

Southeast Kansas Community Action Program, Inc.



SEK-CAP
Rental Assistance Programs

Guidance Manual
For Owners/Landlords

Landlords and SEK-CAP Housing
Services -
A Community Partnership

LANDLORD PACKET

RENTAL SUBSIDY PROGRAMS

What is the HUD Section 8 Housing Choice Voucher Rental Assistance Program?

The Section 8 Housing Choice Voucher (HCV) Rental Assistance Program is funded by the U.S. Department of Housing and Urban Development (HUD) to allow low-income families and individuals to lease safe, decent, and sanitary housing at an affordable cost to them. The family may choose any type of dwelling, as long as it meets Housing Quality Standards (HQS). The landlord retains private property rights, including management, tenant selection, and maintenance. HUD determines the rules and regulations for the Section 8 HCV Program.

Owners/Landlords receive two checks, one from Southeast Kansas Community Action Program (SEK-CAP) and the other from their tenant.

The Section 8 program uses two contracts. SEK-CAP signs a contract with the owner/landlord that sets out the obligations of SEK-CAP and the owner/landlord. The tenant is not a party to this agreement. Then, the owner/landlord and the Section 8 program participant sign a lease that sets out the obligations of the owner/landlord and tenant. SEK-CAP is not a party to this agreement.

Owners/Landlords participating in the Section 8 program are responsible for screening and selecting tenants and for enforcing the lease.

What is the Tenant Based Rental Assistance (TBRA) Program?

The Tenant Based Rental Assistance (TBRA) Program is funded by The Kansas Housing Resources Corporation (KHRC) and is administered under the HUD HOME rules and regulations. This program mirrors the HUD Section 8 Program in many respects. Currently, it is used solely to assist homeless (or at risk) families and individuals. KHRC allows SEK-CAP to make security and utility deposits on behalf of eligible tenants, dependent on funding availability.

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Owners/Landlords participating in the TBRA program are responsible for screening and selecting tenants and for enforcing the lease.

Public Housing Authority Representative

The Southeast Kansas Community Action Program (SEK-CAP) is the Public Housing Authority (PHA) representative responsible for administering the HUD Section 8 Rental Assistance Program in the Southeast Kansas counties of Allen, Bourbon, Cherokee, Crawford, Labette, Linn, Montgomery, Neosho, Wilson, and Woodson. SEK-CAP also administers the Tenant Based Rental Assistance (TBRA) Program in these same counties as well as Elk and Chautauqua counties. Note: Within the city limits of Pittsburg in Crawford County, the Public Housing Authority is the City of Pittsburg, not SEK-CAP. The City of Pittsburg is the PHA who administers the HUD Section 8 program within that area; SEK-CAP still administers the TBRA program within the city limits of Pittsburg.

How to become a Section 8/TBRA Landlord:

You do not have to do anything until a program participant wants to rent your unit. Owners/Landlords may advertise that they are participating in the Section 8 or TBRA programs by listing their properties online or in the newspaper and including the phrase “will accept Section 8 or TBRA.”

Owners/Landlords may also request SEK-CAP to add them to their Landlord List that is given out to qualified program participants by contacting the SEK-CAP Housing Department (620-724-8204).

When a family has been determined to be eligible for assistance, they will receive a Voucher (Form HUD-52646) or a Coupon. Then they begin their search for a suitable unit.

Step 1:

A family contacts owner/landlord to express interest in a listed property. The owner/landlord should ask to see the Voucher or Coupon and check the expiration date. If the date is current the applicant is eligible for assistance. The applicant can request a thirty (30) day extension if necessary; check with SEK-CAP to verify the extension. Applicants are allowed up to two thirty (30) day extensions.

Step 2:

It is the responsibility of the owner/landlord to screen the family for suitability as a tenant. SEK-CAP only verifies family income and composition.

