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## Chapter 7 – Getting a Housing Choice Voucher and Obtaining Housing

### KEY CONCEPTS

**WHEN AN APPLICANT** reaches the top of the waiting list, a Housing Choice Voucher (HCV) briefing is scheduled for the household to receive information about the HCV program.

**DURING THE HCV BRIEFING** the applicant is issued a voucher.

**PUBLIC HOUSING AGENCIES (PHAS) MUST** give voucher holders at least 60 days to find a housing unit that meets HCV guidelines — but PHAs can grant extensions to this 60-day period.

**PHAS MUST BE ABLE TO PROVIDE** assistance in locating units with accessibility features.

**SOME PEOPLE ARE ALREADY LIVING** in rental housing and are able to use their voucher to lease in place, including chronically homeless people receiving assistance through a permanent supportive housing or rapid re-housing program.

**PHAS MAY ALLOW VOUCHERS** to be used in special types of housing, including single room occupancy units and shared housing, as a reasonable accommodation.

**HOUSING UNITS LEASED** through the HCV program must have rents that are reasonable when compared to similar unassisted units in the community.

**ALL HOUSING LEASED** through the HCV program must meet the U.S. Department of Housing and Urban Development’s housing quality standards and must be physically inspected by the PHA.

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# Chapter 7 *Getting a Housing Choice Voucher and Obtaining Housing*

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## *Housing Search Challenges*

Getting a voucher and identifying units that meet Housing Choice Voucher (HCV) program guidelines are very important steps in the housing search process. Many households have a difficult time locating suitable housing within public housing agency (PHA) guidelines. Some have the unfortunate experience of having their voucher "expire" without finding a unit that can be approved by the PHA. Challenges in the housing search process include:

- Finding an owner willing to accept a voucher
- Finding an owner willing to rent to a household experiencing chronic homelessness
- Finding a unit of good quality that passes the PHA's housing quality standards inspection
- Finding a unit with a gross rent consistent with the PHA's guidelines (see Chapter 6)

Because of these challenges, some public PHAs have to issue vouchers to up to 10 households in order to lease 1 unit in the community.

## GOOD TO KNOW

### ***PUBLIC HOUSING AGENCY PAYMENT STRUCTURE***

A public housing agency does not receive its administrative fee from the government until a voucher is used to lease a unit in the community. This means that until a household has a unit, the agency will not be reimbursed for its outreach, screening, verification, and total tenant payment calculation activities.

## *Housing Choice Voucher Briefings* ([24 CFR 982.301](#))

Once a household has reached the top of the waiting list, an HCV briefing is scheduled. At the briefing, a [voucher](#) is issued to the applicant and the regulations and procedures for leasing units and participating in the HCV program are explained.

Briefing sessions are often conducted as group sessions with 25 or more households all receiving their vouchers at the same time. Needless to say, these sessions can be very confusing.

## QUICK TIP

### KNOW ALL THE NUMBERS BEFORE STARTING YOUR SEARCH

*The minimum and maximum total tenant payment amounts should be provided to the Housing Choice Voucher household at the briefing. It is important that the household understand the flexibility within the voucher program before beginning the housing search. The household needs to know which units in the community can be approved within the financial limits of the program.*

According to U.S. Department of Housing and Urban Development (HUD) regulations, these topics must be covered during an HCV briefing:

- A description of the program
- Discrimination and fair housing issues
- Household responsibilities
- The PHA's payment standard and Utility Allowance policies
- Searching for housing that meets HCV regulations

It is important not to miss the HCV briefing since some PHAs have rigid policies regarding missed appointments. For example, a PHA may only allow an applicant to miss one briefing session before returning the household's application to the bottom of the waiting list, or worse, discarding the application all together. It is important for people experiencing chronic homelessness — and their advocates — to plan ahead and to notify the PHA promptly if a briefing session needs to be rescheduled.

