

PROPERTY OWNER INFORMATION
FOR
SECTION 8 HOUSING
CHOICE VOUCHER PROGRAM



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MISSION STATEMENT

The mission of the Omaha Housing Authority is to provide safe and sanitary housing to low and moderate income people; and to provide its residents with the resources they need to become economically independent.

The Omaha Housing Authority is a public, quasi-governmental agency established under federal legislation and state law in 1935. We were Nebraska's first housing authority and one of the first in the nation.

Thank you for your interest in the Section 8 Program. This guidebook has been prepared to acquaint owners and managers like yourself with the opportunities available under the program and to answer any questions regarding participating in the Housing Assistance Payments Program. After review of this information, should you have any additional questions, please call our office to schedule an appointment for orientation.

GOALS

The Section 8 Program is designed to achieve three major objectives:

- A. To provide decent, safe and sanitary housing for very low income families while maintaining their rent payments at an affordable level.
- B. To promote freedom of housing choice and spatial concentration of very low income families of all races and ethnic backgrounds.
- C. To provide an incentive to private property owners to rent to very low income families by offering timely assistance payments.

In addition, the Omaha Housing Authority (OHA) has the following goals for the program:

1. To assist the local economy by increasing the occupancy rate and the amount of money flowing to the community.
2. To encourage self-sufficiency of participant families.

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Chapter 1

STATEMENT OF POLICIES AND OBJECTIVES

INTRODUCTION

The Section 8 Program was enacted as part of the Housing and Community Development Act of 1974, which recodified the U.S. Housing Act of 1937. The Act has been amended from time to time and its requirements, as they apply to the Section 8 Voucher Programs, is described in and implemented through this Administrative Plan. The Section 8 tenant-based assistance programs are federally funded and administered for the City of Omaha by the Omaha Housing Authority through its Section 8 housing office.

Administration of the Section 8 Program and the functions and responsibilities of the Housing Authority (PHA) staff shall be in compliance with the PHA's Personnel Policy and The Department of Housing and Urban Development's (HUD) Section 8 Regulations as well as all Federal, State and local Fair Housing Laws and Regulations.

Jurisdiction

The jurisdiction of the OHA is the city of **Omaha, Ralston, La Vista, Millard/the County of Douglas.**

A. FAIR HOUSING POLICY [24 CFR 982.54(d)(6)]

It is the policy of the Housing Authority to comply fully with all Federal, State and local nondiscrimination laws and with the rules and regulations governing Fair Housing and Equal Opportunity in housing and employment.

The PHA shall not deny any family or individual the opportunity to apply for or receive assistance under the Section 8 Programs on the basis of race, color, sex, religion, creed, national or ethnic origin, age, family or marital status, handicap or disability, or sexual orientation.

To further its commitment of full compliance with applicable Civil Rights laws, the PHA will provide Federal/State/local information to Voucher holders regarding unlawful discrimination and any recourse available to families who believe they are victims of a discriminatory act. Such information will be made available during the family briefing session, and all applicable Fair Housing Information and Discrimination Complaint Forms will be made a part of the voucher holder's briefing packet and available upon request at the front desk.

All Housing Authority staff will be required to attend fair housing training and informed of the importance of affirmatively furthering fair housing and providing equal opportunity to all families, including providing reasonable accommodations to persons with disabilities, as part of the overall commitment to quality customer service. Fair Housing posters are posted throughout the Housing Authority offices,

including in the lobby and interview rooms and the equal opportunity logo will be used on all outreach materials. Staff will attend local fair housing update training sponsored by HUD and other local organizations to keep current with new developments.

Except as otherwise provided in 24 CFR 8.21(c)(1), 8.24(a), 8.25 and 8.31, no individual with disabilities shall be denied the benefit of, be excluded from participation in, or otherwise be subjected to discrimination because the PHA's facilities are inaccessible to or unusable by persons with disabilities. Posters and housing information are displayed in locations throughout the PHA's office in such a manner as to be easily readable from a wheelchair.

The OHA office(s) are accessible to persons with disabilities. Accessibility for the hearing impaired is provided by the AT&T Operator Service for TTY at 1-800-855-1155 or Nebraska Relay System TTY is 1-800-833-7352 or Voice is 1-800-833-0920.

B. REASONABLE ACCOMMODATIONS POLICY [24 CFR 100.202]

It is the policy of this PHA to be service directed in the administration of our housing programs, and to exercise and demonstrate a high level of professionalism while providing housing services to families.