After the owner/landlord approves the family, the family and landlord complete the Request for Tenancy Approval (Form HUD-52517) which the family should have. It must be completed in its entirety and signed. The Request for Tenancy Approval and a copy of a blank lease must be returned to SEK-CAP immediately. When SEK-CAP receives the Request for Tenancy Approval, the assumption will be made that the owner/landlord has screened and approved the applicant as a tenant. The Request for Tenancy Approval is not a contract; it is a request for SEK-CAP to review the property.

SEK-CAP staff will review the signed Request for Tenancy Approval and determine if the rent is affordable based on the family’s income and if it is reasonable when compared to units in the private market (Rent Reasonableness).

Step 3:

Once Step 2 has been completed and the unit is determined affordable and meets Rent Reasonableness requirements, owner/landlord and tenant will receive a letter notifying them of the inspection date and time. SEK-CAP must have access to the interior and exterior of the unit to conduct the inspection and it is recommended that the owner/landlord be present at the time of the inspection. If the applicant currently lives in the unit the tenant, owner/landlord, or another adult must be present. All utilities must be on for inspection.

If the unit does not meet HQS requirements, owner/landlord and applicant will receive a list of repairs and will be given thirty (30) days to make the repairs before re-inspection. If the owner/landlord chooses not to make repairs, the tenant will be unable to receive rental assistance at that unit.

If the unit passes inspection, SEK-CAP will enter into a Housing Assistance Payment (HAP) Contract with the owner/landlord and the family will enter into a lease with the owner/landlord. The family may move into the unit at any time that the owner/landlord and family have agreed to. However, the payments from SEK-CAP to the owner/landlord will not start until the contract and lease have been executed.

SEK-CAP will begin to process payments to the owner/landlord for the Section 8/TBRA portion of the rent. SEK-CAP will prorate the first month's contract rent payment according to the effective date of the HAP contract and make all other payments in a timely manner.

Responsibilities of the Public Housing Authority Representative

- The Public Housing Authority (PHA) representative (SEK-CAP) must comply with US. Department of Housing and Urban Development (HUD) and Kansas Housing Resources Corporation (KHRC) regulations and other requirements, and the HA administrative plan.
- Perform Housing Quality Standards (HQS) inspections prior to move-in, annually and upon reasonable request of a landlord or tenant.
- Respond to landlord concerns or complaints about unauthorized persons living in the unit, care of the property and/or any violations of the lease by the tenant.
- Pay SEK-CAP's share of the rent directly to the landlord no later than the tenth (10th) day of each month unless a delay is beyond the control of the SEK-CAP.
- Provide the landlord with up-to-date information and regulations pertaining to various program rules and regulations.

Responsibilities of the Landlord

- Owner and tenant may not be immediate family.
- The landlord is responsible for performing all of the owner's obligations under the Housing Assistance Payments (HAP) contract, the lease, and other applicable laws/regulations.
- Maintaining the unit in accordance with HQS, including performance of ordinary maintenance, painting, and extermination as well as maintenance of owner owned appliances.
- Performing all management and rental functions for the assisted unit, including selecting a program participant to lease the unit and deciding if the family is suitable for tenancy of the unit.
- Complying with Equal Housing Opportunity regulations and Fair Housing requirements.
- Preparing and furnishing to the HA information required under the HAP contract.
- Collecting from the family any security deposit, unless it is paid through the TBRA Program, tenant portion of rent and any charges for unit damage caused by the family.
- Enforcing tenant obligations under the lease.
- Paying for utilities and services (unless paid by the tenant under the lease agreement).
- Notifying SEK-CAP immediately upon their knowledge that a tenant has moved.
- Modifications to the unit occupied or to be occupied by a disabled family.
- Cooperating with inspectors, and having a representative present at the unit, so the inspection can be conducted as scheduled.
- Set reasonable rules about use of unit and common areas.
- Do not enter a unit without tenant's permission or proper notice. Exception: owner/landlord may enter a unit without tenant's permission in the case of an emergency or for tenant requested repairs.
- Owner/landlord must abide by Kansas Residential Landlord and Tenant Act (K.S.A 58-2540 to K.S.A 58-2573).

