

## **Section 8 Housing Landlord Information**

The City of Paducah, Section 8 Housing Program welcomes you as a landlord in the Section 8 Housing Program. We look forward to a good working relationship with you.

The notice includes a few Questions and Answers, a list of Landlord Responsibilities, and a Summary of Housing Quality Standards. Please take time to read this information.

### ***Notice to Participating Section 8 Owner/Agent:***

*The City of Paducah adopted a Rental Property Ordinance in 2000 that requires owners of residential rental property, within the city limits of Paducah, Kentucky to acquire a Real Property Lessor Business License. If you have not acquired the necessary license, please contact the Finance Department at (270) 444-8513 for additional information.*

*Please be aware that the lack of the business license and current property tax payments on your rental property may affect your ability to participate in the Section 8 Program.*

## **QUESTIONS AND ANSWERS**

### **1. WHAT IS THE SECTION 8-EXISTING PROGRAM?**

The Section 8 Housing Program is a rental assistance program, which assists eligible persons by paying a portion of their rent to a private owner. The U.S. Department of Housing and Urban Development (HUD) funds the program.

### **2. WHO IS ELIGIBLE FOR ASSISTANCE?**

An applicant must be a member of a family (two or more persons related by blood, marriage, or with evidence of a stable family relationship), or age 62 or older, or disabled or handicapped if under age 62, or a single eligible person. The applicant must have a gross annual income below the federal income limits set by HUD. The applicant cannot have an outstanding debt to a public housing agency. The applicant must be a U.S. citizen or eligible non-citizen.

### **3. HOW DOES AN OWNER DETERMINE IF A FAMILY IS ELIGIBLE FOR SECTION 8?**

A participant must be issued a Housing Choice Voucher before finding a unit. The Housing Choice Voucher states that the participant is eligible and shows the period of time they have to search for a unit, usually 60 days (an extension can be given to those who are having trouble finding a unit). If they cannot find an acceptable unit before the Voucher expires, they lose it. The Housing Choice Voucher is given to the next person of the waiting list.

An owner should always contact the staff before making any commitment to a family. The unit must pass an inspection and a lease and contract must be signed before the family moves into the unit and before subsidy may begin. The City of Paducah, Section 8 Housing Program assumes no responsibility for any portion of the rent prior to the effective date of the contract.

4. WHAT TYPE OF UNITS QUALIFIES?

A participant may choose an apartment, a duplex, a single-family house, or a mobile home. The unit must be the appropriate size for the family. It may not be owner-occupied. The must be in good condition and pass an inspection. The inspection determines compliance with HUD's Housing Quality Standards (HQS). A summary of HQS is included in the following document.

5. IS THERE MUCH PAPERWORK FOR AN OWNER?

The owner must sign a lease with a tenant. The owner may use the City of Paducah, Section 8 Housing Agency model lease or his/her own lease with a HUD addendum. A minimum of a one-year lease is required. If the owner's lease is used, The City of Paducah, Section 8 Housing Agency must review and approve the lease. The owner also signs a contract with the Agency. The contract authorizes the payments to the owner. The staff prepares all paperwork.

6. HOW MUCH RENT MAY AN OWNER CHARGE?

The amount of rent an owner charges for a unit may not exceed rents charged for comparable, unsubsidized units. There is a limit on the amount of subsidy, which will be paid, on the tenant's behalf. The tenant is allowed to pay the difference between the rent and the subsidy, not to exceed 40% of the total tenant payment (TTP). The TTP us based on the tenants adjusted income. A unit may not be admitted to the Program if the rent requested by the owner is not comparable to similar, non-assisted units in the area.

7. MAY AN OWNER COLLECT A SECURITY DEPOSIT?

HUD does not limit the security deposit that owners may collect, as long as the amount does not exceed that charged for non-subsidized tenants.

8. WHO CHOOSES THE TENANTS?

Screening for desirable tenants is the responsibility of the owner. Section 8 staff is responsible for determining if an applicant is eligible for subsidy. Staff does not screen applicants' suitability as tenants. Owners may ask Section 8 staff for the previous addresses of tenants and the names of former landlords so they may check references. Section 8 staff may also tell owners if tenants owe money to a public housing authority, and if a public housing authority has evicted the family.

9. HOW OFTEN WILL THE UNITS BE INSPECTED?

The unit must pass an inspection before the tenant moves into the unit. If the tenant currently occupies the unit, it must pass the inspection before the tenant is admitted to the program.

Subsequently, the unit will be inspected at least every 12 months while that unit remains on the Program. Special inspections may be performed at the owner's or tenant's request, or as part of an audit.