A participant with a disability must first ask for a specific change to a policy or practice as an accommodation of their disability before the PHA will treat a person differently than anyone else. The PHA's policies and practices will be designed to provide assurances that persons with disabilities will be given reasonable accommodations, upon request, so that they may fully access and utilize the housing program and related services. The availability of requesting an accommodation will be made known by including notices on PHA forms and letters. This policy is intended to afford persons with disabilities an equal opportunity to obtain the same result, the gain the same benefit, or to reach the same level of achievement as those who do not have disabilities and is applicable to all situations described in this Administration Plan including when a family initiates contact with the PHA, when the PHA initiates contact with a family including when a family applies, and when the PHA schedules or reschedules appointments of any kind.

To be eligible to request a reasonable accommodation, the requester must first certify (if apparent) or verify (if not apparent) that they are a person with a disability under the following ADA definition:

- A physical or mental impairment that substantially limits one or more of the major life activities of an individual;
- A record of such impairment; or
- Being regarded as having such an impairment.

Note: this is not the same as the HUD definition used for purposes of determining allowances.

Rehabilitated former drug users and alcoholics are covered under the ADA. However, a current drug user is not covered. In accordance with 5.403, individuals are not considered disability for eligibility purposes solely on the basis of any drug or alcohol dependence. Individuals whose drug and alcohol additions is a material

factor to the disability and are excluded from the definition. Individuals are considered disabled if disabling mental and physical limitations would persist if drug or alcohol abuse discontinued.

Once the person's status as a qualified person with a disability is confirmed, the PHA will require that a professional third party competent to make the assessment provides written verification that the person needs the specific accommodation due to their disability and the change is required for them to have equal access to the housing program.

If the PHA finds that the requested accommodation creates an undue administrative or financial burden, the PHA will either deny the request and/or present an alternative accommodation that will still meet the need of the person.

An undue administrative burden is one that requires a fundamental alteration of the essential functions of the PHA (i.e., waiving a family obligation).

The PHA will provide a written decision to the person requesting the accommodation within a reasonable time. If a person is denied the accommodation or feels that the alternative suggestions are inadequate, they may request an informal hearing to review the PHA's decision.

Reasonable accommodation will be made for persons with a disability that requires an advocate or accessible offices. A designee will be allowed to provide some information, but only with the permission of the person with the disability.

All PHA mailings will be made available in an accessible format upon request, as a reasonable accommodation.

Verification of Disability

The PHA will verify disabilities under definitions in the Fair Housing Amendments Act of 1988, Section 504 of the 1973 Rehabilitation Act, and Americans with Disabilities Act.

Applying for Admission

To provide specific accommodation to persons with disabilities, upon request, the information may be mailed to the applicant and, if requested, it will be mailed in an accessible format.

The full application will be completed and signed by the applicant. Verification of disability as it relates to 504, Fair Housing or ADA reasonable accommodation will be

requested at this time. The full application will also include questions asking applicants whether reasonable accommodations are necessary.

C. FAMILY OUTREACH

The PHA will publicize and disseminate information to make known the availability of housing assistance and related services for very low-income families on a regular basis. When the PHA's waiting list is open, the PHA will publicize the availability and nature of housing assistance for very low-income families in a newspaper of general circulation, minority media, and by other suitable means. Notices will also be provided in Spanish.

To reach persons who cannot read the newspaper, the PHA will distribute fact sheets to the broadcasting media and initiate personal contacts with members of the news media and community service personnel. The PHA will also utilize public service announcements.

D. OWNER OUTREACH [24 CFT 982.54(d)(5)]

The PHA encourages owners of decent, safe and sanitary housing units to lease to Section 8 families. A free service to list and find rental housing and services in Nebraska is now available at www.Housing.NE.gov. You can list and manage properties with a toll free phone call or via the web site. You can register by phone at 1-877-428-8844.

The Housing Authority will print lists by bedroom size weekly within the Housing Authority's jurisdiction to ensure greater mobility and housing choice to very low-income households. The lists will be provided at the front desk/mailed on request and provided at the briefings.

The staff of the PHA initiates personal contact with private property owners and managers by conducting formal and informal discussions and meetings.

Printed material is offered to acquaint owners and managers with the opportunities available under the program.

The PHA has active participation in a community-based organization(s) comprised of private property and apartment owners and managers.

