

Guide to Section 8 Voucher Program

In the Section 8 Housing Choice Voucher Program, families are given vouchers that help them pay their rent with private landlords. Families usually pay 26% to 28% (depending on how many are in the family) of their before-tax income for rent and essential utilities (gas, electric, water). The Philadelphia Housing Authority (PHA) pays the remainder of the family's rent directly to the landlord.

In order to participate in the Section 8 Voucher Program, a family must meet PHA eligibility guidelines. Similarly, the landlord must be approved by PHA, and the house or apartment (unit) must meet federal Housing Quality Standards (HQS).

PHA, the landlord and the tenant all have different roles and responsibilities in the Section 8 voucher program. The result is a triangular relationship with each side relying on the other two to work.

- *PHA and Tenant:* The tenant signs an agreement with PHA that outlines the family obligations under the Section 8 voucher program.
- *PHA and Landlord:* PHA signs a Housing Assistance Payments (HAP) contract with the landlord that sets the rent subsidy and establishes the landlord's obligations under the program.
- *Landlord and Tenant:* The landlord and the tenant enter into a written lease for the unit that sets up the landlord-tenant relationship. Many of the key terms of the lease, such as how much rent the tenant must pay, and who must pay for the utilities, are prescribed by PHA.

The Public Housing Unit at Community Legal Services advises families with issues regarding their Section 8-subsidized units and their participation in the Section 8 Voucher Program. In some cases, unit staff will represent tenants in court or in administrative hearings.

For more information about the Section 8 Voucher Program:

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To apply for free legal representation:

Tenants in the Section 8 Voucher Program can come for **intake** at the Center City office. For intake hours and location click [here](#).



COMMUNITY LEGAL SERVICES
OF PHILADELPHIA

Section 8 Voucher Program: **Admission**

Waitlist

The waitlist for the Section 8 Voucher Program in Philadelphia is currently closed and has been since 2000 with the exception of two weeks in March 2010. All applications prior to 2010 have been processed. If a family applied prior to 2010 and has not received a voucher, the family is no longer on the waitlist. Section 8 will notify the public via radio, newspaper, TV, etc. when the waitlist reopens.

Once an applicant does get on the waitlist, the approximate wait time for a voucher is 7-10 years. **However, due to sequestration, PHA is not providing any waitlist applicants with a voucher as of spring 2013.**

Applicants on the waitlist must notify PHA of any change of address. If the applicant fails to respond to something sent by PHA, the family will be removed from the waitlist. Applicants should check in at least **once a year** to make sure they are still on the waitlist.

Screening

All members of the applicant's household must be U.S. citizens or legal resident aliens and will be screened for criminal activity and drug abuse. Applicants will also be screened for credit history. Applicants must have low income and meet one of PHA's preference categories.

Documentation Needed

1. Mailing address of head of household
2. Phone number of head of household
3. The following information is required for all household members:
 - Social Security Number
 - Date of Birth
 - Gender
 - Race/Ethnicity
 - Gross (pre-tax) Monthly Income
4. Site Selection: Your choice of 5 sites where you would like to live or choose to move into the first unit available that meets your needs

Application Denial

PHA must give Housing Choice Voucher Program applicants written notice of a decision to deny admission.

- The notice must give a reason for the denial.
- The applicant will be given 10 working days to submit a written request for an informal hearing. PHA will then notify the applicant of the date, place and time of the hearing.
- PHA will appoint an impartial review committee to conduct the hearing. No member of the committee can be a PHA employee who was substantially

involved in the initial denial or a subordinate of a PHA employee was substantially involved in the initial denial.

- At the hearing, the applicant be allowed to present any relevant evidence or testimony and shall be allowed to contest evidence relied upon by PHA. The applicant has the right, upon request, to review any relevant PHA documents in advance of the hearing.

The committee must make its decision within 14 days of the hearing. The decision must be made in writing and must be based solely on the facts presented at the hearing. The decision must state the basis for the ruling.

Section 8 Voucher Program: **Moving In**

Briefing

Once a family is determined to be eligible for the Housing Choice Voucher Program, certain family members are required to attend a briefing to learn how the program operates and understand the family's obligations under the program.

Finding a Place

After all required family members have attended the briefing, the family will receive a voucher that is valid for 120 days. The family can take the voucher to a private landlord to fill out the forms to complete the family packet. The family then submits the family packet to PHA. If 120 days is not enough time to submit a family packet, the family can request an extension.

Unit Inspection

PHA will inspect each unit leased to a family prior to the initial term of the lease, at least once annually during the tenancy, and at other times as needed. The purpose of the inspection is to determine if the unit meets the Housing Quality Standards (HQS).