It is the owner's responsibility to maintain the unit so it passes Housing Quality Standards (HQS). If repairs are the owner's responsibility, and the repairs are not made, the owner's rent may be abated and/or the Housing Assistance Payment contract may be terminated. If the tenant causes damage to the unit, the owner may require the tenant to make the repair or the owner may make the repair and bill the tenant. A tenant's assistance may be terminated for damaging a unit.

10. WHO PAYS THE UTILITIES?

This arrangement is negotiated between the landlord and tenant and stipulated in the lease. Regardless of who pays what utilities, every unit must have electricity, hot and cold water, an adequate and acceptable pertinent heat source, a refrigerator, and a cook stove.

11. DOES THE TENANT PAY ANY OF THE RENT?

Under the Program, tenants pay according to their income. The tenant will pay a minimum of at 30% of their monthly-adjusted income not to exceed 40% of their monthly-adjusted income (If the tenant's portion exceeds 40% of their adjusted income, they may not have this unit. This applies to initial lease only).

The amount the family pays may change during the year if their income or composition changes. An owner is notified in writing of any changes in the amount the tenant pays. It is the owner's responsibility to collect the tenant's portion of the rent. An owner may evict a tenant who does not pay his/her portion of the rent.

12. HOW LONG IS A FAMILY ELIGIBLE FOR ASSISTANCE?

A family is certified as eligible for a 12-month period. Their eligibility must be recertified every 12 months. This is called their anniversary date. If a family's eligibility has not been recertified before the anniversary date, the payments automatically stop at the end of the twelfth month. Payments are resumed if and when eligibility is recertified.

A family may continue receiving assistance as long as they continue to be eligible, and the unit passes HQS. If a family vacates a unit, the payment for that unit stops. The owner should always notify this office if the family vacates.

The unit must initially pass an inspection before the tenant moves into the unit. If the tenant currently occupies the unit, it must pass inspection before a contract may be signed. No subsidy may be paid on any unit until it passes HUD's HQS.

If a family's assistance is terminated because of their failure to cooperate with recertification, or because of fraud, or their income is too high, the landlord is notified that assistance will stop. If the landlord agrees, the tenant may remain and pay all of the rent.

13. MAY AN OWNER EVICT A SECTION 8 TENANT?

An owner may evict a tenant under the terms of the lease. The owner must follow state and local laws for evictions. The owner must give written notice to the City of Paducah, Section 8 Housing office and the tenant before initiating eviction proceedings.

14. ARE RENT INCREASES ALLOWED?

The owner may request a rent increase once a year at the time of annual recertification. The owner must notify the tenant and the City of Paducah, Section 8 Housing office of the increase at least 60 days prior to the effective date of the rent increase. The tenant decides whether or not to accept the increased rent. The subsidy may not change, so the tenant may have to pay the increase. If the tenant cannot pay the increase, the tenant may choose to relocate. The staff may advise the tenant on the appropriateness of the increase.

15. DOES THE TENANT'S PORTION OF THE RENT CHANGE?

The amount the tenant pays varies according to the household's income and number of members in the household. If at any time the family portion changes, the owner will receive a written notice.

16. IS AN OWNER ELIGIBLE TO COLLECT THE RENTAL SUBSIDY PAYMENT ONCE A TENANT MOVES?

No. When a tenant vacates a unit, the contract and lease terminate. The owner may keep the amount for the month in which a tenant moves, but any checks received after that month must be returned to The City of Paducah, Section 8 Housing Program.

17. WHEN/HOW DOES AN OWNER RECEIVE RENTAL PAYMENTS EACH MONTH?

The owner is responsible for collecting the tenant's portion of the rent. This should be collected the first of the month. An owner may designate late charges.

The City of Paducah, Section 8 Housing Program's portion of the rent is mailed to the owners within the first five business days of the month. We must verify that HUD deposited our subsidy in the bank and then checks are released. Checks will be automatically stopped at the end of the contract anniversary date if the renewal process has not been completed. Once the renewal is received and processed by the office, the subsidy check resumes.

18. MAY AN OWNER SELL PROPERTY OCCUPIED BY A SECTION 8 TENANT?

Yes. The owner must contact The City of Paducah, Section 8 Housing office prior to the sale of the property. The contract and lease terminate upon sale of the property. However, The City of Paducah, Section 8 Housing Agency and the new owner may transfer the Section 8 Housing Contract to provide uninterrupted rental assistance payments.

