

Dear Housing Choice Voucher Landlord

The following is necessary to begin making payments to the new owner:

- W9 form signed in ink by the owner listed on the deed
- Original Record Deed to the property from Orange County with book and page number
- Lease signed in ink by the owner listed on the deed

The payments can be mailed to a property management company; however, the checks can only be made payable to the owner on the actual deed in compliance with federal regulations.

Payments will not be made until all documents are submitted.

The documents are to be dropped off at the Newburgh Housing Authority office during the business hours of 8:30 am – 4:00 pm.

If you have any questions or concerns regarding this letter, please do not hesitate to contact Newburgh Housing Authority office.

Sincerely,

Housing Choice Voucher Program Manager

Landlord Packet Attachments

1. W9 Taxpayer certification
2. Lead Based Paint Disclosure
3. Request for Tenancy Approval
4. Utility Allowance sample (updated annually)
5. Fair Market Rates (FMR) per unit bedroom size

The Family Participation Voucher issued to families certifies their eligibility for Section 8 Rental Assistance. It authorizes the family to obtain an apartment that is standard housing and of appropriate size for the family composition, at a rent that is reasonable. The family may find a unit at any reasonable rent, but the family will be responsible for any amount over the Applicable Payment Standard Issued for their Voucher size.

For example: If the family is eligible for a one- bedroom apartment, their APS (Applicable Payment Standard) will be \$600.00. Their rent portion will be based as follows: let's assume that 40% of the family's Adjusted Gross Income is \$389.00, and the contract rent is \$625.00, the family will pay \$414.00 and this agency will pay \$211.00. Subtract 40% of the family's monthly adjusted gross income from the APS, to arrive at what portion HUD will pay and what portion the family will pay, our portion will remain the same regardless what the rent is. The Section 8 Program will calculate these figures and advise both you and the tenant family. In addition, the Section 8 Office will complete most of the paper work for you.

Current payment standards for the Section 8 Program by unit size and HUD established FMR's.

Unit Size	Studio	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
FMR					
Payment Stand.					

(See attached Utility Allowance)

LANDLORD RESPONSIBILITY:

The Owner responsibilities are defined in the Housing Assistance Payments (HAP) contract, lease, and the US Department of Housing and Urban Development (HUD) regulations. The owner is generally responsible for the following:

- 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.
- Maintaining the unit in accordance with Housing Quality Standards (HQS), including performing ordinary and extraordinary maintenance;
- Complying with equal opportunity requirements and Fair Housing Laws;
- Preparing and furnishing to the Newburgh Housing Authority information required under the HAP;
- Collecting from the family any security deposit, the family rent to owner, and any charges for unit damage by the family;
- Enforcing tenant obligations under the lease; and
- Paying for utilities and services, unless paid for by the family under the lease.

Extra payments to the landlord, other than what is approved by our office, is a violation of voucher and HAP Contract and can result in termination/eviction.

OWNER BREACH OF HAP CONTRACT

Any of the following actions by the owner, principal, or other interested party is a breach of the HAP contract:

- Violation of any obligation under the HAP contract, including the requirement to maintain unit according to HQS;
- Violation of any obligation under any other housing choice voucher program or Section 8 project-based HAP contract;
- Fraud, bribery, false statements, or any other corrupt or criminal act in connection with the HAP contract or any federal housing program;

- For projects with HUD-insured mortgages or LIUD loans, failure to comply with the applicable program regulations, the mortgage or mortgage note, or the regulatory agreement or fraud, bribery or any other corrupt or criminal act in connection with the mortgage or loan.

If the Newburgh Housing Authority determines that a breach or noncompliance of the contract has occurred, it may exercise any of its rights and remedies under the HAP contract. The Housing Authority must notify the owner of its determination and provide in writing the reasons for the determination. The notice may require the owner to take correction action by an established deadline. The Housing Authority may recover any overpayment, suspend housing assistance payments, abate or reduce the housing assistance payment, terminate the payment or terminate the HAP contract. The Authority may also obtain additional relief by judicial order or action, including specific performance, other injunctive relief, or order for damages.

If the Newburgh Housing Authority determines that an owner is not entitled to the housing assistance payment or any part of it, the Authority may deduct the amount of the overpayment from any amounts due the owner, including amounts due under any other housing choice voucher program HAP contract.

The Authority must provide the owner with written notice of any termination or reduction in housing assistance payments or the termination of the HAP contract.

CHANGE IN OWNERSHIP

Owners wishing to change ownership must supply all information as requested by the Housing Authority, and the owner must receive written consent of the Authority prior to assigning a HAP contract to a new owner. The requirements related to owner approvals also apply to changes in ownership. The new owner must agree to be bound by and comply with the HAP contract. In addition, the agreement between the new owner and the former owner must be in a form the PHA accepts. The new owner must give the Authority a copy of the executed agreement.

The Authority requires that the agreement between the new owner and former owner be in writing. Oftentimes the actual sales contract will specify whether or not the assisted tenancy is to be dissolved upon change of ownership. If the assisted tenancy continues, the Authority will require the new owner to submit a copy of its W-9 Form for tax purposes.

FAMILY RESPONSIBILITY:

Once the family is leased up and the program, **all changes in household income or household members must be reported to the Housing Authority in WRITING IMMEDIATELY**. False statements or information, or failing to provide requested information are grounds for termination of housing assistance and termination of tenancy. The families annual recertification starts ninety (90) days in advance of your annual recertification date (lease date). This office will contact the family and the landlord at recertification time. Once you are notified, we suggest you inspect the apartment, prior to our annual inspection for violation of any obligation under the HAP contract, including the requirement to maintain unit according to HQS.