Responsibilities of the Family

- Owner/landlord and tenant may not be immediate family.
- Keeping the unit and yard clean.
- Complying with ALL obligations of the Housing Choice Voucher Program.
- Cooperating with Housing staff in completion of program paperwork.
- Complying with the terms of the lease agreement with the owner/landlord.
- Paying the tenant portion of rent to the owner/landlord each month on time.
- Taking care of the property: repair or reimburse the owner/landlord for any damaged items; report any needed maintenance items to the owner/landlord.
- Paying for those utilities not provided by the owner/landlord, and keeping utility services connected at all times.
- Keeping family owned appliances in good working order.
- Providing written notice to owner/landlord and Southeast Community Action Program (SEK-CAP) of a proposed move.
- Cooperating with inspections and having a representative present at the unit, so that the inspection can be conducted as scheduled.
- Reporting all household and income changes in writing to SEK-CAP within ten (10) days of such changes.

Advantages to the Public Housing Authority Representative

- An abundance of participating owners/landlords ensures a higher lease-up rate of HUD voucher and TBRA coupon holders and increased rental opportunities for participating families.
- Provides affordable, decent and safe housing for low-income families and individuals, which is an outcome of the SEK-CAP Strategic Plan.
- A working partnership between owners/landlords and SEK-CAP helps to ensure family unity and community involvement, another outcome of the SEK-CAP strategic Plan.

Advantages to the Owner/Landlord

- The owner/landlord will receive the PHA portion of the rent to owner/landlord before the tenth (10th) day of each month, unless beyond the control of the PHA.
- The PHA will not allow a family to move with continued assistance during the first year of the lease without a mutual rescission of the lease signed by both the family and the owner/landlord, unless violations of the HAP contract occur.
- The PHA may assist owners/landlords in addressing family breaches of the lease agreement in an attempt to prevent eviction and termination of assistance.
- SEK-CAP staff is available to the owner/landlord to address any questions or concerns they may have.
- Another benefit to owners/landlords, and one that will also be of financial help to tenants, is the SEK-CAP Housing Services Weatherization Program. Families with vouchers and coupons are income qualified for the Weatherization Program.
- Upon request, SEK-CAP will provide owners/landlords with current information and/or resources regarding various rental related issues, as available.
- The owner/landlord is not responsible for a breach of contract of the HQS that is not caused by the owner/landlord, and for which the family is responsible. However, SEK-CAP may terminate assistance to a family because of HQS breach caused by the family.

Common Questions and Answers

Can I collect a security deposit?

Yes. The PHA prohibits security deposits in excess of Federal/State Laws, or in excess of amounts charged by the owner/landlord to unassisted tenants.

Does SEK-CAP help with deposits?

If all of the following requirements are met, it is possible for the tenant to receive assistance with their deposits:

- Tenant has never received deposit assistance from SEK-CAP before.
- Tenant requests deposit assistance from SEK-CAP by using the deposit request form.
- The unit must pass inspection.
- Funds must be available.

Who gets the security deposit refund if it was paid by SEK-CAP?

If the security deposit was paid by SEK-CAP, it was given to the tenant as if it were a grant, and would be returned to the tenant.

How and when do I receive my monthly rent check?

Once the inspection has passed and all required move in paperwork has been completed, signed and returned to SEK-CAP, checks will be prepared and sent, starting with the date specified on the lease and contract. SEK-CAP will mail a check to the owner/landlord each month in a timely manner, as outlined in the Housing Assistance Payment Contract. The tenant is responsible to pay their portion of the rent, as determined by SEK-CAP, each month, in a timely manner. If you do not receive your check from SEK-CAP and/or the tenant in a timely manner, please contact our office immediately.

Can I receive my portion of the rent from SEK-CAP by direct deposit into my bank account?

Yes! Included in the leasing packet that is completed by the landlord and tenant is a direct deposit form, just complete it and return it to SEK-CAP with the rest of the paperwork.

Can I request a rent increase?