## **LANDLORD RESPONSIBILITIES**

1. To perform routine management functions including screening and selecting tenants, maintaining the property, collecting rents, and handling tenant problems. Participation in the Program does not relieve a landlord of any normal duties. The program simply pays a portion of the rent.
2. To comply with all requirements contained in the lease and Housing Assistance Payment Contract.
3. To maintain the unit at all times so it always passes HUD's Housing Quality Standards. *See summary of Housing Quality Standards.* The owner may require the tenant to repair or pay for repairs for damages caused by the tenant family.
4. To collect only the amount of the rent for the tenant, which is, specified in the lease of HAP contract or any interim adjustment notices. Any charges in addition to the monthly rent must be stated in the lease or lease addendum.
5. To notify the staff prior to the commencement of an eviction. State and local laws governing evictions must be observed.
6. To notify the agency representative immediately if the tenant vacates the unit. Landlords are not eligible to receive payments if the tenant is not living in the unit. The HAP contract automatically terminates if the tenant leaves the unit. Any rental payments received following the month the tenant vacates the unit must be returned to The City of Paducah, Section 8 Housing Agency.

7. To notify both the staff and tenant at least 60 days prior to the lease anniversary date if a rental increase is requested for the next year.
8. To immediately report to the staff if any utilities are disconnected, whether paid for by the tenant or landlord. If a tenant or landlord fails to fulfill their obligation to connect/pay utilities as outlined in the lease, the subsidy will be abated and/or terminated.
9. To provide proof of ownership of a unit.
10. To provide a W-9 for purposes of filing an accurate 1099 with the IRS.
11. To provide proof of a Real property Lessor Business License (if property is within City limits)

Failure to fulfill these obligations and requirements may result in the withholding, abatement, or termination of payments. Future participation in the Program may be prohibited.

## **SUMMARY OF HOUSING QUALITY STANDARDS**

The following is a summary of minimum standards for units in The City of Paducah, Section 8 Housing Program.

### General Standards

~ There must be a Living Room, Kitchen, Bathroom, and a Bedroom for every two persons.

~ All outlets and switches must be flush with the wall and have unbroken, tight fitting cover plates.

~ All light fixtures and/or ceiling fans must be secured to the wall or ceiling. It is recommended that pull chains on fans and light fixtures be string, rope, or cord rather than metal, which conducts electricity.

~ Permanently installed ceiling or wall light fixtures must have covers (globes) if they were designed to have covers.

~ All rooms must be free of any frayed or exposed wiring, and the wiring must be the proper type.

~ All windows and doors that are accessible from the outside must have secure frames and acceptable locks that work. Padlocks are not acceptable locks on exterior doors. Double-keyed locks are acceptable only on doors that are partially glass or on solid doors if there is an alternate means of egress in the same room.

~ Windows must be airtight, free of breaks and cracks, and the sashes must meet. There must be minimal or no deterioration. Screens, if present, must be in good condition.

~ In rooms where windows are required, the windows must open to the exterior of the unit.

~ Sliding glass doors can serve as windows in the living Room or Bedroom if there are no windows. If the unit does not have central air conditioning, then a screen must be present on the sliding glass door.

~ At least one window in each room must be operable (if designed to open) and remain up without a prop. If the unit does not have central air conditioning, a screen must be installed on the operable window.

~ Exterior doors must be airtight, have adequate weather-stripping, and have a sound threshold. If there is a storm door present, it must be properly installed.

~ Interior doors (closet doors, doors opening into rooms, etc.) must be properly installed. There must be no hazardous conditions present.

~ Ceilings must be sound and free from hazardous, leaks, holes or bulges.

~ Walls must be sound and free from hazardous defects or holes.

~ Floors must be sound and free from hazardous defects, holes, soft spots, bulges, or tripping hazards.

~ All utilities must be connected either by the landlord or the tenant. A unit without utilities is considered substandard.

## **STANDARDS THAT APPLY TO SPECIFIC ROOMS**

### Living Room

~ Must have at least two working outlets or one working outlet and one working, permanently installed ceiling or wall light fixture.

~ Must have at least one window.

## Kitchen

~ Must have at least one working outlet and one working, permanently installed ceiling or wall light fixture.

~ The stove and refrigerator must be plugged into an outlet (cannot be plugged into an extension cord).

~ There must be a stove with an oven and all burners in working condition. Oven door must be secure and all knobs and handles present. Oven must have racks.

~ If the landlord has agreed to provide a stove for the tenants' use, then the stove must be repaired or replaced.