The PHA encourages program participation by owners of units located outside areas of poverty or minority concentration. The PHA periodically evaluates the demographic distribution of assisted families to identify areas within the jurisdiction where owner outreach should be targeted. The purpose of these activities is to provide more choices and better housing opportunities to families. Voucher holders are informed of the full range of areas where they may lease units inside the PHA's jurisdiction and given a list of landlords or other parties who are willing to lease or help families who desire to live outside areas of poverty or minority concentration.

The PHA conducts semi-annual meetings with participating owners to improve owner relations and to recruit new owners.

Chapter 2
HOUSING QUALITY STANDARDS AND INSPECTIONS
[24 CFR 982.401]

INTRODUCTION

Housing Quality Standards (HQS) are the HUD minimum quality standards for tenant-based programs. HQS standards are required both at initial occupancy and during the term of the lease. HQS standards apply to the building and premises, as well as the unit. Newly leased units must pass the HQS inspection before the beginning date of the assisted lease and HAP contract.

The PHA will inspect each unit under contract at least annually. The PHA will also have an inspection supervisor perform quality control inspections on the HUD required sample size. This Chapter describes the PHA's procedures for performing HQS and other types of inspections, and the PHA standards for the timeliness of repairs. It also explains the responsibilities of the owner and family, and the consequences of non-compliance with HQS requirements for both families and owners. The use of the term "HQS" in this Administrative Plan refers to the combination of both HUD and PHA requirements. (See additions to HQS.)

A. GUIDELINES/TYPES OF INSPECTIONS [24 CFR 982.401(a), 982.405]

All units must meet the minimum standards set forth in CFR 982.401, and in the City of Omaha's Building/Housing Code. In cases of inconsistency between the City Code and the HQS, the stricter of the two shall prevail.

Inspections will be scheduled 12 months of the fiscal year. They will be conducted with an automated hand held computer, which will provide descriptive deficiencies with the landlord notifications of HQS inspection results.

Efforts will be made at all times to encourage owners to provide housing about HQS minimum standards.

All utilities must be in service prior to the effective date of the HAP contract.

If the tenant is responsible for supplying the stove and/or the refrigerator, the PHA will allow the stove and refrigerator to be placed in the unit after the inspection, if after the unit has passed all other HQS, the owner and family certify that the appliances are in the unit and working according to the Housing Quality Standards. The PHA will conduct a reinspection. The lease and contract will be executed and payment made to the owner before the unit passes HQS in the case of tenant supplied stove/refrigerator.

There are four types of inspections the PHA will perform:

1. Initial/Transfer: Conducted upon receipt of Request for Lease Approval.
2. Annual: Must be conducted within twelve months of the contract anniversary date.

3. Special/Complaint: At the request of the owner, family or an agency or third party.
4. Quality control.

B. INITIAL HQS INSPECTION [24 CFR 982.401 (a), 982.305(b)(2)]

Timely Initial HQS Inspection

The PHA will inspect the unit, determine whether the unit satisfies the HQS and notify the family and owner of the determination within 15 days unless the **QUALITY CONTROL SPECIALIST/MANAGER** determines that it is unable to do so in the stated time frame, in which case the file will be appropriately documented.

The PHA will make every reasonable effort to conduct initial HQS inspections for the family and owner in a manner that is time efficient and indicative of good customer service.

The Initial Inspection will be conducted to:

Determine if the unit and property meet the HQS defined in this Plan.

Document the current condition of the unit as to assist in the future evaluations whether the condition of the unit exceeds normal wear and tear.

Document the information to be used for determination of rent-reasonableness.

If the unit fails the initial Housing Quality Standards inspection, the (family and) owner will be advised to notify the PHA once repairs are completed.

On an initial inspection, the owner will be given up to (14 days) to correct the items noted as Fail, at the inspector's discretion, depending on the amount and complexity of work to be done.

The owner will be allowed up to (1) reinspections for repair work to be completed.

If the time period given by the inspector to correct the repairs has elapsed, or the maximum number of failed reinspections has occurred, the family must select another unit.

C. ANNUAL HQS INSPECTIONS [24 CFR 982.405(a)]

The PHA conducts an inspection with Housing Quality Standards at least annually, 180 days prior to the anniversary month of the contract. Special inspections may be scheduled between anniversary dates.

The landlord must correct HQS deficiencies, which cause a unit to fail unless it is a fail for which the tenant is responsible.

The family must allow the PHA to inspect the unit at reasonable times with reasonable notice. [24 CFR 982.551 (d)]

Inspections will be conducted on business days only.

