

Department of Housing Preservation and Development (HPD)

SECTION 8: Housing Choice Voucher Program

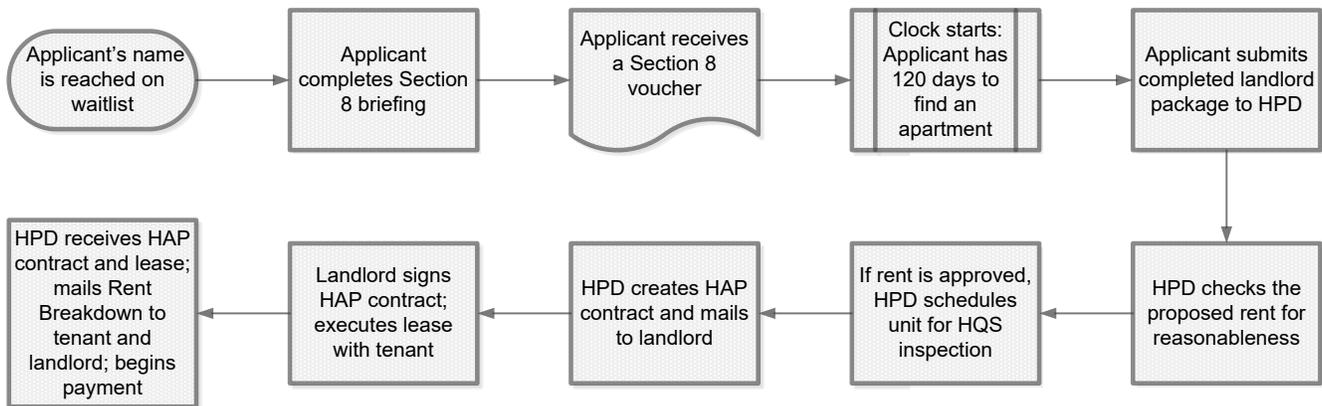
Section 8, also known as the Housing Choice Voucher (HCV) program, provides federal funding to eligible low-income families for rental assistance toward decent, safe, and affordable housing in a neighborhood of their choice. Families pay approximately 30% of their income toward rent, and the NYC Department of Housing Preservation and Development (HPD) pays the difference, up to a determined payment standard, directly to the owner. The unit must have a rent that is determined reasonable and affordable by HPD and must meet federal Housing Quality Standards (HQS) in order to be approved. At HPD, the program is administered by the Division of Tenant Resources (DTR).

Section 8 Application Process

All Section 8 vouchers issued by HPD support the agency’s mission to create and preserve affordable housing in New York City. HPD accepts applications only through preference categories that are limited to individuals and families in buildings developed or renovated under certain HPD programs, and those who are homeless and referred by a City Agency.

Applications, once submitted to the Division of Tenant Resources, are placed on a Section 8 waitlist. When applicants’ names are reached on the Section 8 waitlist, they are invited to attend a mandatory Section 8 briefing. Applicants that attend and remain eligible for the Section 8 program are issued Section 8 vouchers that provide 120 days to find an apartment and outline the rights and responsibilities of participation in the Section 8 program. Applicants are also given a Landlord Package that provides information about the Section 8 program to owners and allows owners to declare their interest to offer a unit to the voucher holder. The Landlord Package needs to be completed and submitted to HPD. Then, HPD must check that the owner’s proposed rent is reasonable and affordable, the Landlord Package is complete, and the owner is eligible to participate in the Section 8 program. If the Landlord Package is approved, the unit is scheduled for a Housing Quality Standard (HQS) inspection. The unit must pass the HQS inspection before HPD can approve the Section 8 applicant to be subsidized at the address listed on the Landlord Package.

Once a Section 8 applicant has received a voucher, the apartment has passed the HQS inspection, and the proposed contract rent is approved, HPD generates a Housing Assistance Payment (HAP) contract that lists the address, approved contract rent, HPD share of the rent, tenant share of the rent, family composition and the rights and responsibilities of the owner under the Section 8 program. The HAP contract is mailed to the landlord, and upon receipt the landlord must execute a lease with the tenant, sign the HAP contract, and return both documents to HPD. After final review, HPD will mail the landlord and the tenant a Rent Breakdown Letter with the effective date of admission to the program. The tenant becomes a Section 8 participant on the effective date listed on the HAP contract, lease, and Rent Breakdown Letter and must take occupancy of the unit.



FREQUENTLY ASKED QUESTIONS: FAQ

Below you will find the answers to frequently asked questions in the following sections:

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ON-GOING SECTION 8 PROGRAM RESPONSIBILITIES

What must I do to keep my Section 8 subsidy?