Moving In

If the unit passes inspection, the family will sign a Section 8 voucher lease. The landlord may require the family to sign a second private lease, but the second lease cannot conflict with voucher lease.

The landlord can also require that the tenant pay a security deposit up to 2 months of full contract rent—not just tenant's portion.

Section 8 Voucher Program: **Rent Calculation**

Rent Calculation

The amount of the rent for Section 8 Voucher Program tenants is usually based upon a percentage of the family's income. The income of every family member is used in calculating rent. Some types of income are not included. Earned income is counted by gross pay (before taxes are taken out) and not by take home pay.

Income for Rent Calculation

PHA cannot use the following income in calculating rent:

- Earnings of children under 18;
- Payments for foster care;
- Lump sum payments, like an inheritance or an insurance payment;
- Reimbursements for the cost of medical care;
- The income of a live-in aide; (for a definition of a live-in-aide go to Need for someone to assist because of a medical problem)
- Student financial assistance;
- Pay of a family member serving in the armed services who is exposed to hostile fire;
- Funds received under training programs;
- Sporadic income, such as gifts;
- Deferred lump sum payments of Social Security and SSI;
- Earned income tax credits;
- Property tax rebates.

Calculating Rent

To calculate the rent, first take the family's annual gross (pre-tax) income.

Subtract any applicable deductions from the family's gross (pre-tax) annual income to get "adjusted annual income." There are three possible deductions from annual income:

1. \$500 per year for any family with at least one family member employed 20 hours per week or more;
2. The annual cost of Medicare, Medicaid and/or health insurance premiums for elderly or disabled households (for definitions of "elderly" and "disabled" see link PHA's admissions preference for working/work ready, elderly, disabled and veteran families); and
3. \$500.00 per year for income obtained from assets, such as interest on a bank account.

Multiply the adjusted annual income by applicable percentage (based on family size) below:

- 1-2 persons 28%
- 3-5 persons 27%
- 6 or more 26%

The figure derived by this multiplication is called "annual rent."

Divide the annual rent figure by 12 to get the “monthly rent.”

Section 8 Voucher program tenants who are responsible for utilities may have a further adjustment to their rent as a result of utility allowances. For more information about utility allowances, click [here](#).

Sample Rent Calculation

Timothy Tenant lives in an apartment with his wife and two children. He is 65 and receives \$700.00 per month from Social Security. His wife works 20 hours per week and earns \$450.00 per month. They also receive SSI disability of \$500.00 per month for one of their children. The monthly income for the family is \$1,650.00 (\$700.00 plus \$450.00 plus \$500.00).

Annual Gross (pre-tax) Income: The annual gross (pre-tax) income for Timothy’s family is **\$19,800.00** (\$1,650.00 times 12).

Deductions: Timothy pays \$30.00 per month for Medicare coverage and also has a supplemental health insurance policy that costs \$50.00 dollars per month. As Timothy is 62 or older, he is considered to be “elderly” and can deduct these expenses from annual gross income. His monthly deductible expenses are \$80.00 (\$30.00 plus \$50.00) and his annual deductible expenses are \$960.00 (\$80.00 times 12). An additional \$500.00 deduction can be taken because Timothy’s wife works 20 or more hours per week. To get his adjusted annual income, Timothy can deduct a total of **\$1,460.00** (\$960.00 plus \$500.00).

Adjusted Annual Income: Timothy’s adjusted annual income would be **\$18,340.00** (\$19,800.00 minus \$1,460.00).

Annual Rent: Since Timothy’s household has four people, his annual rent would be calculated as 27% of his adjusted annual income. Timothy’s annual rent would be **\$4,952.00** (\$18,340 times .27)

Monthly Rent: Timothy’s monthly rent would be **\$413.00** (\$4,952 divided by 12)

Family	Earned Income	Deductions	Minimum Rent	Adjusted Annual Income	Annual Rent
Timothy (65), his wife and two children	\$19,800.00	\$1,460.00	\$50.00	(\$18,340 x 27%) = \$4,952.00	(\$4,952 / 12) = \$413.00

Minimum Rent

PHA has a minimum monthly rent of \$50.00, so if the monthly rent calculates to a figure less than that amount, the tenant will still have to pay \$50.00 per month. In the event that

a tenant suffers some sort of catastrophic loss of income, such as the loss of a job, PHA can waive the minimum rent for a period of three months. This is called a “grace period.”

Hardship Rent

If a tenant faces an extraordinary circumstance such as high medical expenses, termination of employment, or the termination of a statewide assistance program, the tenant can apply for a “hardship exemption.”