Reasonable hours to conduct an inspection are between 8:00 am and 6 pm.

The PHA will notify the family in writing at least 7 days prior to the inspection.

Inspection: The family and owner are notified of the date and time of the inspection appointment by mail. If the family or owner is unable to be present, they must reschedule the appointment so that the inspection is completed within 30 days.

If the family does not contact the PHA to reschedule the inspection or if the family misses 2 inspection appointments, the PHA will consider the family to have violated a Family Obligation and their assistance will be terminated in accordance with the termination procedures in the Plan.

Re-inspection: The family and owner are mailed a notice of the inspection appointment by mail. The appointment letter contains a warning of abatement (in the case of owner responsibility).

The family is also notified that it is a Family Obligation to allow the PHA to inspect the unit. If the family was responsible for a breach of HQS identified in Chapter 15, "Denial or Termination of Assistance," they will be advised of their responsibility to correct.

Time Standards for Repairs

1. Emergency items, which endanger the family's health or safety, must be corrected by the owner within 24 hours of notification.
2. For non-emergency items, repairs must be made within 30 days.
3. For major repairs, the Management may approve an extension beyond 30 days.
4. If it is determined that, due to application of the Code of the City of Omaha, a Section 8 unit fails inspection due to the unit size needed for the family, the HAP contract will not be automatically terminated, but will not be renewed beyond the initial term. At the end of the term, the family will be issued a move packet allowing them to obtain a dwelling of appropriate size.

Rent Increases

The PHA will conduct an inspection using the Housing Quality Standards at least annually, prior to the anniversary month of the contract. Rent increase requests in the voucher program will not be approved if the unit is in a failed condition.

D. SPECIAL/COMPLAINT INSPECTIONS [24 CFR 982.40(c)]

If at any time the family or owner notified the PHA that the unit does not meet Housing Quality Standards, the PHA will conduct an inspection.

The PHA may also conduct a special inspection based on information from third parties such as neighbors or public officials.

The PHA will inspect only the items, which were reported, but if the inspector notices additional deficiencies that would cause the unit to fail HQS, the responsible party will be required to make the necessary repairs.

E. QUALITY CONTROL INSPECTIONS [24 CFR 982.405(b)]

Quality Control inspections will be performed by the inspection supervisor or management on the HUD required sample size. The purpose of Quality Control inspections is to ascertain that each inspector is conducting accurate and complete inspections, and to ensure that there is consistency among inspectors in application of the HQS.

The inspection process will include each type of inspection (initial, annual, complaint) and units undergoing both initial and re-inspections. Additionally, these samplings will include units that fail as well as pass.

Local Codes [24 CFR 982.401 (a)(4)]

Refer to Chapter 48 of the Minimum Dwelling Standards for the City of Omaha

F. ACCEPTABILITY CRITERIA AND EXCEPTIONS TO HQS [24 CFR 982.401 (a)]

The PHA adheres to the acceptability criteria in the program regulations and HUD Inspection Booklet and local codes.

G. EMERGENCY REPAIR ITEMS [24 CFR 982.404(a)]

The following items are considered an emergency nature and must be corrected by the owner or tenant (whoever is responsible) within 24 hours of notice by the inspector.

Lack of security for the unit (i.e. entrance door to unit).

Waterlogged ceiling in imminent danger of falling.

Major plumbing leaks or flooding.

Natural gas leaks or fumes.

Electrical problem, which could result in shock or fire.

No heat when outside temperature is below 32 degrees Fahrenheit and temperature inside unit is below 50 degrees Fahrenheit.

Utilities not in service.

No running hot water.

Broken glass where someone could be injured.

Obstacle which prevents tenant's entrance or exit.

Lack of functioning toilet.

Smoke alarms missing or inoperable.

Carbon Monoxide Alarms on bedroom levels

GFIs within 5-6 feet of sinks or tubs

In those cases where there is leaking gas or potential of fire or other threat to public safety, and the responsible party cannot be notified or it is impossible to make the repair, the PHA will notify proper authorities.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and the owner is responsible, the housing assistance payment will be abated and the HAP contract will be terminated.

If the emergency repair item(s) are not corrected in the time period required by the PHA, and it is an HQS breach, which is a family obligation, the PHA will terminate the assistance to the family.

H. **CONSEQUENCES IF OWNER IS RESPONSIBLE (NON-EMERGENCY ITEMS)**

[24 CFR 982.405, 982.453]

When it has been determined that a unit on the program fails to meet Housing Quality Standards, and the owner is responsible for completing the necessary repair(s) in the time period specified by the PHA, the assistance payment to the owner will be abated.

