

SIoux FALLS HOUSING & REDEVELOPMENT COMMISSION  
**VOUCHER BRIEFING SCRIPT**

**INTRODUCTION**

Attending this briefing is the next step in getting affordable, safe, and healthy housing for your family. During this briefing video, Sioux Falls Housing will provide you information on how the Section 8 Housing Choice Voucher Program works and the information you need to successfully participate in the Voucher program.

**EXPLANATION OF VOUCHER PROGRAM**

As a Voucher holder, you have the freedom and responsibility to select a rental unit that meets your family's needs. The unit must meet HUD's requirements for the program and is not limited to units located in subsidized housing projects. You can rent an apartment, townhouse, duplex, house, or mobile home on the private rental market - provided that the unit meets the payment standards and quality standards of the voucher program. Once approved and contracts are signed, SFH will send the monthly rental assistance payment directly to the landlord. As a renter on the program, **you will be responsible** for paying the difference between the actual rent charged for the unit and the amount of rental assistance Sioux Falls Housing pays on your behalf.

**HAP CONTRACT:** When Sioux Falls Housing issues you a voucher, you enter into an agreement or contract with Sioux Falls Housing. As with any agreement, you should read your Voucher document in order to fully understand the terms and conditions you are agreeing to. If you have any questions regarding what's in the Voucher, please contact your Housing Specialist. You will find their business card stapled to the inside pocket of your briefing packet.

**LEASE:** You and the landlord have an agreement through the lease. As you see, Sioux Falls Housing is not a party to the lease: you are not a Sioux Falls Housing tenant. If you have any problems with the unit you rent, you need to discuss such issues with the landlord. The landlord is responsible for managing their property, not Sioux Falls Housing.

**SFH/LANDLORD:** The landlord and Sioux Falls Housing have an agreement through a Housing Assistance Payments (HAP) Contract. This agreement between Sioux Falls Housing and the landlord provides rental assistance on behalf of your family in a specific unit and sets out the terms and conditions the landlord must abide by in order to receive rental assistance payments. It is Sioux Falls Housing's responsibility to ensure the landlord abides by the terms of the HAP Contract. If they don't, then Sioux Falls Housing can terminate the HAP Contract, and if you're still eligible, you can transfer your assistance to another dwelling unit.

## **RULES**

As with many federally funded programs, there are complex rules and regulations that must be followed. The Voucher program is no different. Sioux Falls Housing administers six rental assistance programs and manages several affordable housing properties. Each program and property have their own set of regulations.

It is important to contact your Housing Specialist if you have any questions or concerns. Do not depend on friends or family for information or on what the rules and regulations are, because they might be under a different program than you or, they don't know the regulations and rules as well as they think they do. If you get wrong information, you could end up owing Sioux Falls Housing for an overpayment of rental assistance or you could lose your rental assistance.

## **SLIDE #4: THINGS YOU SHOULD KNOW**

Before I start explaining the details of the Voucher program, I want to review the importance of providing complete and accurate information to Sioux Falls Housing. The amount of rental assistance Sioux Falls Housing pays on your behalf is based on your household composition and income. Failure to accurately report all the people living with you and their income is considered fraud by HUD. HUD places a high priority on the correct amount of rental assistance being paid on a family's behalf and preventing fraud. If your application or recertification forms contain false or incomplete information, you may be:

- **Terminated** from the rental assistance program;
- **Required to repay all overpaid** rental assistance Sioux Falls Housing paid on your behalf;
- **Fined** up to \$10,000;
- **Imprisoned for up to 5 years**; and/or
- **Prohibited** from receiving rental assistance in the future.

PLEASE UNDERSTAND - You are responsible for accurately reporting all people living in the unit, all income, and any changes to your household composition or income.

## **YOUR VOUCHER PACKET**

In addition to this briefing, Sioux Falls Housing provides you a packet of detailed information on the Voucher program. You should take time to read this information as it should provide you with a better understanding of the Voucher program. Please open your folder now. You will find your Voucher in the left pocket. It is the second piece of paper from the front of the packet. Please remove the Voucher from the packet.

This Voucher provides two things: 1) Verification that you meet HUD's eligibility criteria to participate in the Voucher program; and (2) Sioux Falls Housing anticipates money is available to assist you with your rent. Issuing you a Voucher does not obligate Sioux Falls Housing to assist you with your rent. You do not actually become a program participant until Sioux Falls Housing enters into a Housing Assistance Payments or ("HAP") Contract with a landlord for a unit that meets HUD program standards.