In order to apply for a hardship exception, the tenant must fill out a hardship request form and provide a copy to the Hardship Committee. PHA must suspend the minimum rent requirement, starting the month after the hardship request is made, and continuing until the Hardship Committee makes a determination on the request. Tenants can get a hardship request form from the manager.

Rent Changes

PHA must give the tenant 30 days advance written notice of any rent increase. Rent decreases are effective the month after the tenant reports a drop in family income.

Note: If the tenant fails to timely report an increase in income, PHA may make the rent increase retroactive to the month following the month in which the increase in income occurred. For more information about the recertification process for the Section 8 voucher program, click [here](#).

Section 8 Voucher Program: **Utility Allowances**

Utility Allowances

When a Section 8 voucher program tenant is responsible to pay for gas, water, electric or oil utility charges, PHA must provide a utility allowance to the tenant. For some tenants, PHA pays the allowance directly to the utility company. For other tenants, PHA sets the allowance off against the monthly rent. If the monthly rent is so low that the allowance actually exceeds the rent, the tenant will pay \$00.00 monthly rent to PHA and PHA will send the tenant a monthly “utility reimbursement” check for the balance of the allowance.

Whether the tenant has the allowance set off against the rent or whether the allowance is paid directly to the utility company, the tenant is responsible to pay the utility bills and is responsible for any utility bills that exceed the amount of the allowance. Tenants should always check their utility to see whether PHA is paying the allowance to the utility company.

How to find out the amount of the utility allowance

PHA adjusts the utility allowances periodically in order to reflect the changes in the gas and electric rates. Where PHA sets the rent off against the allowance, the amount of the allowance can be found in PHA’s standard notice of the amount of rent after a recertification.

What to do if the utility allowance is not enough to pay the bill

If utility bills exceed the amount of the utility allowance by more than 20% as a result of circumstances beyond the tenant’s control, PHA must provide the tenant with “individual relief” by paying the actual amount of the bills.

If PHA fails to do this, after receiving a tenant request to do so, the tenant may request an informal hearing. In order to document the need for individual relief, the tenant will either need a complete set of utility bills or a printout from the utility company covering the full time period where the bills were too high. For more information on requesting an informal hearing, click [here](#).

Section 8 Voucher Program: **Family Obligations**

Family Obligations

While participating in the Section 8 Voucher Program, the family must comply with the following Family Obligations.

The family *must*:

- Supply required information such as evidence of citizenship or eligible immigration status, income information, consent forms and social security numbers.
- Assume responsibility for any Housing Quality Standards (HQS) breach caused by the family.
- Allow PHA to inspect the unit at reasonable times and after reasonable notice.
- Notify PHA and the owner before moving out of the unit or terminating the lease by notice to the owner.
- Promptly give PHA a copy of any eviction notice from the owner.
- Use the assisted unit as the sole residence for the family.
- Promptly inform PHA of the birth, adoption or court awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit and promptly inform PHA if any family member no longer resides in the unit.
- Supply any information requested by PHA to verify that the family is living in the unit. The family must also promptly notify PHA of any absence from the unit.

The family *must not*:

- Sublease or sublet the unit.
- Own or have any interest in the unit.
- Receive a subsidy another housing subsidy for the same unit or for a different unit under any other federal, state or local housing assistance program.
- Commit fraud, bribery or any other corrupt or criminal act that is connected with the programs.
- Engage in drug related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- Abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.
- Commit any serious or repeated violations of the lease.

Section 8 Voucher Program: **Recertification**

Recertification

PHA “recertifies” tenants in the Housing Choice Voucher Program every two years. Tenants who have no income are recertified more frequently.

Tenants receive written notice to attend a meeting with their designated service representative. The tenant will be required to bring in proof of the family’s income and composition. If they have not already been furnished, PHA will also request copies of birth certificates and Social Security cards for all family members.

If tenants fail to reasonably cooperate in the recertification process, PHA can terminate a participant from the program.

After all of the necessary documentation is obtained, PHA will send out a notice about the amount of the rent and when any increase or decrease will take effect. Tenants should look at the notice closely. It will list the contract rent, the tenant portion of the rent, the utility allowance and what utilities the tenant is responsible for paying.

Changes in Income

Presently, PHA does not require tenants to report changes in income between recertifications. Therefore, tenants in the Housing Choice Voucher Program are not required to report an increase in income between recertifications.

