

# 2022 Housing Choice Voucher Landlord Workshop

**HAP Contract and Lease  
Requirements**

**Presenter: Ken Erb**

**Contact:**

**Mary.Hoock@ohfa.org**



# Program Requirements CFR 982.305

- PHA may not approve tenancy or execute HAP contract until the following are met:
  - Unit is eligible.
  - Lease includes tenancy addendum (provided at contract execution).
  - Rent is reasonable.
  - Rent is affordable (40%).
  - Unit inspected and met HQS.
    - PIH 2017-20 option to execute contract with no life threatening deficiencies.

# Request for Tenancy Approval (RFTA) and Lease CFR 982.302(b)(c)

- Family submits Scheduling Appointment Request Form (SARF).
  - SARF includes more information about unit amenities than the RFTA to allow OHFA to determine rent reasonable.
- Lease is reviewed and submitted at contract execution.
- RFTA completed at contract execution.

# Lease CFR 982.308

- Initial term must be for at least one year CFR 982.309(a).
- Lease must specify ALL of the following:
  - Names of Owner and Tenant.
  - Unit Rented (address, apartment number, and any other information needed to identify the contract unit).
  - Term of the lease (initial term and provisions for renewal).
  - Amount of monthly rent to owner.
  - A specification of what utilities and appliances are to be supplied by the owner, and what utilities and appliances are to be supplied by the family.

# Housing Assistance Payment (HAP) Contract CFR 982.162(a)(2)

- HAP Contract is between the owner and the PHA.
- Term of the HAP Contract begins on the first day of the term of the lease and ends on the last day of the term of the lease CFR 982.451(a)(2) and CFR 982.309(b)(1).
- HAP Contract must be executed no later than 60 calendar days from the beginning of the lease term CFR 982.305(c)(1).
- Any HAP contract not executed after the 60 day period is void, and the PHA may not make any payments to the owner CFR 982.305(c)(4).

# Processing Scheduling Appointment Request Form (SARF)

- OHFA reviews the SARF for completeness.
- Owner – Check owner eligibility, owner's address and unit address cannot be the same and owner information provided must be who is receiving the HAP payments.
- Unit tab – Verify bedrooms/voucher size correct, verify address and Zip Code, check structure type, ensure utilities/appliances and who is responsible is correct, update Utility allowance.
- Unit - Rent has to be reasonable **and** affordable.
- Incomplete information – Contact the tenant/owner, send letters.



# Processing Lease and Contract

- Owner – Owner information and tax ID matches the W9.
- Program tab – Unit cannot be >40% if moving to unit.
- Transaction tab – HAP/TR/UR matches the Summary of Payments.
- Lease Correction Letters are sent if there have been any discrepancies found when processing. This letter becomes part of the HAP contract.

# Change of Contract

- A new HAP contract must be executed if:
  - There are any changes in the lease requirements governing tenant or owner responsibilities for utilities or appliances.
  - There are any changes in lease provisions governing the term of the lease.
  - The family moves to a new unit even in the same complex.



# Ownership Changes

- Section 14 Assignment of the HAP Contract
  - The owner may not assign the HAP contract to a new owner without PRIOR written consent of OHFA.
  - The new owner must agree to be bound by and comply with the HAP Contract.

# Ownership Changes

- If the owner sells the property, they must notify OHFA and the new owner will receive a packet of information needed to be provided:
  - Copy of Warranty Deed/Closing Statement/Property Tax Record.
  - Copies of Management Agreements (if applicable).
  - Completed W-9 signed and dated.
  - IRS SS-4 Form (Tax ID Number)
  - Completed Owners Relationship to Occupancy Form
  - Direct Deposit Authorization Form

# Questions