There are 2 IMPORTANT boxes on the first page of the Voucher. Please pay attention. Box 1 is the number of bedrooms for which your household qualifies. Box 3 is the **date your voucher will expire**. These will be discussed in more detail later in this video.

## **FAMILY OBLIGATIONS WHEN RECEIVING RENTAL ASSISTANCE**

Once Sioux Falls Housing starts paying rental assistance on your behalf, you have RESPONSIBILITIES that you **must** meet to continue receiving rental assistance. These responsibilities are called "**Family Obligations.**" If you do **not** fulfill your Family Obligations, your rental assistance may be terminated. Your Family Obligations are listed on the 2<sup>nd</sup> page of your voucher.

There are **2 categories of Family Obligations**, the **musts**, and the **must-nots**. First, let's review the musts:

- You **must** supply information, documentation, and signed releases that HUD or Sioux Falls Housing requests.
- You **must** allow Sioux Falls Housing to evaluate the unit to determine if it meets HUD's Housing Quality Standards which we'll discuss later in this video.
  - Sioux Falls Housing **must evaluate the unit** before rental assistance can begin and at least annually thereafter. If Sioux Falls Housing can't evaluate the unit, say for instance because no one is home when the inspector goes out to a unit, the rental assistance will be terminated.
- You **must abide by the terms of the Lease**; if a landlord evicts you for violating the terms of the Lease, you can **lose** your rental assistance.
- You **must** provide Sioux Falls Housing **a copy of your notice to move/vacate** at the same time you provide one to the landlord. If you don't provide notice to SFH, you could lose your rental assistance. Some landlords require 60 days advance written notice, some 31 and others 30. PLEASE **read your Lease**,

so you know how many days' notice you are required to give to your landlord. You **must** give Sioux Falls Housing **at least 30 days'** notice if you want to move and transfer your voucher.

- You **must submit a copy** of any **eviction notice or Notice to Quit and Vacate to SFHRC**. You may receive both from your landlord.
- You **must use** the rent-assisted unit as your **only place of residence**. This means that you can't receive rental assistance in Sioux Falls and have a place you own or rent in another part of the country. For example, you cannot spend the winter months in Texas and rent an assisted unit in Sioux Falls.
- **All persons must be approved by Sioux Falls Housing before they move into your dwelling unit.** They must provide Sioux Falls Housing the same information and sign the same forms that you did when Sioux Falls Housing determined your eligibility for the program. (This includes foster children, adults, and live-in aides.)
- **You must notify Sioux Falls Housing if a household member moves out.**
- **You may engage in profit making activities**, like babysitting in your unit, if they do not interfere with the unit's primary use as a residence.

Now I'll go over the **MUST NOTS** of your Family Obligations:

- You **must not cause a breach in HUD's Housing Quality Standards ("HQS")**. Examples of breaches include:
  1. Utilities disconnected for non-payment that you are responsible for paying according to the lease. ***If a utility is disconnected, your rental assistance will be terminated.***
  2. Failure to provide the stove or refrigerator that are in working order. If the household uses their own appliances. All burners and oven must work, and the freezer and refrigerator compartment must work. If one or more don't work, the unit does not pass Housing Quality Standards; or
  3. You, members of your household, or guests **damage the unit** beyond normal wear and tear. This includes things like holes punched in the walls and doors; stains or rips in the floorcoverings, burns on countertops, chips in the sinks or tubs, cigarette burns.
- You **must not sublet** or **sublease** your unit; you cannot rent out a room or the basement to anyone.
- You **must not move out of the assisted unit**, let another household move in, and transfer the Lease and rental assistance to them.
- You **must not own the unit or be buying it** and receive rental assistance.

- You **must not be absent from the unit for more than 30 days**. If you're hospitalized or called out of town or in jail for an extended period of time, you need to let Sioux Falls Housing know.
- You **must not commit fraud, bribery, or criminal acts** in connection with housing programs.
- **Neither you, nor any household members or guests, may engage in drug-related or violent criminal activity**. According to a recent SD Supreme Court ruling a program participant can lose their rental assistance if there is a preponderance of evidence, that a household member is engaging in drug-related activity there doesn't need to be an arrest or conviction. Preponderance of evidence means that there's a greater than 50% chance, based on all reasonable evidence that the person did something.
- You **must not** receive rental assistance under the Voucher program and **receive another type of rental assistance**.
- You **must not rent a unit owned by a parent, child, grandparent, sister, or brother** of any member of the household, including minor children. *This can be waived as a reasonable accommodation to a qualified individual with disabilities.*

### **SUBSIDY STANDARDS**

Now we will discuss what the **term "subsidy standards" mean**. Subsidy standards refer to the number of bedrooms for which your household qualifies. Subsidy standards are based on the number of persons in the household, the household members' relationship to you, and the sex of the household members. Subsidy standards are calculated based on the **smallest size unit that is appropriate to your family's needs**.