However, if a tenant’s household income goes down between recertifications, the tenant should promptly report this to the designated service representative and provide proof. A decline in income will usually result in lower rent, but not until it has been reported by the tenant. For a change in income, the tenant can provide a letter from the employer, pay stubs, notice of changes in welfare, Social Security, SSI, unemployment compensation and other public benefits.

Changes in Family Composition

Tenants must report changes in family composition (where a family member moves in or out of the unit) when they occur. **Failing to do this could be grounds for termination from the Housing Choice Voucher Program.** The changes should be reported to the designated service representative as soon as possible. The tenant should also provide something to document the changes. For changes in family composition, tenants should provide something that shows that a family member has moved out or moved in. This might be a lease or a bill at the new address for a family member who has moved out. It might also be a birth certificate for a newborn child who has just moved in.

Section 8 Voucher Program: **Termination**

Reasons for Termination

In general, PHA can terminate a tenant from the Section 8 Voucher Program for violating a family obligation. Under federal law, there are certain cases in which PHA *must* terminate a tenant (these terminations are mandatory) and other cases in which PHA *may* terminate a tenant (these are cases in which PHA has discretion in the decision making). In either case, before terminating a tenant from the program, PHA must provide the tenant with a notice that includes the reason that PHA is terminating the tenant and an opportunity for the tenant to request a hearing.

Mandatory Terminations

PHA *must* terminate a family from the Section 8 program for any of the following reasons:

- If the family was evicted from Section 8 housing for a serious violation of the lease;
- If any member of the household has ever been convicted of drug related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing;
- If any household members are currently engaging in illegal drug use;
- If any household members' illegal drug use threatens the health, safety, or right to peaceful enjoyment of the premises by other residents;
- If any member of the household is subject to a lifetime registration requirement under a state sex offender registration program;
- If any member of the family fails to sign and submit income verification consent forms;
- If a family member does not establish citizenship or eligible immigration status.

Discretionary Terminations

PHA *may* terminate a family from the program for any of the following reasons:

- If the family violates any family obligation under the Section 8 program, especially the family obligation not to engage in drug related criminal activity or violent criminal activity;
- If any member of the family has been evicted from federally subsidized housing in the last three years;
- If PHA has ever terminated assistance under the program for any member of the family;
- If any member of the family commits fraud, bribery or any other corrupt criminal act in connection with any federal housing program;
- If the family currently owes rent or other amounts to PHA or to other federally subsidized housing;
- If the family has not reimbursed PHA for amounts paid to an owner under a HAP contract for rent or other amounts owed by a family under the lease;
- If the family breaches an agreement with PHA to pay amounts owed to PHA or amounts paid to an owner by PHA (PHA has discretion to offer the family the opportunity to enter into a repayment agreement);

- If the family participating in a family self sufficiency program fails to comply, without good cause, with its Family Self Sufficiency (FSS) contract;
- If the family has engaged in threatening or actual abusive or violent behavior toward PHA personnel;
- If any family member has engaged in drug or alcoholic use that interferes with the health, safety or peaceful enjoyment of other residents.

Consideration of Circumstances

When determining whether to deny Section 8 assistance to a family, PHA may consider all relevant circumstances such as:

- The seriousness of the case
- The extent of participation or individual family members
- The circumstances relating to the disability of a family member; and
- The effects of termination of assistance on other family members who are not involved in the action.

PHA may require that a family member who participated in the criminal activity will not reside in the unit as a condition of continued assistance for other family members to remain in the unit. In cases of drug and alcohol abuse, the PHA may consider whether the household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program.

Process for Termination from the Program

To terminate a tenant from the program, PHA must provide a written notice to the tenant and the owner that includes the reason for the termination, the effective date of the termination and details about PHA's informal hearing process.

Informal Hearing

A tenant must request an informal hearing within 10 working days of receiving the notice. The hearing request form should be sent (by certified mail, if possible) to the address listed on the termination notice. The tenant should keep a photocopy of the hearing request. If the tenant hand-delivers a copy of the hearing request to the address listed on the termination notice, the tenant should be sure to get a date-stamped copy or receipt of your request.

Shortly after receiving the hearing request, PHA will schedule an informal hearing at the Administrative Office located at:

2850 Germantown Avenue, 2nd Floor
Philadelphia, PA 19133

The tenant must receive 10 days notice of the hearing.

At the hearing, the tenant will be able to review his/her tenant file and any evidence PHA has to prove its case. The tenant will be able to testify and produce evidence at the hearing to prove his/her case. The hearing is held by a Hearing Officer who will render a decision shortly after hearing the case.

Appeal

If the tenant loses the informal hearing, he/she can appeal the Hearing Officer's decision to the Court of Common Pleas within 30 days of the date of the decision.