Yes! After the first year, and once per year after that, you may request an increase in the rent charged for the unit. The request must be sent to both the tenant and SEK-CAP within sixty (60) days of the planned increase. SEK-CAP will make sure the rent requested is reasonable and affordable for the tenant. If the request is reasonable and affordable SEK-CAP will send a notification of rent adjustment to both the landlord and tenant for signatures, if the request is determined to not be reasonable and/or affordable for the tenant SEK-CAP will contact the landlord and let them know what amount would be reasonable and/or affordable for the tenant.

What if I observe tenant damage, bad housekeeping, or other property violations?

Upon any reasonable request by the owner/landlord (or tenant) SEK-CAP will conduct an inspection.

What if there are violations of the lease by the tenant?

Notify SEK-CAP immediately. If tenant is found to be in violation of the lease, their assistance could be terminated.

What if I want to take my house off of the program at the end of the first year?

If the family is in compliance with the lease and program rules/regulations, SEK-CAP will allow the family to seek other housing as long as the family follows the steps to move. There must be a thirty (30) day notice to or from owner/landlord. The agreement with the former owner/landlord will end at that time. All requests to move or for termination of the lease, etc., are required in writing at least thirty (30) days prior to the action requested.

If the tenant does not follow the steps to move, the tenant cannot take their rental assistance with them.

What if my tenant decides to move before the lease agreement ends?

The tenant must complete the 30-day Notice to Move form and Mutual Rescission of the Lease form with the landlord. The landlord and the tenant must sign both of these forms in order for the tenant to move with their rental subsidy to another unit. SEK-CAP will issue the family a new coupon/voucher to look for another home upon receipt of both forms. If the tenant moves without following the proper steps to move with their rental subsidy, the tenant's assistance will be terminated.

What do I do if I have a question that is not addressed in this manual?

Call, write, e-mail, or fax the SEK-CAP Housing Department and the Housing Services Staff will answer your questions.

SEK-CAP, Inc.

P.O. Box 128

401 North Sinnet

Girard, KS 66743

Phone: 620-724-8204

Fax: 620-724-8741

Housing Manager Email: housingdirector@sek-cap.com

Website: <http://www.sek-cap.com>

CHECKLIST FOR HOUSING QUALITY STANDARDS

The unit you choose must be "safe, sanitary, and decent." Use this checklist to help determine if the unit will pass basic inspection guidelines. Check off problem items as you go through the unit on your first visit. Later, a housing agency representative will inspect the unit more thoroughly. All areas in the home and on the outside will be inspected including all storage buildings or garages located on the property.

Are foundation, roof, stairs, rails, gutters, porches, and other exterior surfaces sound and free from hazards or deterioration?

Are there signs of roof leaks?

Is there a handrail for four or more steps?

Are the chimney and other brickwork free of loose bricks and mortar?

Is the paint chipping, peeling, or cracking on either the inside of the unit or on the exterior?

Are the windows and frames in good condition?

Can all windows be locked and are they in good condition?

Are walls, ceilings, and floors in good condition?

Are there two working electrical outlets, or one outlet and one light fixture, in each room used for living?

Are all rooms well-lit and free from electrical hazards?

Is the plumbing free from leaks and working properly? Are the furnace and water heater in good working condition?

Does the hot water heater have a pressure relief valve and discharge 6 to 8 inches from the floor?

Does the furnace provide adequate heat for all rooms, including the bathroom?

Does the unit have adequate ventilation and cooling by means of openable windows or a working cooling system?

Does the unit have at least 2 exits?

Is there a smoke detector in appropriate areas in the home?

Are the house and yard free from trash and other debris?

Is the unit free from rats or severe infestation by mice or vermin?

Are appliances present and working properly?

Is there adequate space for storage and food preparation?

Is there a kitchen sink that works with hot and cold running water?

Are the tub, sink, shower and toilet in good condition and working properly (with hot and cold running water if applicable) in the bathroom?

Is there an operable, lockable window or an air vent in the bathroom?

Are there enough bedrooms for your family?

Is there a window in good condition in each bedroom?