You will find the subsidy standard that your household qualifies for in box 1 on the first page of the voucher. You will find Sioux Falls Housing's subsidy standards and the circumstances it may consider if you want to request an exception to its subsidy standards that's on your Voucher in your briefing packet. If you have any questions regarding your family's subsidy standard, please contact your Sioux Falls Housing case worker. Their business card is stapled to the inside pocket of your briefing packet.

### **TERM OF VOUCHER**

You have 60 days from today's date to locate a unit that meets your family's needs, meet HUD's criteria, and to submit the necessary paperwork to Sioux Falls Housing. On a case-by-case basis, Sioux Falls Housing will consider granting an extension beyond the initial 60-day period. To request an extension, you must contact Sioux Falls Housing prior to the Voucher expiration date, which is indicated in box 3 on the front side of the voucher.

Sioux Falls Housing may grant one or more extensions for up to an additional 60 days. Typically, Sioux Falls Housing will not grant extensions that exceed 120 days from the voucher issuance date. Please keep track of the units you look at during your housing search in case you need to request an extension as Sioux Falls Housing

may require proof that you have actually been looking for housing. Approving extensions are up to Sioux Falls Housing and will be granted primarily for the following reasons:

- 1.) **Extenuating Circumstances**, i.e., hospitalization or a family emergency for an extended period of time
- 2.) For a household who is **Hard-to-House**, such as a household with 3 or more minor children
- 3.) For a household that needs an **accessible unit**.

### **DECIDING WHERE TO LIVE**

Once you leave this briefing, you are going to have to make some decisions about where you want to live. Do you want to try and stay where you are currently living, or do you want to search for other housing? Questions to consider include the following:

- Can I live there for a year? You need to remember that you and the landlord will be required to sign a 1 year lease. *Allowing a household to move and transfer the rental assistance requires a lot of work.*
- Does this unit suit my needs?
- I'm I being realistic about my housing choices?

Sioux Falls Housing only allows you to move and transfer your rental assistance once every 12 months, even if you don't like the unit you moved into. Be aware, Sioux Falls Housing cannot allow you to transfer your rental assistance if it would violate the terms of the lease you have with your landlord. That is, you cannot move if you are in an initial term of a lease.

Some of the things you might want to think about when you are searching for a unit to rent may include:

- 1.) Which schools would my children attend?
- 2.) Is it within walking distance?
- 3.) Would the school bus transport my children?
  - a. If not, how would I get my child to school?
- 4.) If my child needs Title I or other special programs, are they available at the school my children would attend?
- 5.) Is it a safe area? Would I feel safe living there?
  - a. Do I need an apartment with a security system?
- 6.) Is it close to work or day care?
  - a. If I don't have a vehicle is the unit close to a bus line? And does the bus schedule work for me?

- 7.) If I rent a house, will I have to take care of the lawn and shovel snow?
- 8.) If you decide to move, will you need to pay an application fee, which you would have to come up with?
- 9.) If you must pay any utilities, must you pay hook-up, transfer fees or a deposit?

### **INELIGIBLE TYPES OF HOUSING UNITS**

There are certain types of housing that Sioux Falls Housing cannot provide Voucher rental assistance in. You cannot use your voucher to rent a public or Indian housing unit, a unit under a Section 8 project-based HAP Contract, a nursing home, board and care home or facility that provides continual psychiatric, medical or nursing care, college or other school dormitories or units on grounds of penal, reformatory, medical, mental, and similar public or private institutions.

### **HIGH-POVERTY CONCENTRATION**

There are advantages to moving into areas where there is not a high concentration of poverty such as increased safety, opportunities for better jobs, education and shopping and better housing. Sioux Falls Housing has included a map of Sioux Falls that outlines where these areas are in Sioux Falls for you to review.