Abatement

A Notice of Abatement will be sent to the owner immediately, giving the owner 30 days from the day after the inspection to repair the item(s). If not repaired by the date, abatement will begin.

The PHA will inspect abated units within 7 days of the owner's notification that the work has been completed.

If the owner makes repairs during the abatement period, payment will resume on the day the unit passes inspection.

No retroactive payments will be made to the owner for the period of time the rent was abated and the unit did not comply with the HQS. The notice of abatement states that the tenant is not responsible for the PHA's portion of rent that is abated.

Reduction of Payments/Extensions for Owners

The PHA will grant an extension in lieu of abatement in the following cases:

There is an unavoidable delay in completing repairs due to difficulties in obtaining parts or contracting for services.

The repairs must be delayed due to climate conditions.

The extension will be made for a period of time. All extensions must be approved by a supervisor. At the PHA's discretion, if the work is not completed, the PHA will begin the abatement.

Termination of Contract

If the owner is responsible for repairs, and fails to correct all the deficiencies cited prior to the end of the abatement period, the owner will be sent a HAP Contract Proposed Termination Notice. Prior to the effective date of the termination, the abatement will remain in effect.

If repairs are completed before the effective termination date, the PHA may rescind the termination if the tenant chooses to remain in the unit. Only one Housing Quality Standards inspection will be conducted after the termination notice is issued.

I. DETERMINATION OF RESPONSIBILITY [24 CFR 982.404, 982.54(d)(14)]

Certain HQS deficiencies are considered the responsibility of the family:

- ✓ Tenant-paid utilities not in service.
- ✓ Failure to provide or maintain family-supplied appliances.
- ✓ Damage to the unit or premises caused by a household member or guest wear and tear.

“Normal wear and tear” is defined as items, which could not be charged against the tenant's security deposit under state law or court practice.

The owner is responsible for all other HQS violations.

The owner is responsible for vermin infestation even if caused by the family's living habits. However, if such infestation is serious and repeated, it may be considered a lease violation and the owner may evict for serious or repeated violation of the lease. The PHA may terminate the family's assistance on that basis.

The inspector will make a determination of owner or family responsibility during inspection.

If the family is responsible but the owner carries out the repairs, the owner will be encouraged to bill the family for the cost of the repairs and the family's file will be noted.

J. CONSEQUENCES IF FAMILY IS RESPONSIBLE [24 CFR 982.404(b)]

If non-emergency violations of HQS are determined to be the responsibility of the family, the PHA will require the family make any repair(s) or corrections within 30 days. If the repair(s) or correction(s) are not made in this time period, the PHA will terminate assistance to the family. Management Staff must approve extensions in these cases. The owner's rent will not be abated for items, which are the family's responsibility.

If the tenant is responsible and corrections are not made, the HAP contract will terminate when assistance is terminated.

Chapter 3

OWNER RENTS, RENT REASONABLENESS AND PAYMENT STANDARDS

[24 CFR 982.502, 982.504, 982.505, 982.507]

INTRODUCTION

The policies in this chapter reflect the amendments to the HUD regulations, which were implemented by the Quality Housing and Work Responsibility Act of 1998 for the Section 8 Tenant-Based Assistance Program. These amendments became effective on October 1, 1999, which is referred to as the “merger date”. These amendments complete the merging of the Section 8 Certificate and Voucher Programs into one program, called the Housing Choice Voucher Program.

All Section 8 participant families have been transitioned to the Housing Choice Voucher Program on or before October 1, 2001. Rent calculation methods for the Housing Choice Voucher Program are described at 24 CFR 982.505. The rent calculation formula is specific and is not subject to interpretation.

The PHA will determine rent reasonableness in accordance with 24 CFR 982.507(a). It is the PHA's responsibility to ensure that the rents charged by owners are reasonable based upon unassisted comparables in the rental market, using the criteria specified in 24 CFR 982.507(a).

This chapter explains the PHA's procedures for determination of rent-reasonableness, payments to owners, adjustments to the payment standards, and rent adjustments.

A. RENT TO OWNER IN THE HOUSING CHOICE VOUCHER PROGRAM

The rent to owner is limited only by rent reasonableness. The PHA must demonstrate that the rent to owner is reasonable in comparison to rent for other comparable unassisted units.