## QUICK TIP

### BRING FRIENDS AND FAMILY TO THE HOUSING CHOICE VOUCHER BRIEFING

*People experiencing chronic homelessness can ask to have a friend, family member, advocate, or service provider accompany them to the briefing. Ideally, the person who attends the briefing session also helps with the housing search process. Allowing for this additional support at the briefing is an example of a reasonable accommodation that a public housing agency can make for a person with a disability.*

### ***The Housing Search*** ([24 CFR 982.303](#))

Once a voucher is issued, the household must find suitable rental housing in the community. The PHA must give the household at least 60 days to find a unit that meets HCV program guidelines. HUD regulations do not mandate a maximum search time. Rather, PHAs have the flexibility to decide what the HCV housing search time should be. Most PHAs allow between 60 and 120 days for the housing search. If a unit is not found during the established housing search time period, a PHA can grant an extension.

## REASONABLE ACCOMMODATION

### ***THE HOUSING SEARCH***

People experiencing chronic homelessness, and others with disabilities, can request extensions to the housing search time (even beyond 120 days) as a reasonable accommodation if needed because of their disability. This extension allows households to keep looking for a unit. The public housing agency may require that a household provide evidence of its housing search before granting an extension, so be sure to take notes during phone calls with owners, maintain written logs of units contacted and visited, and keep any newspaper ads or computer printouts of units you have pursued.

Searching for housing with a voucher is not an easy task. In some communities there is very little rental housing available, or there may be very few vacant units that meet HCV requirements. Unfortunately, in most states, owners of rental housing are not required to accept vouchers.

For some people, a poor housing history or credit problems may also pose a significant barrier, even if the owner has no objections to the voucher program. Households that are able to locate an acceptable unit and a willing owner must then come up with the funds to cover the security and utility deposits (if required), as well as moving expenses. These problems may prevent a household from using its voucher successfully. Some PHAs try to help with the housing search process by providing lists of interested owners, or a resource room with phones and vacancy listings. However, the majority of PHAs do not provide intensive assistance with the housing search.

### ***Accessible Housing***

People with physical disabilities may have a particularly difficult time locating accessible housing that is both available and affordable within the HCV payment standard guidelines. HUD regulations require that PHAs provide assistance locating accessible units. However, in practice this "assistance" is often just a listing of a handful of accessible units in the community — which may not be vacant. Agencies that provide services to people with physical disabilities — such as local Independent Living Centers<sup>1</sup> — may be a valuable resource for locating housing with accessibility features. It is important to note that PHAs must provide a list of available wheelchair-accessible units to individuals who need such units.

As a result of fair housing laws, more new units of housing that are easily adaptable to meet the needs of people with disabilities are being developed each year. These laws require that all newly constructed or substantially rehabilitated rental housing with four or more units first occupied on or after March 13, 1991 be designed to include:

<sup>1</sup> For more information about Independent Living Centers go to [www.nilc.org](http://www.nilc.org).

## GOOD TO KNOW

### ***HELP FROM COMMUNITY ORGANIZATIONS***

Many service providers and advocacy organizations have partnered successfully with public housing agencies (PHAs) to help homeless people use vouchers. They may provide assistance with locating apartments, negotiating rents with owners, and requesting exception rents from the PHA. Some organizations also provide funds to cover moving costs such as security and utility deposits, first/last month's rent, realtor fees, and moving vans. This type of assistance can greatly improve the likelihood that the household will be successful in locating appropriate housing and moving in.

The PHA does not receive an administrative fee until a voucher is used to lease a unit in the community. This gives PHAs a financial incentive to work with community organizations that can help shorten the housing search time.