### **PORTABILITY**

Sioux Falls Housing administers the Voucher program within Minnehaha County - the city limits of Sioux Falls, including the area south of 57th Street that is in Lincoln County. Areas in Lincoln County, outside Sioux Falls' city limits are under other Housing Authorities' jurisdiction.

Federal regulations allow you to transfer your rental assistance outside of Minnehaha County. This is called **portability** or "**porting**" of a voucher. Let's say you want to move to Tea or Harrisburg. This area is outside the city limits of Sioux Falls and not in Minnehaha County. You may be able transfer your rental assistance there under portability. Sioux Falls Housing would "**port**" your voucher either to the Canton or Lennox Housing Authority. A Voucher may be ported to the jurisdiction of a Housing Authority in the United States or one of the U.S. Territories. Such Territories include Guam, Puerto Rico, and the Virgin Islands, all of whom administer a Section 8 Housing Choice Voucher program.

Limitations to portability are as follows:

- 1.) You must have **participated in the voucher program for at least 12 months**, or you must have lived in Sioux Falls at the time you applied to Sioux Falls Housing's waiting list;
- 2.) You must comply with the **terms of the lease with your current landlord** and be given proper notice to move from your unit;
- 3.) You must comply with your **Family Obligations** that were earlier in this presentation; and

4.) You **cannot owe** Sioux Falls Housing or your landlord any money.

If you are interested in porting your Voucher outside of Minnehaha County, please contact your Housing Specialist to discuss your options.

### **LEASE AGREEMENT**

A fundamental requirement of the Voucher program is that you and your landlord must have a written lease for your rental unit. Your current lease must be on file at Sioux Falls Housing's office at all times. If your landlord asks you to sign a new lease after you have lived in the unit for a year, you must send Sioux Falls Housing a copy of the new lease.

The lease is legally binding for you and the landlord. When you sign a lease with a landlord, you are obligated to pay the rent for the unit for the entire period of the lease whether you're living in the unit or not. The lease also spells out other terms and conditions for living on the property. In addition to the lease, the landlord may have you sign House Rules which spells out their additional rules for living on the property.

The lease and House Rules are between you and the landlord. Sioux Falls Housing is not a party to the lease. Sioux Falls Housing cannot give you legal advice about your lease or House Rules. If you have questions or concerns regarding your lease or House Rules, please contact an attorney of your choice.

### **PAYMENT STANDARDS**

Next, I'll go over how Sioux Falls Housing determines the amount of rental assistance it will pay on your behalf each month. The first thing you need to know is that there is a maximum amount of rental assistance Sioux Falls Housing can pay on your behalf based on the number of bedrooms, called subsidy standards, your household qualifies for. This maximum amount of rental assistance Sioux Falls Housing can pay on a family's behalf is called the "payment standard". The payment standard is generally the amount needed to rent a moderately-priced place in Sioux Falls. The payment standard does not affect the amount of rent a landlord can charge for rent. Instead, it's a number Sioux Falls Housing plugs into a formula to calculate the amount of rental assistance it can pay on your behalf.

You can select a unit that rents below or above the payment standard. However, there are two things you must keep in mind. **First**, the more expensive of a unit you rent, the more you are going to pay out-of-pocket for rent. The payment standard doesn't increase because you rent an expensive unit, or you want a unit with more bedrooms for which your household qualifies. **Second**, HUD regulations do not allow you to pay more than 40% of your monthly adjusted income for rent and utilities during the initial term of your lease.

### **PAYMENT STANDARDS**

You will find a list of Sioux Falls Housing's payment standards in your briefing packet. These payment standards are listed by bedroom size. Recently, payment standards were assigned to specific zip codes in the Sioux Falls



area. These are known as **Small Area FMRs** (“SA FMRs”). Please pay attention to the SA FMRs. They allow higher payment standards in certain zip codes around Sioux Falls.

### **DETERMINING RENTAL ASSISTANCE**

Let’s now examine how Sioux Falls Housing estimates the amount of rental assistance it will pay on your behalf. Fundamentally, this is calculated by subtracting 30% of your monthly adjusted income from Sioux Falls Housing’s payment standard, which corresponds to the subsidy standard that is the number of bedrooms your household qualifies for.