The only other limitation on rent to owner is the maximum rent standard at initial occupancy (24 CFR 982.508). At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, whether it is a new admission or a move to a different unit, if the gross rent for the unit exceeds the applicable payment standard for the family, the family share may not exceed 40 percent of the family's monthly adjusted income.

During the initial term of the lease, the owner may not raise the rent to the tenant.

B. MAKING PAYMENTS TO OWNERS [24 CFR 982.451]

Once the HAP contract is executed, the PHA begins processing payments to the landlord. A HAP Register will be used as a basis for monitoring the accuracy and timeliness of payments. Changes are made automatically to the HAP Register for the following month. Checks are disbursed by the accounting department to the owner each month. A direct deposit goes into the owner's account on file by the second work day of the month. Direct deposit stubs are mailed to the owner.

EXCESS PAYMENTS

The total of rent paid by the tenant plus the PHA housing assistance payment to the owner may not be more than the rent to the owner. The owner must immediately return any excess payment to the PHA.

Owners who do not return excess payments will be subject to penalties as outlined in the "Program Integrity", chapter 14 of the Administrative Plan. The Fraud Specialist establishes policies and procedures to deter and detect fraud and abuse by tenants, landlords and employees.

Late Payments to Owners

It is the local business practice in the City of Omaha for property managers and owners to charge tenants a reasonable late fee for rents not received by the owner or property manager by the due date, notwithstanding any grace period which is typically 5 days past the first of the month.

Therefore, in keeping with generally accepted practices in the local housing market, the PHA must make housing payments to the owner promptly and in accordance with the HAP contract.

C. RENT REASONABLENESS DETERMINATIONS [24 CFR 982.503]

The Omaha Housing Authority is currently utilizing a database acquired from Section 8 landlords/owners and real estate agency survey. A query is run from the data in the access program to achieve three or more rent comparables to be utilized by Section 8 housing specialist.

The PHA will not approve a lease until the PHA determines that the initial rent to owner is a reasonable rent. The PHA must re-determine the reasonable rent before any increase in the rent to owner, and if there is a five percent decrease in the published FMR in effect 60 days before the contract anniversary (for the unit size rented by the family) as compared with the FMR in effect one year before the contract anniversary.

The PHA also will re-determine rent reasonableness when an owner requests an increase in the rent to owner for a voucher.

The PHA must re-determine rent reasonableness if directed by HUD and based on a need identified by the PHA's auditing system, the PHA may elect to re-determine rent reasonableness at any other time. At all times during the assisted tenancy, the rent to owner may not exceed the reasonable rent as most recently determined or re-determined by the PHA.

For the Voucher Programs, the PHA will determine and document on a case-by-case basis that the approved rent is reasonable in comparison to rent for other comparable unassisted units in the market.

The owner will be advised that by accepting each monthly housing assistance payment she/he will be certifying that the rent to owner is not more than rent charged by the owner for comparable unassisted units in the premises.

If requested, the owner must give the PHA information on rents charged by the owner for other units in the premises or elsewhere. The PHA will only request information on the owner's units elsewhere if the PHA has cause to demonstrate that the owner has a tendency to charge higher rents to program participants or if needed for rent reasonableness comparables.

The data for other unassisted units will be gathered from newspapers, realtors, professional associations, inquiries of owners, market surveys and other available sources.

The market areas for rent reasonableness are census tracts within the PHA's jurisdiction. Subject units within a defined housing market area will be compared to similar units within the same area.

The following items will be used for rent reasonableness documentation:

- ✓ Size (number of bedrooms/square footage)
- ✓ Location
- ✓ Quality
- ✓ Amenities (bathrooms, dishwasher, air conditioning, etc.)
- ✓ Housing services
- ✓ Age of unit
- ✓ Unit type
- ✓ Utilities
- ✓ Maintenance

The PHA maintains a computer, which includes data on unassisted units for use by staff in making rent reasonableness determinations. The data is updated on an ongoing basis and purged when it is more than 18 months old.

At least 3 comparable units will be used for each rent determination, one of which must be from the first category above if possible. All comparables must be based on the rent that the unit would command if leased in the current market. Leased in the current market means that the unit has been leased within the last 365 days.

When there is a discrepancy in bedroom size, comparing the Request for Tenancy Approval to the county assessor's database, management may choose to inspect the property to assess unit size and determine rent reasonableness.