Section 8 participants must comply with all rules and requirements of the Section 8 program in order to keep their subsidy. These include, but are not limited to:

- Providing information necessary to administer the program (for example, identification, assets, and income information)
- Providing access for Housing Quality Standards (HQS) inspections and related repairs
- Paying your share of the rent on time
- Complying with all the terms of your lease and Housing Choice Voucher
- Completing an annual recertification package
- Reporting all changes in family composition within 30 days
- Reporting any absence from the unit of 90 days or more
- Requesting and obtaining approval for moving before leaving an apartment

FINDING AND LEASING AN APARTMENT

How do I find an apartment with my voucher?

There are multiple ways to find a rental unit. The internet is a good resource because you can usually search by specific criteria, such as neighborhood, price, bedrooms, or square footage. Try searching for apartments at **www.gosection8.com** because this website features property owners who work with HPD to rent apartments to Section 8 voucher holders. When you are issued your voucher, you will be provided with a current apartment listing from **www.gosection8.com**. You are welcome to request an updated listing from HPD during your housing search, but are advised to check the website as the information changes daily. You can also check online newspaper classifieds and rental sites such as www.streeteasy.com. Please watch out for scams and do not pay money for voucher extensions, or anything not covered by your lease.

Other than using the internet, you can use local area newspaper classified ads, or check bulletin boards and signs in local places such as grocery stores, schools, libraries, and other places you visit. Try talking to your friends and family and let them know what you are looking for.

FINDING AND LEASING AN APARTMENT (Cont.)

Can I rent any unit that I want?

HPD will not approve a subsidy in a unit where the landlord is the voucher holder's parent, child, grandparent, grandchild, sister or brother of any member of the assisted household. HPD may waive this restriction as a reasonable accommodation for a family member with a documented disability.

Additionally, the apartment cannot be shared housing or a room. The apartment must have a valid certificate of occupancy. The owner must not be disbarred from participating in federal programs. The apartment must be affordable to the family with the voucher assistance. The unit must pass HQS inspection and the family may not be overcrowded in the unit.

Does HPD pay for my security deposit or broker's fee?

No, tenants are required to pay for their own **security deposits** and **brokers' fees** if applicable. However, please keep in mind that a property owner is not allowed to charge you a higher security deposit than what they charge for their unassisted tenants. Depending on your situation, you may be eligible for assistance with move-in costs through the NYC Human Resources Administration (HRA). Call 311 for information on how to contact your local HRA office.

Can a landlord refuse my application because I have a Section 8 voucher?

New York City Local Law 10 of 2008 prohibits owners of buildings with six or more units from discriminating against tenants or applicants for housing based upon their source of income, which includes your Section 8 voucher. If you believe that you have been the victim of income-based discrimination, please report the incident to the NYC Commission on Human Rights at 212-306-7450 or call 311.

Will I have to pay for utilities?

Your lease and Landlord Package will specify the utilities that you will pay for and the utilities, if any, that are included in the rent. If you are responsible for paying utilities, HPD provides a utility allowance that can reduce your tenant share of rent in order for you to cover those costs.

Once I've found an apartment, what do I need to give to HPD in order to move in?

Before your voucher expires, you need to submit:

- A completed **Landlord Package**, including a completed **Request for Tenancy Approval (RFTA)**
- A copy of the proposed lease

HPD will then review the proposed lease and the RFTA to determine whether they can be approved. If the RFTA is approved, HPD will schedule an inspection. If the unit passes inspection, HPD will mail two original HAP contracts to your landlord and notify you. At that time, you should sign a lease with your landlord. You or your landlord must then return the two executed **HAP contracts** and the lease to HPD within 30 days of the date the contracts were mailed so that HPD can release payments to the landlord.

If the proposed lease and RFTA are not approved, the landlord and you will be notified. When the RFTA is not approved, HPD will provide you with a voucher that has the remaining time of your Section 8 voucher term (the time left between the date you submitted a landlord package and the original voucher expiration date), so that you can continue your housing search.

When can I move into the apartment?

HPD is not responsible for any rent due to the owner before the date on the move in approval letter. This notice will be generated at the time HPD sends HAP contracts to the owner. Once HPD receives the executed HAP contract and a lease with dates that match the HAP contract, HPD will complete a final review. Once the file is complete, HPD will process a new admission and send you a Rent Breakdown Letter.

RENT AMOUNT AND VOUCHER SIZE

How does HPD calculate my portion of the rent?

The total rent paid to the owner is called the **contract rent**. The contract rent is made up of the **tenant share**, the amount of rent that you pay to the landlord, and the **Housing Assistance Payment (HAP)**, the amount that HPD pays to the landlord.