At this point, all Sioux Falls Housing can do is estimate the amount of rental assistance it will pay on your behalf. Sioux Falls Housing cannot make a final calculation until you have located a unit, and it receives information on the rent the landlord is asking and what utilities, if any, you will have to pay. It is important that you understand that Sioux Falls Housing looks at the total cost of renting the unit. This includes not only the rent the landlord is asking but, Sioux Falls Housing **MUST also** consider any utilities that you have to pay out-of-pocket. Rent and utility costs are referred to as your **GROSS RENT** amount.

### **DETERMINING UTILITY ALLOWANCES**

When you have to pay any utilities, other than cable TV or phone, Sioux Falls Housing has to calculate what is called a utility allowance (“UA”). The UA is Sioux Falls Housing’s estimated utility costs by dwelling type and bedroom size. You will find Sioux Falls Housing’s utility allowance chart on the left side of your briefing packet. What Sioux Falls Housing does is look at the utilities you have to pay and add together the numbers for each subcategory of utilities. The sum is your utility allowance.

### **EXAMPLES OF DETERMINING MAXIMUM HOUSING ASSISTANCE**

Now, let’s walk through a couple of examples on calculating the maximum amount of rental assistance.

- (1) In the first example, a family qualifies for a 2-bedroom payment standard based on its size and composition. 30% of the family’s adjusted monthly income is \$200. The family has located a unit they want to rent for \$600 per month and the landlord pays all the utilities. The payment standard for a 2 bedroom is \$665. Sioux Falls Housing subtracts \$200 which is 30% of the family’s adjusted monthly income from the \$665. The difference, \$465, is the maximum amount of rental assistance Sioux Falls Housing can pay. In this case, the family’s share of the rent is \$200. SFH will pay \$400 per month in rental assistance.
- (2) Our second example includes the same family. They qualify for a 2 bedroom payment standard, 30% of their adjusted monthly income is \$200. The family has located a unit they want to rent. The rent the landlord is asking is \$750 and the family has to pay all utilities. Sioux Falls Housing subtracts the \$200 which is 30% of their monthly adjusted income. The difference, \$465, is the amount Sioux Falls Housing will pay as rental assistance.

To calculate the amount of rent the family will have to pay, Sioux Falls Housing adds the appropriate numbers from the UA chart to calculate the utilities paid out monthly by the family and adds this to the rent the landlord is asking. So, add \$223 utility allowance to \$750 rent and you come up with a gross rent of \$973. The rental assistance that Sioux Falls Housing would pay each month is \$465. The remaining balance of \$285 is the family's share of the rent. Plus, it would have to pay all utilities on top of this rent.

The \$85 difference in the family's rental payment from example #1 is because the landlord is charging more in rent than the first example. The household pays no less than 30% of their adjusted monthly income as rent, the \$200, but has to pay the extra cost of rent that is above the Payment Standard. *NOTE: Sioux Falls Housing has included a worksheet in your briefing packet that explains this process and gives you an example to follow.*

### **DISAPPROVAL OF CONTRACT RENTS**

Please understand, simply because a landlord asks a certain amount of rent and you agree to that amount of rent, this **DOES NOT mean that Sioux Falls Housing will approve** the rent that the landlord is asking.

(1) The first thing Sioux Falls Housing will do is to determine whether or not your household would you pay **more than 40% of your adjusted monthly income for shelter costs**. Shelter costs are the rent the landlord is asking plus the appropriate allowance from Sioux Falls Housing's utility allowance chart. HUD regulations state that when a voucher holder signs the first lease for a unit under the voucher program, **the household cannot pay** more than 40% of its adjusted monthly income for shelter costs. *Again, there is a worksheet in your packet that will walk you through the process and give you an idea whether the rent a landlord is asking plus Sioux Falls Housing's utility allowance might work for your household.*

(2) Sioux Falls Housing staff must conduct a **rent reasonableness test** of your unit. A unit must pass this test as part of the approval process. This test is required to ensure that landlords aren't gouging the voucher holder or taxpayers. Sioux Falls Housing looks at comparable units on the open market and other units on the property in making this determination. If Sioux Falls Housing can't find comparable unit(s) at rents similar to the selected unit's rent level, the unit can't be approved, and a household will have to look for another dwelling unit to rent.

### **SEPARATE AGREEMENTS TO PAY AMOUNTS OTHER THAN RENT**

In some instances, a landlord and tenant might agree to a "**side deal**" so a family can rent a unit. A side deal is where the landlord and tenant agree to put one amount on Sioux Falls' paperwork and then have a "side" agreement that the family will pay a higher rent. **This is ABSOLUTELY not allowed**. The rent the landlord agrees to and is on the paperwork is the most rent the landlord can be paid. If Sioux Falls Housing later finds out the landlord and tenant have a side agreement to pay additional money both landlord and tenant can get into trouble, including being banned from participating in any federally funded programs, in the future.