D. PAYMENT STANDARDS FOR THE VOUCHER PROGRAM [24 CFR 982.505(b)(1)]

The Payment Standard is used to calculate the housing assistance payment for a family. The Payment Standard is set by the PHA between 90 percent and 110 percent of the FMR/exception rent. The PHA reviews the appropriateness of the Payment Standard annually when the FMR is published. In determining whether a change is needed, the PHA will ensure that the Payment Standard is within the range of 90 percent to 110 percent of the new FMR.

E. ADJUSTMENTS TO PAYMENT STANDARDS [24 CFR 982.505(b)(c)]

Payment Standards may be adjusted to increase Housing Assistance Payments in order to keep families rents affordable. The PHA will not raise the Payment Standards so high that the number of families that can be assisted under available funding is substantially reduced. Nor will the PHA raise Standards if the need is solely to make "high end" units available to voucher holders.

The PHA will review the Payment Standard annually to determine whether an adjustment should be made for some or all unit sizes. The Payment Standard will be reviewed according to HUD's requirements and this policy and if an increase is warranted, the payment standard will be adjusted within 90% to 110% of the current Fair Market Rent.

In a volatile market, it will be at the PHA's discretion whether to make the change immediately or wait until the time of the annual review of the PHA's Payment Standard.

The PHA may use some or all of the measures below in making its determination whether an adjustment should be made to the Payment Standards.

Assisted Families Rent Burdens

The PHA will review reports showing the percent of income used for rent by voucher families to determine the extent to which the rent burden is more than 45% of income.

The PHA will separate cases where the rent to owner is comparable to the average contract rent in the certificate program from those where rent to owner exceeds that average.

Availability of Suitable Vacant Units Below the Payment Standard

The PHA will review its rent reasonableness database and vacancy rate data to determine whether there is an ample supply of vacant units below the Payment Standard in areas without minority concentration and/or poverty-impacted areas.

Quality of Units Selected

The PHA will review the quality of units selected by participant families before determining any change to the Payment Standard to ensure that Payment Standard increases are only made when needed to reach the mid-range of the market.

PHA Decision Point

The PHA may review the quality and size of units where the rents to owner are above the Payment Standard by more than **25%**. If more than **50%** of families have selected above-average units or have selected larger units than the voucher size, the PHA may elect not to increase the Payment Standard nor continue the analysis.

If the analysis continues, the PHA will divide those rents between contracts within the first year and after the first year. If the rents to owner are more than **25%** above the average, in any bedroom size, the PHA may continue the analysis. If not, the PHA may elect not to increase the Payment Standard for certain bedroom sizes.

Rent to Owner Increases

The PHA may review a sample of the units to determine how often owners are increasing rents after the first year of the lease and the average percent of increase by bedroom size. The sample will be divided into units with and without the highest cost utility included.

A comparison will then be made to the applicable annual adjustment factor to determine whether owner increases are excessive in relation to the published annual adjustment factor.

Rent Reasonableness Data Base/Average Contract Rents

The PHA will compare the Payment Standards to average rents in its rent reasonableness database and to the average contract rents by unit size. The Payment Standards should be **on a par** (equivalent) **with** these amounts.

Lowering the Payment Standard

Lowering of the FMR may require an adjustment of the Payment Standard. Additionally, statistical analysis may reveal that the Payment Standard should be lowered. In any case, the Payment Standard will not be set below 90 percent of the FMR without authorization from HUD.

Financial Feasibility

Before increasing the Payment Standard, the PHA may review the budget and the project reserve to determine the impact projected subsidy increases would have on funding available for the program and number of families served.

For this purpose, the PHA will compare the number of families who could be served under a higher Payment Standard with the number assisted under current Payments.

File Documentation

A file will be retained by the PHA for at least three years to document the analysis and findings to justify whether or not the Payment Standard was changed.

F. EXCEPTION PAYMENT STANDARDS

If the dwelling unit is located in an exception area, the PHA must use the appropriate payment standard amount established by the PHA for the exception area in accordance with regulation at 24 CFR 982.503(c).

HUD has authorized the PHA to establish a payment standard [between 110% and 120%] for [all unit sizes] in [designated area/PHA jurisdiction]. This is referred to by HUD as the upper range.

Chapter 4

GENERAL INFORMATION

A. **PROGRAM DESCRIPTION**

The Section 8 Housing Assistance Payments Program is a United States Department of Housing and Urban Development (HUD) program administered by the Housing Authority of the City of Omaha (OHA). This rental assistance program makes it possible for certified eligible households to obtain adequate rental housing while paying at least 30% of their income for rent.