Your portion of the rent is called the **tenant share**. It is based on the greater of the following:

- approximately 30% of your adjusted household income
- 10% of your gross income
- a minimum payment of \$0

HPD pays the remainder, which is called the **Housing Assistance Payment (HAP)**. However, HPD can only pay up to the **payment standard**, or the maximum allowable subsidy. If you choose to lease a unit with a higher rent than the payment standard, you will be responsible for paying the difference between the payment standard and the rent. *When you first join the program or at the time of a move, HPD cannot approve an apartment for which your total payment is higher than 40% of your income.*

Is there a maximum rent that HPD will cover?

In order for HPD to subsidize the unit, the full contract rent must be “reasonable.” **Reasonable rent** means that the owner’s proposed rent is not more than the rents that are being charged for similar unsubsidized apartments in the same building or neighborhood. HPD will not approve a lease until it has been determined that the initial rent to the owner is a reasonable rent.

During the initial term of the lease, the owner cannot raise the rent. As the lease renews, the owner may request increases in the contract rent. Any rent increase request made by the owner must be determined reasonable by HPD before it is approved. The owner may not collect any additional rent from the tenant unless HPD has approved it.

In addition, the maximum subsidy that HPD may pay on behalf of an assisted household is based on the applicable **payment standard**. The payment standards are based on **Fair Market Rents (FMR)** published by the US Department Housing and Urban Development (HUD). It is dependent on bedroom size—either the lesser of the voucher size for which your household is eligible, or the unit size. These payment standards are the maximum allowable subsidy that can be provided by HPD for a regular Section 8 voucher. You may lease an apartment with a rent higher than the payment standard, but you must pay the difference and your total tenant share cannot exceed 40% of your income.

Please see the current payment standards in Appendix A.

What if my contract rent is higher than the payment standard?

You may lease an apartment with a rent higher than the **payment standard**, but you must pay the amount of rent that exceeds the payment standard in addition to your tenant contribution of 30%, and your total tenant share cannot exceed 40% of your income at leasing.

If at lease renewal your rent exceeds the payment standard for your household, the amount of rent that exceeds the payment standard will be added to your tenant share. As you continue to occupy the apartment, there is no 40% cap on the household share of rent.

RENT AMOUNT AND VOUCHER SIZE (Cont.)

After the initial lease amount, am I responsible to pay a rent increase that has been approved by HPD?

HPD will approve **rent increases** that are determined **reasonable** (based on an analysis of rents for similar unassisted units in the market). If the rent increase is at or below the **payment standard**, tenants will not have to pay any additional funds toward the rent increase. If the rent increase is above the payment standard, tenants may have to pay the difference between the payment standard and the contract rent. However, tenants should never pay more than the amount written on the most current HPD **Rent Breakdown Letter**.

How does HPD determine the voucher size for my family?

The number of bedrooms you are eligible to occupy is called the subsidy standard. Subsidy standards are based solely on the number of people residing in your household. HPD will allot one bedroom per person, with the exception of partnered or married adults who will be allocated one shared bedroom. Please see the current subsidy standards in Appendix A.

What if I am living in a unit that is smaller than my voucher size?

If you rent an apartment with fewer bedrooms than what is listed on your voucher, your payment standard will match the number of bedrooms in the unit. In certain situations, the apartment may be considered too small causing an overcrowded condition. According to the federal government's Housing Quality Standards, a unit is not **overcrowded** as long as it has at least one bedroom or living/sleeping room for each two persons. You can live in an apartment smaller than your voucher size as long as the unit is not overcrowded. HPD cannot provide subsidy to a unit that is overcrowded.

What if I am living in a unit that is larger than my voucher size?

If your current apartment is larger than your voucher size, the maximum amount HPD will pay is the **payment standard** for the voucher size (based on the **subsidy standard**) issued to your family. If the contract rent for your unit is above the payment standard, you will have to pay the difference between the payment standard and the contract rent in addition to the tenant share determined by HPD based on your income.

If I am living in a unit that is larger than my voucher size, do I have to move?

No, but your share of the rent may increase significantly. You may request a move voucher from HPD's Division of Tenant Resources if you decide that you cannot afford your share of the rent at your current apartment.

If you are applying for assistance at your current residence, the unit is larger than your voucher size, and the contract rent exceeds the payment standard for your voucher size, HPD is required to determine if this rent is affordable for your household. At initial leasing with Section 8 assistance, the household share of the rent (30% of income + excess rent over the payment standard) may not exceed 40% of the monthly adjusted household income. This is often referred to as the 40% rule and is a federal regulation for the program. In situations where the tenant share would be greater than 40%, the owner would need to agree to lower the rent or the household would need to locate alternate housing.