There are certain legitimate items a landlord can charge for over and above the rent for the unit. Examples include, but are not limited to:

- Services and appliances other than stove and refrigerator,
- Detached garages and storage sheds not included in the lease,
- Excess utilities, such as air conditioning, if the owner pays all utilities,

*NOTE: Any agreement for acceptable extra charges must be in writing and approved by Sioux Falls Housing.*

### **REPORTING CHANGES**

As stated earlier, your **household composition and income** directly affect the amount of rental assistance Sioux Falls Housing will pay on your behalf. You do not need to fill-out a monthly report for the Voucher program; however, you **MUST report changes in your household composition and income**. These changes must be reported to Sioux Falls Housing within 10 days of the date of the change. If you fail to report changes in household income, Sioux Falls Housing will pay too much rental assistance on your behalf. If you don't report decreases in income, you will end up paying more rent than you should. Your rental assistance, and your share of the rent, can increase or decrease based on your family's income.

If you want to move another person into your unit while you're receiving rental assistance, Sioux Falls Housing **must approve the addition of that person to your household**, before the person moves in. The request to add a person must be made in writing. Sioux Falls Housing must verify the same information that it verified for you, for the proposed household member. Part of the approval process for additions to the household includes written permission from your landlord allowing the additional person to move into the unit. You are responsible for providing this written landlord statement to SFH.

Any person moving into a rental assisted unit, without Sioux Falls Housing's approval before he or she moves in, will be considered **an unauthorized individual**. If you have an unauthorized individual living with you, your rental assistance could be terminated. Please read your lease to determine if your landlord states how long guests can stay with you and at what point the landlord would consider him or her an unauthorized person.

If it's not addressed in your lease, Sioux Falls Housing considers a guest who stays with you for **more than 14 consecutive days** or **a total of 30 days in a 12 month** period an unauthorized individual.

**NOTE: Sioux Falls Housing does not accept telephone calls reporting changes in income or the proposed addition of household members.** To properly report changes in your household composition or income, you must complete a "TENANT CHANGE REPORT FORM." You will find a copy of this form in your briefing packet. Additional Tenant Change Report forms are available in Sioux Falls Housing front lobby during normal business hours or on the SFHRC website.

## **REASONS RENTAL ASSISTANCE MAY BE TERMINATED**

Under the Voucher program, you can lose your rental assistance if you are no longer eligible for the program or SFH must terminate you to enforce HUD program requirements. If you lose your rental assistance, you and your landlord must determine if you can remain in the dwelling unit and pay the full rent yourself.

### **Sioux Falls Housing can terminate your rental assistance for any of the following reasons:**

- If you violate any of your “Family Obligations” under the program rules. We reviewed these obligations earlier in the briefing. You can further review these obligations as they are also listed on the housing voucher.
- If you move in violation of your lease or move more than once in a subsequent 12-month period.
- If any member of your household has been evicted from public housing.
- If there is a preponderance of evidence that you, a household member, guest, or other covered person is engaging in drug-related or criminal activity.
- If a registered sex offender moves in with you or is a part of your household.
- If you or a household member has been convicted of manufacturing or producing meth.
- If you, a household member, or your guest is a fugitive felon, parole violator, or person fleeing to avoid prosecution, custody, or confinement.
- If you breach an agreement with Sioux Falls Housing to pay amounts owed (i.e., Repayment Agreement).
- If you, a household member, or your guest engages in or threatens abusive or violent behavior toward Sioux Falls Housing staff.
- If you have 2 overpayments in rental assistance due to unreported/under reported income in a two-year period.
- If you have an overpayment or rental assistance over \$5,000 due to unreported/underreported income.
- If 180 calendar days passes since the last rental assistance payments.

## **ILLEGAL DISCRIMINATION**

Please be advised – Federal Fair Housing law covers most forms of housing. This law prohibits landlords from treating a person differently than they treat other people because of their race, color, religion, sex, national origin, disability or familial status. Familial status may be when there are minor children in a household; or if you are pregnant, trying to adopt, or get custody of minor children. Treating people differently than others based on one of the above factors is a form of **housing discrimination**.

