



## HCVP OWNER RESPONSIBILITIES

24 CFR 982.452, 982.454

The PHA may terminate the HAP contract if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.

*The owner is responsible for performing all of the owner's obligations under the HAP contract and the lease.*

### 1. The owner is responsible for:

- a) Performing all management and rental functions for the assisted unit, including selecting a voucher holder to lease the unit, and deciding if the family is suitable for tenancy of the unit. The fact that an applicant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of tenancy if the applicant otherwise qualifies for tenancy.
- b) Maintaining the unit in accordance with HQS, including performance of ordinary and extraordinary maintenance responsibilities. (The owner is not responsible for a breach of the HQS that is not caused by the owner, and for which the family is responsible, However, the PHA may terminate assistance to a family because of HQS breach caused by the family).
- c) Complying with equal opportunity requirements.
- d) Preparing and furnishing to the PHA information required under the HAP contract.
- e) Collecting from the family:
  - a. Any security deposit.
  - b. The tenant contribution (the part of rent to owner not covered by the housing assistance payment).
  - c. Any charges for unit damage by the family.
- f) Enforcing tenant obligations under the lease.
- g) Paying for utilities and services (unless paid by the family under the lease).
- h) Complying with the Housing Assistance Program contract (HAP), attached
- i) Including in the lease a clause that provides that engaging in drug-related criminal activity on or near the premises by the tenant, household member, guest, or any other person under the tenant's control is grounds for the owner to terminate tenancy,. In addition, the lease must also provide that the owner may evict a family when the owner determines that a household member is illegally using a drug or when the owner determines that a pattern of illegal use of a drug interferes with the health, safety or right to peaceful enjoyment of the premises by the residents.

- j) The owner is responsible for notifying the Authority sixty (60) calendar days prior to any rent increase. (All rent increases will be subjected to review; pending approval, the landlord and tenant will receive a written amendment to the current Hap contract granted the requested rent is reasonable)

**2. Housing Authority disapproval of owner**

The Housing Authority will deny participation by an owner at the direction of HUD (one who has been debarred, suspended, or is subject to a limited denial of participation). The Housing Authority will also deny the owner's participation for any of the following reasons:

- a) The owner has violated any obligations under a Section 8 Housing Assistance Payments Contract;
- b) The owner has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program;
- c) The owner has engaged in drug-related criminal activity or any violent criminal activity;
- d) The owner has a history or practice of non-compliance with HQS for units leased under Section 8 or with applicable housing standards for units leased with project-based Section 8 assistance or leased under any other Federal housing program;
- e) The owner has a history or practice of renting units that fail to meet state or local codes;
- f) The owner has not paid state or local real estate taxes, fines, or assessments;
- g) The owner refuses (or has a history of refusing) to evict families for drug-related or violent criminal activity, or for activity that threaten the health, safety or right of peaceful enjoyment of the:
  - a) Premises by residents, Housing Authority employees or owner employees; or
  - b) Residences by neighbors;
- h) If the owner is the parent, child, grandparent, grandchild, sister, or brother or any member of the family of an applicant seeking the initial use for a housing choice voucher (currently shopping) unless the Housing Authority determines that approving the unit would provide reasonable accommodation for a family member who is a person with disabilities;
- i) The Housing Authority has been informed by HUD that the federal government has instituted an administrative or judicial action against the owner for a violation of the Fair Housing Act or other federal equal opportunity requirements and such action is pending or a court or administrative agency has determined that the owner violated the Fair Housing Act or other federal equal opportunity requirements; or
- j) Other conflicts of interest under Federal, State, or local law.

**Any information supplied to HACC must be true and accurate**

By its signature, the Owner agrees to fulfill the programs responsibilities noted above, and understands that failure to do so, may result in termination from the program

- 1. \_\_\_\_\_ **Date:** \_\_\_\_\_
- 2. \_\_\_\_\_ **Date:** \_\_\_\_\_