- At least one building entrance on an accessible route
- Public and common use areas that are readily accessible and useable by people with disabilities
- Doorways into and throughout the building wide enough to allow passage by someone in a wheelchair
- Dwelling units with:
  - » Accessible routes into and through the units
  - » Light switches, outlets, and thermostats in accessible locations
  - » Reinforcement in the bathroom walls to allow later installation of grab bars
  - » Kitchens and bathrooms in which a person with a wheelchair can maneuver

### ***Low Income Housing Tax Credit Properties***

In communities across the nation, thousands of properties are financed with federal Low Income Housing Tax Credits. These properties can be a good source of housing for people with disabilities — especially those who are experiencing chronic homelessness — for two reasons:

1. According to federal law, owners of tax credit properties are required to accept Housing Choice Vouchers in their units. Unfortunately, not all owners are aware of this requirement.
2. Tax credit properties are required to have a certain percentage of units that are accessible to people with physical disabilities.

Public housing agencies should keep track of tax-credit-financed rental housing in their jurisdiction, and consider granting exception rents for these

units, if necessary, in order to make them available to HCV households in need of accessible housing. For a list of properties financed with tax credits, contact the [state agency that allocates federal tax credits for rental housing](#) (e.g. state housing finance agency, state department of community affairs) or see <http://lihtc.huduser.gov>.

## GOOD TO KNOW

### **HOUSING REGISTRIES**

Some states and localities maintain registries that track accessible housing units — including those developed with Low Income Housing Tax Credits — and include updates on whether these units are vacant. These registries have been invaluable tools for helping households use their vouchers. Some examples of housing registries, such as [Mass Access](#) and [Housing Link](#), can be found at [Social Serve](#).

### **Leasing in Place**

Some households that receive vouchers are already living in rental housing that meets their needs and may be able to "lease in place" using the voucher if the following conditions are met:

- The tenant must be in good standing with the owner
- The unit must pass a housing quality inspection (described later in this chapter)
- The unit must meet HCV payment standard requirements
- The owner must agree to participate in the HCV program and accept HCV payments from the PHA
- Both parties must sign a new HCV lease

The Continuum of Care (CoC) and Emergency Solutions Grant Programs, as well as the Department of Veterans Affairs' Supportive Services for Veteran Families program, provide rapid re-housing assistance for people who are homeless, including those experiencing chronic homelessness. These programs allow eligible households to receive time-limited rental assistance in a private rental unit in the community. Chronically homeless people currently participating in a rapid re-housing program may also be able to lease in place with a Housing Choice Voucher.

### **Special Housing Types (24 CFR 982 M)**

Although they are not required to, PHAs may allow vouchers to be used in certain living situations referred to by HUD as "special housing types," including single room occupancy (SRO) units and shared housing (i.e., roommate situations).

Many PHAs are not very knowledgeable about special housing types and have not established HCV policies that allow vouchers to be used in these

housing settings. However, according to HUD regulations, PHAs must permit the use of any special housing type, if needed, as a reasonable accommodation for people with disabilities, including people experiencing chronic homelessness.

PHAs may not be familiar with special housing types. [Chapter 17 of HUD's Housing Choice Voucher Program Guidebook](#) provides detailed information on how PHAs should implement these special housing type options.

### **Single Room Occupancy**

An SRO is a unit within a building that may have a shared kitchen and bathroom facilities. For HCV purposes, SRO units are occupied only by one individual and are usually found in rooming houses or renovated hotels.

According to the HCV special housing type regulations, a PHA can allow an HCV household to use the voucher to rent an SRO unit if it is of good quality and meets HCV affordability standards. For SRO housing, PHAs are instructed to use a payment standard equal to 75 percent of the studio/efficiency apartment payment standard.

In many cities across the nation, there are vacant SRO units in which people experiencing chronic homelessness may want to reside. Although not all SRO properties meet HCV standards, PHAs should permit vouchers to be used in approvable SRO housing as a reasonable accommodation.

### **Shared Housing**

Public housing agencies may allow HCV participants to have roommates in their housing, including another person with a voucher or a person without any rental assistance. For a shared housing situation, the PHA calculates a prorated portion of the housing costs to determine the actual rent for the voucher holder and uses this figure when determining the subsidy amount to be paid by the PHA.

