approved. If you are unable to accept the lesser rent, the RTA will be denied.

## **What happens when the RTA is approved?**

The THDA will schedule the unit for a Housing Quality Standards (HQS) Inspection.

## **How do I prepare for the HQS Inspection?**

- All utilities and appliances must be connected.
- There must be an adult (18 or older) present for the inspection. You may miss or reschedule the first appointment. However, if you miss or fail to have an adult present at a subsequent appointment, then the RTA will be denied.
- The unit must meet the Housing and Urban Development's (HUD) standards as outlined on the HUD 52580 Inspection form at HUD.gov.

## **What are the most common reasons units fail the HQS inspection?**

- All windows designed to be opened must be capable of remaining open without assistance and must have locks.
- Units must have a smoke alarm located in a vicinity near and outside each bedroom. There must also be at least one smoke alarm on each level of the unit.
- A carbon monoxide detector is required in all units that have gas appliances.
- Unit must be free of bug/vermin infestation.
- Paint on interior and exterior surfaces must be free from chipping and peeling.

## **What if my unit fails the HQS inspection?**

You will receive a notice of the failed items and the re-inspection appointment date and time. If the unit fails two HQS inspections, then the RTA will be denied.

## **What if my unit passes the HQS inspection?**

The THDA will notify you of the date that you and the tenant are eligible to enter into the lease for your unit. Do not enter into a lease until you have received this approval from the THDA. The THDA will send you two addendums that you must execute with the tenant along with your lease for your unit. Your lease term must be for a full twelve months and end on the last day of a month. The THDA will also send you the Housing Assistance Payment (HAP) Contract for you to sign. All documents must be returned to the THDA as soon as possible, but at least within fourteen (14) calendar-days. **Please note that no payments will be made by the THDA until we have received all lease-up documents.**

## **When can I expect my first Housing Assistance Payment from the THDA?**

Once the THDA receives the lease-up documents, the THDA will start processing the payment and the owner can expect to receive the initial payment from the THDA by direct deposit within three to six weeks. However, if the tenant is responsible for any portion of the rent, the landlord is responsible for collecting the tenant's portion directly from the tenant just like with any other market tenant, but the amount collected may not exceed the amount of rent approved by the THDA and specified in the lease and the HAP Contract.

## **How can I track my payments from the THDA?**

You may register for an account to log into the THDA payment system, Edison, and view all payments that have been sent to you at <https://supplier.edison.tennessee.gov>. You may reach the Edison Help Desk at 1-866-376-0104.

## **What if my address changes?**

You must contact your local field office prior to the address change.

## **What happens if I have issues with my tenant?**

The THDA does not mitigate issues between you and your tenant. However, you must copy the THDA on all notices you send to the tenant so that the THDA can advise you to assure you and your tenant remain eligible to receive payment under the Program. Please note that in order to evict a HCV Program tenant, you must do so through a court-ordered eviction.

## **What's Next?**

- Your tenant will undergo a yearly recertification to determine their continuing eligibility under the Program. You will be notified at each yearly recertification that if you wish to increase rent or enter into a new lease the THDA must receive such request at least sixty (60) days prior to the recertification effective date.
- The assisted unit will undergo either a yearly or biennial HQS inspection. Remember, the management of the property is still your responsibility.

## **What if I want terminate the tenancy?**

- If you are seeking to terminate the tenancy for violations of the lease, you must contact your local THDA field office for guidance.
- If you do not wish to renew your lease, then you must simply give the THDA and the tenant a notice of non-renewal in accordance with your lease provisions, but such notice must be at least a 30-day written notice and must terminate on the last day of a month. For periodic tenancies of month-to month, you must also give at least a 30-day written notice and the tenancy must terminate on the last day of a month.

## **What if my tenant moves without notice?**

You must contact the THDA immediately or you will be responsible for any overpaid HAP.

## **What if the THDA terminates my tenant's eligibility under the Program?**

If the THDA terminates a tenant's eligibility under the Program, then you will receive a 30-day notice of termination of the HAP Contract between you and the THDA. When the HAP Contract terminates, your current lease with the tenant automatically terminates and you must enter into a new lease with the tenant. If you allow the tenant to stay in the unit past

the effective date of the HAP termination, then the tenant is responsible for the entire rent.

### **What are my continuing responsibilities as a landlord under the Program?**

Your responsibilities under the Program are outlined in the Code of Federal Regulations (CFR) at 24 CFR 982.452 and in the THDA's Administrative Plan promulgated with the Tennessee Secretary of State's Office. Further, the CFR outlines at 24 CFR 306 when the THDA may disapprove an owner's participation in the HCV Program.