How do I request a reasonable accommodation if I have received an over-housed notice?

Reasonable accommodations are granted only for households who have a disability or a medical condition and who provide documentation from a medical professional establishing a connection between a disability/medical condition and the requested accommodation. All requests will receive a written response and participants may appeal the decision they receive. You may request reasonable accommodation by going to the Forms for Section 8 Tenant's page on HPD's website <http://www1.nyc.gov/site/hpd/section-8/sec8-resources-useful-forms-tenants.page> and printing out the Request for Reasonable Accommodation Form or writing a letter to HPD's Division of Tenant Resources, 100 Gold Street, Continued Occupancy Unit, Room 1M, 10038, Attn: Project Manager.

HOUSING QUALITY STANDARDS (HQS) INSPECTIONS

How often are Housing Quality Standards (HQS) inspections?

HPD inspects subsidized apartments prior to lease up and at least once every two years thereafter to ensure compliance with federal **Housing Quality Standards (HQS)** requirements. These standards establish a minimum basis for habitability and must be maintained in order for the owner to receive monthly **Housing Assistance Payments (HAP)**. All Section 8 participants are required to provide access to HPD inspectors to allow them to perform the inspection. Inspections may also be completed at your request. If necessary, you can call 311 to request an inspection.

What happens if I do not allow the inspectors in my apartment?

If you fail to provide access to an entire apartment for an inspector two times in a 12 month period, it is considered a breach of tenant (participant) obligation and may result in the termination of your subsidy. If you do not provide access to a specific room, it will be considered a **tenant caused failure**. See below what happens when you have a tenant caused failure.

What am I responsible for during Housing Quality Standards (HQS) inspections?

You are responsible for maintaining **Housing Quality Standards (HQS)** requirements and HPD will hold you responsible for damage or defects that cause a unit to fail inspection. HPD generally holds tenants responsible for the following **HQS failures**:

- Nonfunctioning smoke detectors (battery-operated and battery dead, or electric and participant pays electrical utilities) or missing smoke detectors (when it was present at last inspection)
- No electricity or gas (tenant pays utilities)
- Double cylinder lock on exit door
- Illegal gates on fire escape windows
- Debris that blocks access to exit doors or fire escape windows
- Kitchen grease that constitutes a fire hazard
- Damage caused by tenant or tenant's guest

What happens if my apartment fails a Housing Quality Standards (HQS) inspection?

If a unit fails a Housing Quality Standards (HQS) inspection, you and the owner will be notified of what specific failures were found, whether the failures are the responsibility of the owner or the tenant to correct, and the correction deadline. **Tenant-caused failures** will be re-inspected within 30 days, and a notice with an appointment date will be mailed to the tenant and owner. **Owner-caused failures** may be self-certified as corrected within 30 days. HPD will mail certification of correction forms to the owner to complete by the HQS deadline. Section 8 participants must provide their landlord access to make the necessary repairs for apartment to pass the HQS inspection. Tenants will be notified when an owner certifies the correction of a failure item and tenants may contact HPD to dispute the correction of the failure.

If an owner fails to correct HQS failures within the 30 day period or any HPD approved extension, HPD MUST abate (suspend), the **Housing Assistance Payments (HAP)** until the failures are corrected. If the **HAP abatement period** is a total of 180 days or more, you will be required to move and locate a new unit that meets HQS. The owner is not responsible for tenant-caused breaches of HQS. If you, the tenant, fail to correct a tenant-caused HQS failure or fail to provide access to your apartment, HPD will follow its termination of subsidy procedure to terminate your participation in the program.

Am I responsible for paying the HPD portion of the rent during the abatement period?

When a landlord does not correct an **HQS failure** within the given timeframe, HPD will provide notice to the tenant and owner that the HAP will be abated (suspended) the first of the month following the correction period. The notice states that you, the tenant, are not responsible for HPD's portion of the abated rent. The landlord cannot ask you to pay HPD's portion. Tenants must continue to pay their tenant share of the rent during the abatement period to remain in compliance with their family obligations. If faced with any court action for arrears resulting from abatement, it is critical that you seek representation and inform the court that you receive Section 8 subsidy.

LANDLORD RESPONSIBILITIES

When I find an apartment that I want to rent, what does the landlord need to do?

