



Berkeley Housing Authority

# Section 8 HAP'nings! August 2013



## In the face of Sequestration, is my HAP contract secure?

Yes! We are carefully monitoring the S8 program in terms of our monthly HAP expense, new leasing activity, and budget authority – and the good (not great) news is we have sufficient funding to continue supporting ALL of the existing contracts, AND to add a few more! On behalf of the 1,800 assisted households in the City of Berkeley – Thank You!



## Now THAT is a material violation of the lease!

The perception that families with S8 assistance don't have to honor the terms of the rental lease is flat out WRONG! In fact, families with S8 assistance have an even more important reason to honor the lease. Take for example an unassisted family that doesn't pay rent, damages the unit, or engages in criminal activity. The owner can ask the family to leave, or endure the often times lengthy and costly experience of an eviction. That same family with S8 assistance would face not only eviction, but perhaps more important – termination of the S8 Voucher, AND a report in HUDs nationwide database of households that terminated tenancy under adverse circumstances. Ask any family with a S8 voucher and they will tell you how long they waited to get the voucher.

Given an opportunity, most will quickly correct the behavior or vacate the unit – in exchange for an agreement with BHA that allows them to continue receiving assistance. NOTE: in some instances, depending on the alleged violation, BHA won't allow any second chance and will automatically pursue termination of assistance. Even in that instance, BHA may be able to continue making payments to the landlord during the eviction process.



## What about a 30-day notice?

Tenant Initiated Moves. The assisted household is required to terminate the tenancy in compliance with the lease. That generally means serving the landlord a 30-day notice, or obtaining a mutual release. What *often* happens is the owner and tenant agree to extend the notice period a few days – to allow the family to complete a move. As long as both parties agree, BHA will modify the end date for the rental subsidy. *Occasionally* a tenant will simply have a change of heart and want to stay. In that case, the owner can agree to the extension, or take legal action to terminate the tenancy – in compliance with the lease.



BHA Initiated Termination. BHA must terminate the HAP contract, and will provide the landlord 30-day notice (a) when assistance to the family has been terminated (i.e. fraud or lease violations), and (b) when the unit has been in abatement status (withheld HAP due to two inspections resulting in a Fail) for more than 90 days. By federal regulation, there are two situations for which BHA cannot give 30-day notice, and must terminate the HAP at the end of the month—when a (a one person household) assisted household member passes away, or ceases to reside in the unit.

## A Life Saving Effort

Our hearts are touched each time we hear of, or read about a child (or adult for that matter) that perishes in a house fire. One of the 1<sup>st</sup> questions raised is “did the unit have a functioning smoke detector?” While preserving a smoke detector (and carbon monoxide detector) should be of paramount importance to the tenant, we encourage owners to take an active role in checking these devices at least twice a year (more often if possible). The cost of the investment is minimal, especially in comparison to the financial and emotional cost of a life ending tragedy.



## Mark me complete!

We have a common goal of having every assisted unit pass at the first inspection of an inspection cycle, so a second inspection is not necessary.



In response to comments from a participating landlord we modified our policy and practices in June to allow an owner to self-certify that repairs have been completed.

Several of you heard us – and have begun using that system to report that non-life threatening repairs have been made.

If you receive a Fail notice, seriously consider making the repairs and “self-certifying” compliance. The most typical way of documenting compliance is via receipt(s) from vendors/contractors. In a recent case a unit failed because of an inoperable burner on the stove. The owner had the repair done by a licensed contractor and submitted the work order receipt via email. The unit was cleared with no additional effort or interruption of the family, owner or BHA staff! If you have any questions about the self-certification process contact Omar Flores at (510) 981-5490 or [oflores@ci.berkeley.ca.us](mailto:oflores@ci.berkeley.ca.us) or Rachel Gonzales-Levine at (510) 981-5485 or [rgonzales-levine@ci.berkeley.ca.us](mailto:rgonzales-levine@ci.berkeley.ca.us).

## Who is at home?

We need your help in making sure that the approved household members, and *only* the approved

household members are occupying the unit. We make every effort to communicate with owners the names of every person authorized to live in the unit. We distinguish between *assisted* household members, and



non-assisted household members: a live-in aide who is allowed to live in the unit to care for a disabled person. This information is noted on the HAP Contract (Section 4. Household) and on notices of household composition change.

If you suspect that one or more of the assisted individuals is not present (living) in the unit please alert us immediately. It could be that the person is absent temporarily (e.g. hospitalized or incarcerated); we can document our records, and in many cases, continue the rental subsidy payments. But it also could signal that the unit has been vacated; in which case we will terminate the rental subsidy payments,

and avoid a situation where the owner is required to return rental subsidies.

We also need you to contact us if someone is living in the unit – that is not a part of the approved household. This could be a spouse/partner, other family member, friend, etc. Early notice allows us to follow up with the family to confirm if it is appropriate to add the person (following our criminal background check for anyone 18 or older) or require that the person vacate the unit. It also facilitates our efforts to ensure that families don’t commit fraud – by allowing persons to reside in the unit that are not a part of the approved household. And, in the event there are problems at the property, you have correct information as to who is occupying your unit.

## The check is in the bank!

With modern technology, the check doesn’t have to be in the mail, it can be in the bank – and available for use the same day payment is issued. If you haven’t already done so, seriously consider signing up for direct deposit. Currently, approximately 21% of participating landlords are using the system with excellent results. For more information contact Jayla at (510) 981-5474 or [bfuentecilla@ci.berkeley.ca.us](mailto:bfuentecilla@ci.berkeley.ca.us).