If you believe a landlord refuses to rent to you because of any of these factors, you may file a discrimination complaint with the Fair Housing and Equal Opportunity Office of HUD. You will find a copy of a Discrimination Complaint form in your packet. We have also included a list of agencies you can contact for additional information on illegal discrimination for future reference.

## **REASONABLE ACCOMMODATIONS**

If you or a family member is an individual that has one or more medical conditions that significantly limits a major life activity such as walking, breathing, talking, hearing, thinking, reaching, or grabbing (for example) and you, or the household member, need a change in Sioux Falls Housing policies or procedures you may request a change to the conditions of your voucher, communication, or rental unit. This change is called a **REASONABLE ACCOMMODATION**.

**Reasonable accommodations** can be a...

- Change in Sioux Falls Housing's policies or procedures;
- Change in Sioux Falls Housing's owned/managed apartment or other party of property; or
- Change in the way Sioux Falls Housing communicates with you.

*NOTE: If your request is related to your disability, is "reasonable" (meaning not too expensive, or too difficult to arrange) Sioux Falls Housing will try and approve or "accommodate" the change request.*

If you need a reasonable accommodation, please contact Sioux Falls Housing (unless it is requesting a change to a unit that SFH does not own/manage). The preferred method to request a reasonable accommodation is in writing in order to decrease the chance of misunderstanding. However, you can request a reasonable accommodation verbally if that works best for you or the disabled household member. Once Sioux Falls Housing receives a request for a reasonable accommodation it will have to verify that your medical condition severely limits a major life activity and that the request is medically necessary as a result of the disability, not just a change that merely benefits the individual.

## **OWNER/LANDLORD RESPONSIBILITIES**

There are certain responsibilities landlords have if they are going to participate in the Voucher program. These responsibilities include:

- **Screening prospective tenants.** Sioux Falls Housing determines if a family meets HUD eligibility criteria. It's up to a landlord to determine if your family is acceptable to him or her. Sioux Falls Housing is required to provide a prospective landlord with the family's current address; current landlord's name and phone number, if known to Sioux Falls Housing; and past addresses, landlord names and phone numbers if known to Sioux Falls Housing;
- Comply with Fair Housing Law (covered earlier in this briefing);
- Maintain the housing unit and make necessary repairs; however, the landlord can bill a family for tenant-related damages (this does not include normal wear and tear);
- Comply with the terms of the HAP Contract;
- Collect the security deposit, rent, and enforce the terms of the lease;
- Honor unit-related Reasonable Accommodation requests;
- Provide Sioux Falls Housing with a copy of the eviction or termination notice; and
- Notify Sioux Falls Housing of any proposed changes to the Lease.

## **HOUSING QUALITY STANDARDS (HQS)**

Having a safe, healthy place to live is important. The Voucher program allows you to choose any house or apartment you like as long as it meets HUD's Housing Quality Standards. Housing Quality Standards are very basic standards that every house or apartment **must** have. With rental assistance, you should be able to afford a good home so you should think about what you would like in a home.

You will find a **booklet** in your briefing packet called "**A Good Place to Live!**" Please read this booklet carefully. In each section, there is a picture and an explanation of the items a dwelling unit **must have to pass HUD standards**. Sioux Falls Housing cannot start the rental assistance until a unit has been inspected and determined to meet HUD's Housing Quality Standards.

*NOTE: Sioux Falls Housing cannot inspect a unit unless the voucher holder is already living in it or the unit is vacant. If you are responsible for meeting an HQS Inspector, you MUST meet him/her, or you could lose your housing assistance.*

## **WHAT DO I DO NOW?**

To start receiving rental assistance you need to take the following steps:

1. **Decide where you want to live.** Do you want to receive rental assistance in the unit you are currently renting or do you want to move. Remember, it must be located within the Sioux Falls city limits or Minnehaha County. Here are some ideas on where to start: Contact owners who have listed available units with Sioux Falls Housing, the listings are in your briefing packet. Ask friends or relatives if they know of any units that are for rent. Drive around the neighborhoods you want to live in and look for "For Rent" signs. Check the Classified section of the Argus Leader, Facebook Marketplace, Craigslist, the Shopping News, SD Housing Search or contact real estate agents or rental locator services
2. **Talk to the landlord.** Be prepared to make a good impression. Have rental references ready. Bring your briefing packet with you in case the landlord is not familiar with the voucher program. Sioux Falls Housing will be happy to answer any questions the landlord has about the Voucher program.
3. **Evaluate the unit.** Does the unit have the "must haves" listed in "A Good Place to Live!"? Does it have what your family needs? ***Remember, you have to stay in the unit for at least a year.***
4. **Submit the completed "Request for Tenancy Approval" and the attached Disclosure of Information on Lead Based Paint and Lead Based Paint Hazards to Sioux Falls Housing.** You will find this form in our briefing packet. The first page is light green in color and has 2 white pages stapled to it. This is the document Sioux Falls Housing uses to determine if the rent burden test is met and triggers the inspection to determine if it meets HUD's Housing Quality Standards.