When a landlord agrees to participate in the Section 8 program and rent to you, he or she will complete a HPD Landlord Package and provide access to the apartment and common areas for the HQS inspection on the date it is scheduled to be inspected. Once the Landlord Package is approved and the HQS inspection is passed, HPD will issue the owner a **Housing Assistance Payment (HAP) contract**. The HAP contract details the responsibilities of both HPD and the owner, including but not limited to the following:

- Tenant selection and leasing based on a family's tenancy history
- Normal landlord functions during the lease term, e.g., maintenance, rent collection
- Collecting amounts due from family under the lease (tenant rent, security deposit, other tenant charges for damage to the unit)
- Compliance with equal opportunity requirements
- Paying for owner-supplied utilities and services
- Providing reasonable accommodation for persons with disabilities
- Notifying HPD when a tenant vacates an apartment
- Requesting rent increase approval from HPD at least 60 days before the new proposed contract rent is to take effect

In addition, landlords must disclose any known lead-based paint hazards to tenants before executing a lease. They must also provide all prospective tenants with a copy of *Protect Your Family from Lead in Your Home* or another EPA approved document.

What is the landlord responsible for while I'm living in the unit?

The landlord is expected to provide the services agreed upon in the lease and in the **HAP contract** signed with HPD. The landlord must also provide decent, safe, and sanitary housing to you at a reasonable rent by:

- Complying with all HQS requirements except those items specifically assigned to tenants
- Performing ongoing maintenance, including painting
- Notifying tenants each time lead hazard reduction activities are performed
- Performing all work in accordance with HUD prescribed safe work practices
- Enforcing the lease that was executed with the tenant
- Collecting the tenant's share of rent
- Complying with Fair Housing and Equal Opportunity requirements
- Paying for utilities, maintenance, and services unless they are paid for by the tenant under the lease terms
- Complying with all local laws

Can the landlord ask me to pay for HPD's portion of the rent at any time?

No, owners cannot ask you to pay HPD's portion of the rent. If the owner has an issue with HPD's payment, they should contact HPD at 917-286-4300.

What happens if the landlord changes the lease?

You and the landlord must both agree to any changes in the current lease agreement. The changes must be in writing and be dated and signed by you and the owner. Then the owner must provide a copy of the updated lease to HPD. The updated lease will be approved as long as it complies with requirements.

If the owner wants to change the responsibility for utilities under the lease, this is an amendment to the HAP contract as well as the lease. You and the owner would need to complete an updated **Request for Tenancy Approval (RFTA)** form and lease and submit that to HPD. HPD will determine the reasonable rent for the apartment, adjust the utilities assignment, and issue the owner updated HAP contracts. This change may only be made at the expiration of an existing lease.

HOUSEHOLD AND INCOME CHANGES

What if I want to add household members to the apartment?

Household members other than additions due to marriage, legally recognized domestic partnership, or the birth, adoption, or court awarded custody need pre-approval before moving into the unit. Any additions to the household, regardless if they need pre-approval, must be reported to HPD within 30 days of the change.

The **head of household** must submit any document or paperwork requested by HPD to add household members. For new household members aged 18 or older, HPD will conduct checks for sex offender registration requirements and production of methamphetamines at federally assisted housing.

If an addition to your household causes a unit to be overcrowded, only additions due to marriage, legally recognized domestic partnerships, or birth, adoption or court awarded custody will be approved. In such cases, HPD will issue an overcrowded notice to your family. Your family will be required to move.

What if someone moves out of the apartment?

If a member of the household leaves or is removed from the apartment, you must notify HPD within 30 days of the change and provide proof that the person moved. An example of proof is a new lease or utility bill in that person's name at their new address.

What if I don't report a change in my household composition?

HPD may terminate your assistance if you fail to report a change in family composition.

What if a household member gains or loses a source of income?

You must report changes of income at your next **annual recertification**. You may report changes in income before your next scheduled recertification, but you do not have to do so. You are encouraged to report decreases in your income so that HPD may adjust your share of the rent. If you report changes to your income prior to annual recertification, HPD will conduct an **interim certification** effective on the first of the month after you submit documentation of a decrease in your income.

What if I want to change who is the designated head of household?

The current **head of household** must go to HPD with a photo ID to request the change the head of household. The person can remain in the household or provide proof that he or she is moving. Only tenants who have been approved members of the household for at least six months can become a head of household. Once the request is made, the proposed head of household must attend a briefing and complete a recertification to determine eligibility for the program.

If members of the household are not able to obtain consent for a switch from the head of the household, the request to change the head of household will be denied. Under extenuating circumstances, HPD may make exceptions to this policy.

What happens if the head of household passes away?

If the **head of household** passes away, only someone who has been an approved member of the household for at least six months will be eligible to become the new head of household. If there are minors in the household, HPD will work with adults who obtain custody of the minors.

When will my voucher size and payment standard be updated after I notify HPD of changes to the household?