~ A refrigerator must be present which freezes and cools properly. Gaskets and seals must be in good condition. Grill area must be adequately covered. Shelves must be present in the refrigerator.

~ A sink must be present with hot and cold water, which drains properly. Handles must be present on the sink. The trap must be properly installed. All pipes and faucet must be free of leaks or drips; there must be no visible holes around the pipes.

~ There must be space to store and prepare food.

## Bathroom

~ There must at least one working, permanently installed light fixture.

~ If a window is present in the bathroom, it must be operable, and remain up without a prop. If there is no central air conditioning in the unit, the window must have a screen.

~ If there is no operable window, an operable vent fan operated by a wall switch must be present.

~ There must be a sink with hot and cold water, which drains properly. Handles must be present on the sink; the trap must be properly installed; pipes and the faucet must be free of leaks or drips; there must be no visible holes around the pipes.

~ There must be a flush toilet in an enclosed room which flushes and shuts off properly; it must be free of leaks and cracks; it must have a seat and tank top.

~ There must be a tub or shower with hot and cold running water, which drains properly; it must be free of leaks and cracks.

- ~ There must be a door for privacy, which stays shut and is properly installed.

### Bedrooms

~ There must be at least two working outlets or one working outlet and one working permanently installed light fixture.

~ There must be at least one window, and if designed to open, at least one window must open, and remain up without a prop. If the unit does not have central air conditioning, then this window must have also a screen.

- ~ There must be a door for privacy, which stays shut and is properly installed.

### Other Rooms Used for Living and Halls

~ There must be a means of illumination (ex: light fixture, wall outlet, window, etc.)

### Plumbing and Heating

~ All rooms must have direct or indirect heat.

~ Unvented heaters that burn oil or kerosene are prohibited.

~ Unvented gas space heaters are not allowed .

~ If there is a ventless gas heater present in the unit, then an operable carbon monoxide detector must be installed, in addition to a smoke detector. Ventless gas heaters must be permanently wall mounted, and designed to be ventless. They cannot be used in a bedroom or other room used for sleeping. They cannot be used in mobile homes or manufactured houses.

~ Each unit must have a properly installed and operating hot water heater.

~ If the hot water heater is gas, the flue must be secure. Collars must be installed securely, with no visible openings. If the gas hot water heater is located in a living or sleeping area, it must be enclosed. An adequate enclosure is a “shield” that is secured to the floor or walls, provides adequate ventilation, is 6” higher than the hot water heater, and will protect the tenant in the event of an explosion.

~ If the hot water heater is electric, and it is accessible to the family, the romex wire must be enclosed in a protective conduit.

~ There must be a temperature-pressure relief valve on the hot water heater of a 3/4” overflow pipe which extends to within 6” of the floor or to the exterior of the unit.

### General Health and Safety: Interior

- ~ The unit must be accessible without going through another unit.
- ~ There must be adequate exterior doors and operable windows for exit.
- ~ Unit must be free of insects, mice, rats, and other vermin.
- ~ Unit must also be free of chipping, cracking, peeling paint.
- ~ Unit must be free of other hazards such as splintered doors, sliding closet doors which could fall down, protruding nails, etc.
- ~ Unit must have adequate ventilation.
- ~ There must be an operable smoke detector or fire alarm on each level of the unit (including the basement). There must be at least one smoke detector located in the hallway outside the bedrooms.
- ~ An operable carbon monoxide detector must be present if there is a ventless gas heater in the unit.
- ~ There must be a metal cover over the fuse/breaker box. There should be no hazardous conditions inside or around the fuse/breaker box.
- ~ Interior stairs and common halls must have adequate lighting and be free of any hazardous or falling conditions in the walls, floor, ceiling, windows or doors. If there are four or more steps, or the steps, balconies or ledges are 30" or higher, there should be a secure handrail. All steps should be present, stable and secure.

### General Health and Safety: Exterior

- ~ The grounds must be free of garbage, debris, trash, etc.
- ~ The site and immediate neighborhood must be free from conditions which seriously endanger the health or safety of the residents such as uncovered wells, deep holes, abandoned appliances, abandoned cars, etc.
- ~ Out buildings must be in sound condition.

### Building Exterior

- ~ The foundation must be free of large cracks, and must be stable.