*Now, let's review the Request for Tenancy Approval as Sioux Falls Housing seems to get a lot of them that aren't filled out correctly.*

- Box 2 is the address of the unit you want to rent. This is the unit Sioux Falls Housing will evaluate to determine if it meets HUD standards and the rent burden test. If this isn't the unit you move into, you need to submit another Request for Tenancy Approval for the new unit.
- Box 3 is the date you plan on moving into the unit. *You need to keep in mind that if you move into the unit before Sioux Falls Housing evaluates the unit and determines it meets HUD's standards you will have to pay the full rent yourself.* Sioux Falls Housing cannot pay any rental assistance unless, and until, it has a passes inspection. **Remember, rental assistance cannot be paid retroactive for the days the unit didn't pass the inspection.**
- Box 4 is the number of bedrooms that are in the unit you want to rent.
- Box 5 is the year the building was constructed. This is important if you have children under the age of 6 in your family. If the building was built before 1977, Sioux Falls Housing must pay special attention to chipping, peeling paint. If any is found, the landlord will have to take special measures to get rid of it before Sioux Falls Housing can pass the unit and begin paying rental assistance.
- Box 6 is where the landlord puts the rent he is asking for the unit.
- Box 7 is where the landlord puts the amount of security deposit he/she is going to collect from you.
- Box 8 is where the landlord should indicate when the unit will be available for inspection. Please keep in mind that Sioux Falls Housing will not evaluate a unit if another family is living in it.
- Box 9 lists the different types of housing. The landlord needs to check the box for the unit you are interested in renting. This information will be used to determine the appropriate utility allowance.
- Box 10 tells Sioux Falls Housing if there is any other subsidy for the property.
- Section 11 breaks down which **utilities** and **appliances** are included in the rent and which utilities and appliances you have to pay for out-of-pocket. Under "Specific Fuel Type" the landlord needs to check if its natural gas, bottle gas, oil, electric or coal or other. Then under the "Provided By" column the landlord would indicate who provides it. In most cases it would be the landlord, as they have the utility service hooked-up to the unit. Under the "Paid By" column the landlord indicates whether the utility is included in the rent, and he pays the bill or, if you have to pay the bill out-of-pocket.
- On the second page of the Request For Tenancy Approval the landlord needs to complete section 12 a., if there are 4 or more units on the property and part c which addresses lead-based paint. ***Both you and the landlord need to sign this form and return it to Sioux Falls Housing before the expiration date on your Voucher.***

After Sioux Falls Housing receives this form, we will estimate if the rent plus Sioux Falls Housing's utility allowance would meet the rent burden test (you can't pay more than 40% of your adjusted monthly income for shelter costs). If the unit meets this test, Sioux Falls Housing will schedule an appointment to evaluate the unit to determine if it meets HUD's quality standards. *Remember, if you move into the unit before Sioux Falls Housing evaluates the unit and determines it meets HUD standards you are going to have to the full rent yourself until the landlord brings the unit into compliance.* If the unit fails the evaluation and the landlord does not correct the issues, Sioux Falls Housing will not pay any rental assistance.

## **IMPORTANCE OF KEEPING BRIEFING PACKET AND DOCUMENTS**

There is additional information included in your packet that you should review.

*It is important that you keep all documents* like your lease and any rent changes or correspondence that Sioux Falls Housing sends you, in one place. You may need to refer to these documents in the future, or you may need them to verify your portion of the rent and utilities you are responsible for paying for Food Stamps or other programs.

We know this is a lot of information to absorb and it can be overwhelming and confusing. Government housing programs aren't easy to administer and they're certainly not easy to participate in. If you have questions after you leave, please contact your SFH Housing Specialist. Their business card is stapled to the inside pocket of your packet.