When you notify HPD of changes to your household, it will be processed as an interim recertification. However, payment standard changes are only updated at the time of annual recertification, so your new payment standard will change at your next annual recertification.

MOVING AFTER THE INITIAL VOUCHER PERIOD

Can I move from my apartment and keep my Section 8 rent subsidy?

If you have received written authorization from HPD, you can move and keep your rent subsidy if you are a participant in the Section 8 program. Families are eligible to apply to move once every 12 months.

If I want to transfer to another apartment in my development, do I still need permission from HPD?

Yes. To move while continually assisted, you must request and receive written approval from HPD. To initiate a transfer, management and the tenant should complete and submit a Request for Tenancy Approval (RFTA) form to the Move Unit. The transfer is approved when the new apartment passes a Housing Quality Standards (HQS) inspection, and HPD issues a HAP contract. In emergency situations (fire, dangerous conditions) management may transfer the tenant to another apartment prior to HPD approval but no subsidy will be paid for the unit until a RFTA is submitted, the new apartment passes HQS inspection and a HAP contract is executed between the owner and HPD.

Can I move if my landlord is taking me to court and trying to evict me?

Yes, you are eligible to move if you are in compliance with Section 8 rules and regulations, including being current with your rent, the landlord signs an HPD general release, and HPD approves the move. If your landlord is suing you for non-payment of rent, then HPD may not grant your request to move.

How do I request to move?

You must complete a Move Request form. You may obtain a form online at <http://www1.nyc.gov/site/hpd/section-8/sec8-resources-useful-forms-tenants.page> or you may request a form by mail by writing to: NYC Department of Housing Preservation and Development, 100 Gold Street, Rm. 1-0, New York, NY 10038, Attn: Section 8 Move Unit.

You may also obtain a form in person from HPD's Client Services Unit from 9:00 am-4:00 pm, Monday through Friday. Once you have completed the Move Request form, HPD will conduct a review of your case to determine if you are eligible to move. The process may take up to 14 calendar days.

What additional paperwork is needed to start the move process?

In order to start the move process, you must have completed an **annual recertification** within the last six months. A **General Release form** signed by both the tenant and the landlord is also required. HPD must confirm the landlord's signature via phone once the signed form is submitted.

How do I know when I can start to look for a new apartment?

You are approved to search for a new apartment if you have been issued a **move voucher** and an HPD **Landlord Package**. Once a household has been determined eligible to move, the **head of household** must attend a briefing at HPD. At that time, they will receive a move package, which consists of a Housing Choice Voucher (HCV), a Landlord Package, maps and information about low-poverty neighborhoods, and an apartment listing. Once the family has located new housing, the new landlord must complete the Landlord Package and the unit must pass an HQS inspection.

Do I continue to pay my current landlord rent while I am searching for new housing?

Yes, you must continue to pay your rent and comply with **Section 8 rules and regulations**. Failure to remain in good standing with program requirements may result in the termination of assistance and/or your approval to move.

How long is an HCV move voucher valid?

A **move voucher** is valid for 120 days (approximately four months). You must find a new apartment and return a completed Landlord Package by the end of the 120 day period. Once your voucher expires, you will not be eligible for a move voucher for another 12 months. In cases of hardship, HPD will consider requests for extension if the request is submitted within 30 days of voucher expiration.

MOVING AFTER THE INITIAL VOUCHER PERIOD (Cont.)

Once I return the Landlord Package to HPD, when can I move in?

Once you submit a completed Landlord Package to HPD, it will be reviewed and processed. Once the package is determined complete and approved and the rent is determined reasonable, an HQS inspection will be scheduled with the prospective landlord. The apartment and any common areas will have to pass HQS inspection. Once these steps are completed, HPD will mail you the **Transfer Approval** documents.

You may not move until you have received Transfer Approval documents from HPD. These documents will be mailed to your current residence within seven days of the passed HQS inspection. You may also pick up a copy of these documents from Client Services. HPD will issue HAP contracts to your new landlord and they must be returned immediately, along with a signed lease. Once you have a signed lease, you are legally allowed to move in on the date your lease begins, which should match the date on your transfer approval documents. However, federal regulations prohibit HPD from issuing payment on your behalf until your landlord signs a HAP contract and submits it to HPD with a copy of an executed lease. **Please remind your landlord to sign the HAP contract and submit it to HPD at lease signing. If HPD does not receive the HAP contract, you may be held responsible for the full contract rent.**

How long does the move process take?

The time it takes to complete the process depends on how soon you can give HPD proper and complete documentation from your current and future landlords and how long it takes to conduct an **HQS inspection** of the new housing unit. Please keep in mind that your new apartment must pass an HQS inspection before HPD can give you Transfer Approval documents.