The family must supply all information requested, take good care of the unit, and be available so the inspectors can gain access to the unit to perform any of the required or special inspections. All damages caused, by the tenant, tenant family, or their guests, will be the family's responsibility.

The family must occupy their first apartment within the City of Newburgh for one full year before they may move. Families that move must submit a written 30 day notice (from the end of the month to the end of the following month) to this office and to the landlord. If the family is evicted for cause, it may not be eligible for Housing Assistance. The family cannot sublease or transfer the unit to any other person. The family may not move or transfer until they have been on the program for at least twelve (12) months and they must not owe the Housing Authority or the landlord for anything.

The only individuals allowed in the unit are the ones listed on the lease. If the family is going to house any other individuals then those on the lease, they must get written permission from the landlord, and must get approval from this office. **All changes in household income or household members must be reported to the Housing Authority in WRITING IMMEDIATELY**

Fraud, drug related or violent criminal activities by the family head, family member or a guest are grounds for termination of Assistance. The Newburgh Housing Authority has adopted a **"ONE STRIKE AND YOU'RE OUT", Zero Tolerance Policy in Screening Applicants for Admission and Eviction of Tenants.**

WHERE FAMILY MAY LEASE A UNIT:

Families may lease a unit anywhere in the City of Newburgh. The city limit starts from the River to Lake Street, heading South ends at Bridge Street, and 9W. Going North-west ends at Gidney and Pierces Road. Going North, North ends at the intersection of 9W and Marine Drive. See the attached map of the City of Newburgh

REQUEST FOR LEASE APPROVAL

The landlord decides whether or not he wants to participate in the program, and to accept the family as a tenant. Participation by the landlord is voluntary. Both the family and the landlord should complete the Request for Lease Approval together. This form provides the basic terms of the lease and indicates the utilities and who pays for the utilities. Complete the Request for Lease Approval and return it to this office, so an initial inspection can be performed

INITIAL INSPECTION:

An initial inspection of the unit must be performed, and the apartment must **PASS INSPECTION** before our office will approve the lease or make any payments. We advise the families **NOT to put any money down on the apartment or sign a lease** until it passes inspection. If the landlord refuses to make any required repairs or improvements, we will not approve the lease and the family will be out of any down payment they might make.

LEASE

Families must sign a lease with the landlord. The landlord will also have to sign a Housing Assistance Payment Contract with the Authority. The landlord may collect a reasonable security deposit. The family, landlord and the Authority representative will go over the lease together. This will give all a better understanding of your responsibilities as a tenant and the responsibilities as a landlord.

WHAT THE INSPECTOR WILL LOOK FOR WHEN INSPECTING A UNIT:

All bedrooms must have at least one window accessible to the outside.

All windows must have operable locks, and sash cords or another mechanism that allows a window to stay in the open position.

Bathroom must have a working vent fan leading to the outside and the floor must have waterproof covering, and the walls must be painted semi-gloss.

All sleeping quarters must be 80 square feet (8 feet X 10 feet for example)

All bedrooms must have double electrical outlets that work and are not loose, and an overhead light fixture, or a wall light fixture.

The kitchen floor must have waterproof covering, and the walls must be painted semi-gloss.

Entire unit must be free of chipping, peeling paint, both inside and outside.

Lead - free paint must be used.

Smoke Detectors must be operable.

The unit will not pass inspection if there is a broken window in any part of the unit.

The unit will not pass inspection if there are any safety hazards or if there are unsanitary conditions.

The unit must be in compliance with the City of Newburgh's building codes or any other code the City building inspection department might use or adopt.

In older housing, especially if the family has young children, we will carefully check the walls, ceilings, windowsills, and railings, woodwork and any other exposed paint surfaces. We will look for signs of peeling, chipping, cracking or loose paint. We will avoid selecting any apartment where the paint or the walls are in poor condition

The landlord will have to certify to the Housing Authority that he has complied with Federal Regulations by treating and repainting or covering all cracked or peeling wall surfaces, which can be reached by small children. The Housing Authority will perform an initial inspection of the unit before the family move in, and if these situations exist, they will have to be corrected before they can move into this unit.

INTERNAL REVENUE SERVICE (IRS) REPORTING REQUIREMENTS

The Housing Authority must request from the owner a copy of the owner's IRS Form W-9, Request for Taxpayer Identification Number and Certification, for IRS reporting purposes. This request usually occurs at the time of execution of the HAP contract the owner submit this form with the request for tenancy approval. IRS Form W-9 asks for the owner's name, the business name and address, and the taxpayer identification number. The Authority uses the information obtained from the Form W-9 to report to the IRS the amount of income it has paid to owners (in the form of housing assistance payments). The Authority uses the IRS Form 1099 for this purpose.

POLICY PROCEDURE ON INFORMATION ABOUT A FAMILY TO PROSPECTIVE LANDLORDS:

The Housing Authority will not approve rental assistance for a unit owned by a landlord following a directive from HUD, when the owner has been the subject of equal opportunity enforcement proceedings as follows:

- A. The federal government has instituted an administrative or judicial action against the landlord for violation of the Fair Housing Act or other Federal Equal Opportunity requirements, even if such action is pending.
- B. a court of administrative agency has determined that the landlords violated the Fair Housing Act or other Federal Equal Opportunity requirements.

If you believe you have been discriminated against, you may call the Fair Housing and Equal Opportunity National Toll-free Hot line at 800-424-8590. (Within Washington, DC Metropolitan Area, Call 426-3500)