Once approved and issued assistance, participants enter into a lease agreement with the property owner of the selected unit.

OHA inspects the unit to ensure it meets all Housing Quality Standards. The unit should already meet City Codes prior to the OHA inspection, and should be in a rental ready condition to withstand a minimum requirement of one (1) year's occupancy.

Once the OHA inspection passes, the OHA enters into a contractual agreement with the property owner to assist in paying the leased participant's rent, as long as the participant is eligible and the unit meets standards.

Eligible applicants may be offered assistance in the form of any of the two programs: Mod Rehab and Voucher.

Applicants must be 18 years of age or older, elderly, handicapped, or disabled. Applicants are placed on the waiting list according to date and time of application and bedroom size to fit the participant's needs.

B. **RESPONSIBILITIES OF THE PARTICIPANT (FAMILY)**

Responsibilities of the participant are specified in the Federal Regulations (24CFR), the Certificate of Family Participation (Form HUD-52578) and the lease.

The Omaha Housing Authority will provide the owner, information pertaining to the individual family's current address and, if known, the name and address of the property owner of the individual family's current and prior addresses.

MOST COMMON REASONS FOR FAILING INSPECTIONS

	PROBLEM AREAS	SPECIFIC PROBLEMS	SOLUTIONS
1	Utilities not on	Electrical, gas, water	Pay utility company on time
2	Smoke detectors	Not present, not working, located incorrectly	Install on each level and by bedrooms
3	Deteriorated paint	Peeling, flaking, chipping, cracking, checking, chalking or worn	Wet sand and repaint damaged area
4	Water damage	Paint, plaster, wood-cracking, buckling, sagging, blistering, soft areas	Repair damaged area and repaint
5	Mold	Ceilings, walls, windows, tubs, toilets	Remove, disinfect, repair damage
6	Handrails	Missing, loose or too short	Install handrail properly
7	Foundation/Chimney	Settling, cracking of foundation or fireplace	Make structural repairs as needed
		Missing mortar between bricks, gaps between bricks and walls or roof	Tuck point bricks, use flashing or caulk
8	Gutters/Downspouts	Missing, sagging or plugged gutters and downspouts	Repair to drain property
9	Air Infiltration	Around exterior doors, windows, chimneys – holes in walls	Caulking, weather stripping
10	Plumbing Problems	Leaking faucets, sinks, tubs, showers, dishwashers, running toilets	Repair plumbing
		Loose toilets, sinks/broken pipes, fixtures	Repair plumbing
		Missing sewer caps, drain covers	Replace missing items
		Slow draining or plugged drains	Clean out drain
		Washing machine NOT discharging water into trapped drain	Use property trapped drain
11	Water Heaters	No hot water to sinks, lavatories, tubs or showers	Repair water heater or provide gas
		Discharge line missing or not terminated 6 inches from floor	Install discharge line properly
		Flue vent NOT continually sloping upward	Adjust slope to 1/4" per foot or more
12	Furnace/A C Problems	Furnace or air conditioner not heating or cooling property	Repair cause of problem
		Loose or improperly sealed flue vents	Install flue vent property
		Flue vent NOT continually sloping upward	Adjust slope to 1/4" per foot or more
		Missing or dirty air filter	Replace filter
13	Electrical Problems	Loose or broken – lights, ceiling fans, outlets, switches, cover plates	Repair or replace
		Wiring – loose or hanging, connections not in junction boxes	Property attach or enclose wiring
		Missing or damaged light bulbs	Replace light bulbs
		Electrical service panel – loose cover, open holes in panel box	Secure cover, use proper electrical plugs
14	Appliance	Refrigerator not running or cooling property	Repair or replace
		Stove dirty or burners or oven will not light on command	Clean or repair to work properly
15	Exterior Doors	Does not close or lock properly	Repair door
16	Windows	Does not lock, does not open or close properly	Repair window
		Broken, cracked or missing glass	Replace glass
		Torn aluminum screen – scratching or cutting danger	Fix or remove screen
17	Bathroom Ventilation	No openable window or working exhaust fan	Repair window or exhaust fan
18	Pest Infestation	Roaches, ants or fleas	Exterminate and remove cause
		Mice, rats	Exterminate and fill rodent holes
19	Tripping hazard	Torn or loose flooring or carpet – all walkways free of tripping hazards	Repair, replace or remove hazard
20	Yard Problems	Tall grass or weeds	Cut and trim yard
		Trash or debris in yard	Remove trash and debris