Can I move outside of NYC?

Yes, if you are eligible to move. **Portability** is the ability to take your Section 8 rental assistance outside of NYC to another location anywhere in the United States of America that administers the Section 8 voucher program.

Who is eligible for Portability?

Any voucher holder is eligible for **portability** that is in good standing with Section 8 rules and household obligations and is in good standing with their existing lease requirements.

Are there any restrictions on eligibility?

Yes. Applicants must be income eligible at the Section 8 program they wish to “port to.” Current Section 8 participants must be eligible to obtain a Section 8 move voucher in order to start a port process. The requirements for a participant to obtain a move voucher include:

- Participants must not have received a move voucher within the last 12 months
- Participants must have completed an annual recertification within the past 6 months
- Participants must be current with their tenant portion of rent
- Participants must have either an expired lease or the ability to obtain a General Release form signed by your current landlord
- Participants with an open repayment agreement may not port until full repayment is made to HPD
- VASH participants must request and receive approval from the Veteran’s Administration (VA) to use their assistance to port to another jurisdiction. VA case management must be available in the jurisdiction for VASH participants to port

Participants should note that income and other eligibility requirements (such as criminal background checks) at the Section 8 program they wish to port to may be different than HPD’s and any differences may result in an increase of tenant share, no rent hardship, or a denial from the receiving PHA to assist the household.

MOVING AFTER THE INITIAL VOUCHER PERIOD (Cont.)

How do I begin the portability process?

You must complete a **Portability Request form**. You may obtain a form from Client Services at HPD's office, located at 100 Gold Street, Room 1-O, from 9:00 am-4:00 pm. You may also request a form by mail: NYC Department of Housing Preservation and Development, 100 Gold Street, Rm. 1-O, New York, NY 10038, Attn: Section 8 Portability Unit. Once you have completed the Portability Request form, HPD will conduct a review to determine if you are eligible to move. The process can take up to 14 calendar days.

How do I know when I can start to look for a new apartment outside NYC?

Once a family has been determined eligible to port they must attend an oral briefing at HPD regarding the portability process. The family will receive a portability package that consists of a Housing Choice Voucher (HCV) Portability voucher, housing mobility information and maps, and a copy of the portability paperwork that HPD will send to the receiving PHA. Once you arrive at your port location, you must report to the PHA to be briefed on the PHA's rules and obligations and lease-up procedures. The PHA will issue you a voucher to search for a unit in their jurisdiction.

Will my voucher size remain the same?

Your voucher size may change depending on the **subsidy standards** at the new public housing authority (PHA). The subsidy standard is the number of bedrooms assigned by household size by a PHA. If a reasonable accommodation is required, it must be requested of the receiving PHA. In addition, the **payment standards** and the utility allowance will be different as well.

Do I continue to pay my current landlord rent while I am searching for new housing in another location?

Yes, you must pay your rent and comply with Section 8 rules and regulations. Failure to remain in good standing with program requirements may result in the termination of assistance and/or your approval to port.

How long is my portability voucher valid?

A **portability (port) voucher** can be valid from 60-120 days. The amount of search time on your voucher can vary depending on when a port voucher is requested. If you request a port while you have an active voucher, you will be issued a voucher with whatever search time you have remaining (a minimum of 60 days). If you request a port, and you do not have an active voucher, your portability voucher will be valid for 120 days.

What happens if my portability voucher expires?

If you are an applicant, you can be denied Section 8 assistance if your voucher expires before you successfully locate a unit. If you are a participant, you may return to NYC and maintain your Section 8 assistance if you remain in compliance with Section 8 program rules and regulations and your Housing Choice Voucher. You will not be eligible for a move voucher for another 12 months. Voucher extensions are subject to approval from both HPD and the PHA in which you are trying to port.

What does the term "Absorbed" mean?

Once you've started assistance at a residence outside of New York City, the receiving PHA has the option to either bill HPD for your monthly housing payment and administration fees or absorb you into their program. By absorbing, the receiving PHA will pay your monthly housing payment for you out of their funding. When you are absorbed by the receiving PHA you are no longer connected to HPD's program, you are fully a participant in that agency's Section 8 program.

What happens if I can't find a unit outside NYC, can I return to NYC and search for a unit?

Yes, the receiving PHA, to which you attempted to port, must refer you back to HPD. However, you will have to locate a unit with the time remaining on your voucher.

FAMILY SELF-SUFFICIENCY (FSS) PROGRAM

What is the Family Self-Sufficiency (FSS) Program?