- ~ Vents and crawl spaces must be covered.
- ~ Stairs, rails, and porches must be secure. If steps are present, they must be stable, and secure. Unsecured concrete blocks cannot be used for steps.
- ~ If a sidewalk is present, it must be free of large holes and cracks, and should be stable.
- ~ If there is a porch or balcony 30” or higher, a secure rail with adequate protection (slats, lattice) must be installed to prevent a person from falling through.
- ~ If there are four or more steps, 29” or less in height, there must be at least one handrail.
- ~ If there are four or more steps, 30” or higher, and both sides of the steps are exposed (open), there should be two secure handrails with adequate protection (slats, lattice, etc.) to prevent a person from falling through.
- ~ It is recommended that slats be installed no more than 6” apart, and that railings be installed to within 6” of the porch or steps.
- ~ Roofs must be free of damage or leaks.
- ~ Water hydrants must be free of leaks and drips.
- ~ Gutters and downspouts, if present, must be sound and secure.
- ~ The exterior must be free of holes, missing siding, and appear airtight.
- ~ The chimney must be sound, stable, and free of hazards.
- ~ Plumbing vent pipes must extend about the roofline.
- ~ Unit must be free of hazardous loose, frayed or exposed wires.
- ~ Exterior must be free of chipping, cracking, peeling paint.

### Mobile Homes

- ~ Tie downs are required on mobile homes. If tie downs are not visible, an affidavit must be signed by the owner stating that tie downs have been installed.
- ~ Underpinning is required: installed securely, with no large openings.

~ Steps must be secure and stable. A concrete block, for example, cannot be used as steps.

~ Wood burning stoves are not allowed.

~ Ventless gas heaters are not allowed.

### Lead-Based Paint

Lead-based paint is an HQS issue only if the unit built before 1978 and one of the following is true:

~ There is a child under the age of 6 (72 months or younger) in the household, and there are visible signs of chipping, peeling, or defective paint, OR

~ There is a child under the age of 6 (72 months or younger) in the household with a diagnosed EBL (elevated level of lead in their blood), regardless of the presence of chipping or peeling paint in the unit.

~ If either of these conditions is true, then The City of Paducah, Section 8 Housing Agency must inform the owner that proper procedures must be followed for correcting the problem. (i.e. getting rid of the visible signs of peeling or chipping paint or removing the lead-based paint from chewable surfaces)

~ The City of Paducah, Section 8 Housing Agency cannot require the owner to have the unit tested. However, the removal of the defective paint must be done in accordance with EPA standards unless the owner can supply evidence (i.e. testing from a qualified inspector or laboratory) that the unit is safe. Once certification is obtained that the unit is lead safe, no further action is required following abatement. Interim controls require periodic assessments as established by The City of Paducah, Section 8 Housing Agency.

If the above criteria are met, and the owner is faced with correcting a paint problem, the owner has two choices:

~ The owner may have unit tested. If the owner has the unit tested and it is found to be free from lead based paint, then the owner does not have to engage in the abatement process. Once certification is obtained that the unit is lead free, no further action is required for this unit concerning lead-based paint. If the test confirms the presence of lead in the paint, then the EPA guidelines must be followed for the removal of paint from the defective surfaces.

~ If the owner does not want to have the unit tested, the owner must abate the paint assuming that there is lead present – following EPA Guidelines.

## **IMPORTANT THINGS TO REMEMBER**

~ This is a summary list only. A more detailed explanation of Housing Quality Standards is found in the HUD Handbooks for administering the Section 8 Programs. A copy of the inspection form used by staff is available upon request. A complete, written list of needed repairs will be given to the owner at each inspection. The list will include required repairs and suggested improvements.

~ When a landlord signs a lease and a Housing Assistance Payment Contract, he/she affirms that the unit meets HQS.

~ No lease or contract may be signed until a unit meets HQS.

~ It is the landlord's responsibility to maintain the unit so it always meets HQS. If a tenant causes a unit to become substandard, the landlord may require the tenant to make the repairs or make the repairs and bill the tenant. When a landlord endorses the Housing Assistance Payment each month, he/she is certifying the unit meets HQS.

~ If The City of Paducah, Section 8 Housing Agency, HUD, or their representatives determine that a unit is substandard; and the landlord refuses to make the necessary repairs within a designated period of time, the Housing Assistance Payment may be abated and/or the Housing Assistance Payment Contract terminated.

## **NON-DISCRIMINATION IN HOUSING**

In the selection of tenants, provision of services, or in any other manner, federal law states that an owner may not discriminate against person because of race, color, religion, sex, or national origin. Additionally, state and local statutes may prohibit discrimination on broader grounds (e.g., age, marital status). Program participants are instructed to report all cases of discrimination.

For more information about Section 8 Existing Housing Program, please contact The City of Paducah, Section 8 Housing Program @ 270-444-8542.