The HCV paperwork involved with shared housing can be cumbersome and often acts as a barrier to PHAs establishing a shared housing policy. However, as with all the HCV special housing types, a chronically homeless person or other person with a disability can request permission to use a voucher in a shared housing situation as a reasonable accommodation.

HUD regulations require that with shared housing, each HCV household must enter into a lease with the owner — so an individual who wants to rent one bedroom in a two-bedroom apartment would have to sign a lease with the owner just for their own portion of the apartment. Some owners are reluctant to allow this arrangement because if one person moves out, the remaining lease only covers part of the unit.

### ***Renting to Relatives*** ([24 CFR 982.306\[d\]](#))

In general, a PHA is not allowed to approve a unit for lease under the HCV program if the owner is the parent, child, grandparent, grandchild,

## REASONABLE ACCOMMODATION

### **ROOMMATES**

A roommate situation is allowable in the Housing Choice Voucher program, referred to as "shared housing." A chronically homeless person who — due to their disability — wishes to use their voucher to rent a housing unit with a roommate should request a reasonable accommodation from the public housing agency to allow for this arrangement.

or sibling of any member of the HCV household. However, this regulation can be waived as a reasonable accommodation for a person experiencing chronic homelessness or other person with a disability.

There are numerous situations in which a chronically homeless person may need to lease a unit from a relative as an accommodation because of their disability. For instance, they may be receiving supports from a relative — such as assistance with shopping, meal preparation, or other tasks — that can be best provided if they are living with or near the relative.

Keep in mind that housing rented from a rent must be an actual rental unit that meets federal housing quality standards, and that the voucher holder must sign a lease.

### **QUICK TIP**

#### **THE REQUEST FOR TENANCY APPROVAL "RESERVES" A UNIT**

*While the (RTA) is not a formal lease agreement, it is the first time that the owner informally agrees to take the unit off the market and reserve it for the identified household. Therefore, Housing Choice Voucher households should only have an owner complete the RTA if the unit is a good match. Only one RTA should be submitted at a time.*

#### ***Request for Tenancy Approval*** ([24 CFR 982.302](#))

Once a unit has been located, the voucher holder submits a "Request for Tenancy Approval" (RTA) form to the PHA. (A blank RTA form should have been received during the HCV briefing session.) The submission of the RTA form freezes the housing search 'clock' and signals the PHA to take the following steps:

1. Start the inspection process
2. Check to make sure rent is reasonable (see below)
3. Verify that rent meets HCV payment standard guidelines
4. Determine the subsidy amount

If the housing unit fails to meet HCV requirements, the housing search clock will be restarted and the household resumes its search for housing that can meet the HCV guidelines.

### ***Rent Reasonableness*** ([24 CFR 982.507](#))

The “rent reasonableness” process is designed to ensure that owners do not overcharge for HCV units. The PHA is responsible for determining that the gross rent charged by the owner of a unit under consideration is reasonable when compared to that of similar unsubsidized (also called “unassisted”) units in the community, taking into account its location, size, type, quality, amenities, facilities, management, and maintenance. To be considered “reasonable,” the rent must also not exceed rents currently being charged by the same owner for comparable unassisted units.

Rent reasonableness is very important to PHAs, as they must deal with fluctuating rental housing costs. Consequently, PHAs often spend a substantial amount of time gathering rent data for the community and comparing HCV rents to those of unassisted units. Each PHA must include a procedure for making rent reasonableness determinations in its HCV Administrative Plan (see Chapter 11).

It is important to note that, for rent reasonableness, HCV units must be compared to similar units in the community. This means that the rents of housing units with special accessibility features must be compared to those of unassisted units with similar features.

### ***Housing Quality Standards Inspection*** ([24 CFR 982 Subpart I](#))

Housing leased under the HCV program must meet HUD’s housing quality standards (HQS), and must be physically inspected by the PHA. The inspection is required to ensure that housing leased with federal funds is maintained in decent and safe condition.