While you are a participant in the Section 8 program, you may be eligible for the **Family Self-Sufficiency Program (FSS)**. FSS offers HPD Section 8 participants assistance with employment, job training and continuing education through case management services. Additionally, participants have the opportunity to accumulate substantial savings. When an FSS household income increases due to employment earnings, the increase in the tenant share of the rent is matched in a savings account that becomes available to the household upon successful completion of the program.

How does Family Self-Sufficiency (FSS) work?

- Create a plan: HPD staff and the participant devise a 5-year plan that outlines career goals and objectives.
- Participants work toward achieving the goals laid out in their plans and receive support from FSS staff and partner organizations.
- Develop savings: As the participant's income from employment rises, the amount of their subsequent rental increase is deposited into a private, tax-free escrow savings account.
- Achieve goals and receive savings: After achieving program goals, upon graduating from the 5-year program, the participant receives the escrow savings

Can I graduate from Family Self-Sufficiency (FSS) and remain on Section 8?

Yes. If you are still eligible for the voucher program, you can continue to use your Section 8 voucher.

Will my Family Self-Sufficiency (FSS) savings account affect my participation in Section 8?

No. While you must report the money you are awarded upon graduation from the program upon recertification, it is not counted toward determining your tenant share.

Will my Family Self-Sufficiency (FSS) savings be taxed?

The IRS will not count the funds in the account or the interest earned as taxable income.

What are some examples of careers for Family Self-Sufficiency (FSS) graduates?

Graduates have become certified nursing aides, chefs, medical billing specialists, medical assistants, legal secretaries, and maintenance technicians, among others.

If my income increases to the point that I leave Section 8 before my five year Family Self-Sufficiency (FSS) contract is complete, will I receive my escrow balance?

Yes. Termination from Section 8 due to "no rent hardship" counts as successful completion of the FSS contract and you will receive your escrow balance.

If I decide to Port, can I still participate in the Family Self-Sufficiency Program (FSS)?

Yes, but only if you port to a PHA that has a FSS program and is willing to admit you in their program. You might want to consider how much money is in your FSS escrow account and whether or not the Housing Authority you are porting to has a FSS program. If you port to a Housing Authority that doesn't have a FSS program or isn't willing to admit you into their FSS program, you will lose any escrow that you have earned.

TERMINATION OF ASSISTANCE

Why would HPD terminate my Section 8 subsidy?

Your rental assistance is dependent upon complying with all Section 8 program rules and regulations and the Housing Choice Voucher. The reasons for which your assistance could be terminated are outlined in detail in Chapter 15 of the Administrative Plan and Chapter 16 of the Briefing Book.

In determining whether to terminate your assistance, HPD has the discretion to consider the circumstances in your particular case. These circumstances include the seriousness of the case, the extent that individual family members participated in or were responsible for the actions leading to termination, and the effects that termination of assistance will have on other family members who were not involved in the action or failure to act. As a condition of continuing your assistance, HPD may prohibit family members who participated in or were responsible for the action or failure to act from living in your subsidized unit.

Can my landlord end my tenancy?

Yes, if you violate the terms of your lease with the landlord, he or she can terminate your tenancy. Your landlord can only evict you by court action. If your landlord evicts you, HPD can also terminate your Section 8 subsidy.

Can my subsidy be terminated if I don't submit all of my documents to HPD?

Yes, you must provide information that HPD needs in order to administer the program. If you do not provide the necessary information, your application may be denied if you are an applicant. If you are a tenant, you may face termination procedures.

What is a Pre-Termination Notice?

If HPD moves to terminate your subsidy, HPD will mail you a **Pre-Termination Notice of Section 8 Non-Compliance** that grants you 15 days to comply with any required documents or request a conference to discuss the reason(s) why the subsidy is pending termination. Please comply or complete the conference request form and submit to HPD within the set deadline to attempt to resolve issues in a timely manner with HPD staff.

What happens if the issue isn't resolved at pre-termination?

If your issues are not resolved at a pre-termination conference, you will receive a final **Notice of Section 8 Rent Subsidy Termination**. You may appeal the subsidy termination by requesting an Informal Hearing by returning Appeal of Section 8 Rent Subsidy Termination form to the HPD Appeals Unit within 30 calendar days of the date printed on the notice. An independent HPD appeals team will schedule your appeal and hear your case.

APPENDIX A

Payment Standards

Payment standards can be found at <https://www.nyc.gov/site/hpd/services-and-information/subsidy-and-payment-standards.page>

Subsidy Standards

These are the **subsidy standards**:

# of Household Members	When <u>no</u> household members are partnered	When <u>any two</u> household members are partnered
1	1	1
2	2	1
3	3	2
4	4	3
5	5	4
6	6	5