#### **§ 982.452 Owner Responsibilities.**

- The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.
- The owner is responsible for:
  - (1) Performing all management and rental functions for the assisted unit, including selecting a voucher-holder to lease the unit, and deciding if the family is suitable for tenancy of the unit. The fact that an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of tenancy if the applicant otherwise qualifies for tenancy.
  - (2) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance. For provisions on family maintenance responsibilities, see § 982.404(a)(4).
- Complying with equal opportunity requirements.
- Preparing and furnishing to the PHA information required under the HAP contract.
- Collecting from the family:
  - (1) Any security deposit.
  - (2) The tenant contribution (the part of rent to owner not covered by the housing assistance payment).
  - (3) Any charges for unit damage by the family.
- Enforcing tenant obligations under the lease.
- Paying for utilities and services (unless paid by the family under the lease).
- For provisions on modifications to a dwelling unit occupied or to be occupied by a disabled person, see 24 CFR 100.203.

#### **§ 982.306 PHA Disapproval of Owner.**

- The PHA must not approve an assisted tenancy if the PHA has been informed (by HUD or otherwise) that the owner is debarred, suspended, or subject to a limited denial of participation under 2 CFR part 2424.
- When directed by HUD, the PHA must not approve an assisted tenancy if:
  - (1) The federal government has instituted an administrative or judicial action against the owner for violation of the Fair Housing Act or other federal equal opportunity requirements, and such action is pending; or
  - (2) A court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements.
- In its administrative discretion, the PHA may deny approval of an assisted tenancy for any of the following reasons:
  - (1) The owner has violated obligations under a HAP contract under Section 8 of the 1937 Act (42 U.S.C. 1437f);
  - (2) The owner has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program;
  - (3) The owner has engaged in any drug-related criminal activity or any violent criminal activity;
  - (4) The owner has a history or practice of non-compliance with the HQS for units

leased under the tenant-based programs, or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other federal housing program;

- (5)** The owner has a history or practice of failing to terminate tenancy of tenants of units assisted under Section 8 or any other federally assisted housing program for activity engaged in by the tenant, any member of the household, a guest or another person under the control of any member of the household that:
    - (i)** Threatens the right to peaceful enjoyment of the premises by other residents;
    - (ii)** Threatens the health or safety of other residents, of employees of the PHA, or of owner employees or other persons engaged in management of the housing;
    - (iii)** Threatens the health or safety of, or the right to peaceful enjoyment of their residences, by persons residing in the immediate vicinity of the premises; or
    - (iv)** Is drug-related criminal activity or violent criminal activity; or
  - (6)** The owner has a history or practice of renting units that fail to meet State or local housing codes; or
  - (7)** The owner has not paid State or local real estate taxes, fines or assessments.
- The PHA must not approve a unit if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the family, unless the PHA determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities. This restriction against PHA approval of a unit only applies at the time a family initially receives tenant-based assistance for occupancy of a particular unit, but does not apply to PHA approval of a new tenancy with continued tenant-based assistance in the same unit.
  - Nothing in this rule is intended to give any owner any right to participate in the program.
  - For purposes of this section, “owner” includes a principal or other interested party.

## **THDA Field Office Contact Information**

The THDA has regional field offices that administer the HCV Program. Questions should be referred to the staff at your local field office. Please contact the field office that handles the Program in your county with any questions or concerns that are not answered in this booklet. Please see [www.THDA.org](http://www.THDA.org) for the current address of your local field office.

<b>FIELD OFFICE</b>	<b>PHONE NUMBERS</b>	<b>COUNTIES SERVED</b>
<b>West TN</b>	Ph: 731-410-2270 Fx: 866-752-4358	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardin, Hardeman, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley, Shelby*, Tipton
<b>Middle TN</b>	Ph: 615-564-1200 Fx: 615-860-8703	Cheatham, Houston, Humphreys, Montgomery, Robertson, Rutherford*, Trousdale, Sumner, Stewart, Wilson
<b>South Central TN</b>	Ph: 931-270-9183 Fx: 931-246-1015	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Warren, Wayne, Williamson
<b>East TN</b>	Ph: 931-520-0608 Fx: 931-881-1591	Anderson, Blount, Campbell, Cannon, Claiborne, Clay, Cocke, DeKalb, Fentress, Grainger, Hamblen, Jackson, Jefferson, Knox, Loudon, Macon, Monroe, Morgan, Overton, Pickett, Putnam, Roane, Scott, Sevier, Smith, Van Buren, Union, White

\* The THDA no longer accepts new admissions in these counties, but will continue to provide assistance to existing participants in these areas.

## **MOST COMMONLY USED LANDLORD RESOURCES AND FORMS**

*You may click on the title of the forms below and it will take you directly to the most current version of that form.*

**TNHousingSearch.org**

**Request for Tenancy Approval**

**Lead-based Paint Disclosure**

**W-9 Identification and Classification Form & Direct Deposit Form**

**Instructions for Supplier Direct Deposit Account Set-Up**

**Supplier Information Form**

**State of TN Department of Finance & Administration Supplier Direct Deposit Authorization**

**Notice of Property Management Agreement**

**Summary of Housing Quality Standards (HQS) – A list of what your unit must have in order to pass inspection and be approved for the HCV Program.**

**Housing Assistance Payment Contract (between you and the THDA)**

**THDA Lease Addendum (addendum to your lease with the tenant)**

**HUD Tenancy Addendum (a second addendum to your lease with the tenant)**

**Owner Request for Rent Increase**