If any repairs are needed, the owner must complete them before the household can rent the unit. Assistance cannot be provided for units that fail to meet HQS requirements. HUD takes the HQS inspection requirements very seriously, and can penalize PHAs financially for units in the HCV program that fail to meet its inspection standards.

The PHA begins its HQS inspection and rent calculation process once a household submits a Request for Tenancy Approval form. The PHA is required to inspect the unit promptly so that the owner does not rent it to another household while waiting for the PHA inspection. If repairs are required, the units must be re-inspected to ensure the repairs have been completed.

Conducting HQS inspections promptly and effectively can ‘make or break’ the PHA’s reputation with local owners of rental housing. Some PHAs can take 15 days to complete an inspection, a long time for an owner to hold a unit. Community organizations can learn to work with a PHA’s inspection policies, encouraging the PHA to conduct timely inspections.

### *Fees for Leasing Vouchers*

A little-known fact about the HCV program is that a PHA only receives administrative money from HUD for vouchers that are actually being used to rent housing in the community. A PHA receives no compensation from HUD for issuing vouchers; only a monthly fee for vouchers that are leased. This monthly administrative fee is determined by HUD and ranges from \$50 to \$115 per month per voucher.

At times, HUD guidelines have allowed PHAs to receive “hard-to-house” or “[extraordinary](#)” administrative fees. These fees compensate PHAs for the extra effort needed to help people with special needs (such as veterans and people experiencing chronic homelessness) access and utilize vouchers.

### *Signing a Lease and Moving In*

Once the unit is found to meet all HCV requirements, the household signs a written lease with the owner. The owner can use the same standard lease form they use for unassisted households, or another form of lease such as a PHA model lease. The initial lease must be at least one year long and include the HUD-prescribed . The PHA can approve a [shorter initial lease term](#) if this shorter term is the prevailing practice in that housing market area or if the shorter term would improve housing opportunities for the household.

The household may be required to pay a security deposit to the owner. This security deposit is not included as part of the HCV rental assistance and is usually not paid by the PHA. The amount of the security deposit can be for the gross rent, not just the tenant’s share of the rent. Beyond the security deposit, the owner [is not allowed to charge the household extra amounts for items that are customarily included in rent](#) in the locality, or that are provided at no additional cost to unsubsidized tenants in the building. For example, the owner cannot charge the HCV household to use the laundry facilities if these are provided for free to other tenants in the building.

In addition to the lease between the owner and household, HCV regulations require that owners enter into a written contract with the PHA — known as a [Housing Assistance Payment \(HAP\) contract](#). The HAP contract is the official document that binds the owner to the HCV program regulations and requirements. It includes both the owner’s and the PHA’s obligations for participating in the program. For example, by signing the HAP contract the owner agrees to maintain the unit so that it continues to meet HQS, and the PHA agrees to pay the owner the determined amount on time.

The PHA is responsible for paying the monthly subsidy amount to the owner in a timely manner. This payment procedure must be outlined in the PHA’s HCV Administrative Plan and must include a policy regarding the preparation of payments to owners prior to the first of the month.

## GOOD TO KNOW

### ***RENT GUARANTEE FOR PROPERTY OWNERS***

The public housing agency's subsidy guarantee is a program feature that can help in negotiations with owners, especially if there is a concern about a chronically homeless person's past credit history. Since the agency guarantees the majority of the rent to the owner, a tenant's credit history should be considered less of a barrier.

In addition to the HCV subsidy from the PHA, in most instances the owner also receives a payment from the HCV household for its share of the rent.<sup>2</sup> This two-payment system — in addition to the PHA paperwork — is often cited as a reason more owners don't accept vouchers. However, the system also guarantees that the owner automatically receives the HCV rent subsidy from the PHA each month.

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<sup>2</sup> For some HCV households with very low total tenant payments and high Utility Allowances, there is no tenant payment to the owner.