

What are tenant-based vouchers?

Tenant-based vouchers are rent vouchers that let people choose their own housing anywhere they want to live. They are different from project-based vouchers and [public housing](#), where people have to live in particular housing developments. People with tenant-based vouchers can choose any apartment they want, as long as the rent is reasonable and the unit is safe and clean.

Tenant-based vouchers "travel" with the tenant. If a household with a tenant-based voucher wants to move, they can use the voucher for a different rental unit.

Section 8 is a federal rent assistance program, also known as the Housing Choice Voucher Program. Section 8 is the federal government's largest program to help low-income families, seniors, and the disabled pay for safe, decent housing. Section 8 includes [tenant-based vouchers](#), project-based vouchers, and homeownership vouchers. Section 8 usually refers to the Section 8 tenant-based voucher program.

Who runs Section 8, MRVP?

The U.S. Department of Housing and Urban Development (HUD) funds Section 8 housing assistance. Local housing authorities and regional non-profit housing agencies run these programs on the local level.

See HUD's list of [Massachusetts Public Housing Authorities](#) or MassHousing's [Regional Nonprofit Housing Agencies](#) for contact information. You may also call the Massachusetts Housing Consumer Education Centers toll-free at 1-800-224-5124 for more information.

Who is in charge of fraud prevention?

The HUD Office of the Inspector General (OIG) is in charge of fraud prevention for Section 8. The OIG makes sure that HUD rent assistance money is used properly. The OIG investigates complaints about tenants, landlords, businesses, or agencies that are not following the rules of the Section 8 program.

To report Section 8 fraud, contact the OIG Hotline:

- By telephone, toll-free: 1-800-347-3735
- By e-mail: hotline@hudoig.gov
- By fax: 202-708-4829
- By mail:
HUD OIG Hotline (GFI)
451 7th Street, SW
Washington, DC 20410

For more information, see [Fraud, Waste, and Abuse Complaints](#) on the HUD web site.

How does the Section 8 program work?

(Note: Section 8 and Housing Choice Voucher Program are two different names for the same program.)

Section 8 is a federal assistance program to help low-income people pay their rent. People with Section 8 vouchers find their own housing and pay a percentage of their income for rent. Section 8 pays the landlord the rest of the rent.

In Massachusetts, it is against the law to refuse to rent to someone just because the person has a Section 8 voucher.

These are the steps involved in renting to a Section 8 tenant:

- A family with a current Section 8 voucher views your apartment and wants to rent it.

- You screen the tenants to make sure they are suitable.
- You agree to lease to the tenants and contact the Section 8 office for approval.
- The Section 8 office checks to make sure the family can afford the rent, the rent is reasonable compared to other rents in the community, and the lease is acceptable.
- The Section 8 office sends an inspector to check your apartment to make sure it meets program standards.
- After the apartment passes inspection, the Section 8 office sends you a contract to sign.
- You sign the contract with Section 8 and sign the lease with your tenants, and the family moves in.
- The family pays its portion of the rent and Section 8 pays the rest.

You can view the Section 8 program forms on the HUD web site:

- [Housing Choice Voucher](#) authorizes a family to look for an apartment and specifies the size of the unit
- [Request for Tenancy Approval](#) is submitted to the Section 8 office after the landlord agrees to rent to the tenant
- [Inspection Form](#) is used to determine if the apartment meets the Section 8 standards
- [Tenancy Addendum](#) must be attached to the lease
- [Housing Assistance Payments \(HAP\) contract](#) is the contract between the landlord and the Section 8 office

How do I list my apartment with Section 8?

If you would like to rent to Section 8 tenants, you should contact the WHA to let us know you have an apartment available. The WHA will add your apartment to their listings. This is a free service.

You may also use the HUD Housing Authority listing to find your local Housing Authority address and telephone number:

- [Massachusetts PHA Contact Information](#)

You may also advertise on your own. If you place an ad, include a notice stating that you welcome Section 8 tenants.

It is against the law in Massachusetts to refuse to rent to a prospective tenant, just because the tenant has a Section 8 voucher.

Does the Housing Authority screen Section 8 tenants?

The WHA does not screen Section 8 tenants for you. You must do this yourself, just as you would screen non-Section 8 tenants. You should ask for Social Security number, references, current and previous landlords, credit history, employment history, criminal record, etc., and check the information carefully.

There are many services available to help you screen tenants. These services can check to see if the prospective tenant has a criminal record, has been evicted, or has bad credit. When checking references, always contact the previous landlord as well as the current landlord, because the current landlord may want the tenants to move out.

The WHA will tell you the number of people on the voucher, current and previous address, and current and previous landlord. Some Housing Authorities will also share any other information they have. However, the Housing Authority's main concern is checking that the applicant meets the income limits and other Section 8 eligibility requirements. Screening the tenant is the landlord's responsibility.

Restrictions on leasing to relatives.

The WHA will not approve a unit for lease if the owner is the parent, child, grandparent, grandchild, sister, or brother of any member of the assisted family household ("owner" includes a principal or other interested party). The WHA, however, may approve the unit for lease if the WHA determines that the approving the unit would provide reasonable

accommodation for a family member who is a person with disabilities (as defined in 24 CFR 8.3 and in section 3(b)(3)(E) of the United States Housing Act of 1937).

Who pays the security deposit?

If you want a security deposit, you must collect this from the tenant. The Section 8 program has no responsibility for damages, unpaid tenant rent, or other claims you might have against the tenant.

The maximum security deposit you may collect is one month's rent. You may not collect the last month's rent.

Do I sign a lease with the tenant?

You must sign a lease with the tenant for a minimum of one year. The lease should include:

- names of the landlord and tenant
- address of the rental unit
- term of the lease and how it will be renewed
- monthly rent amount
- which utilities are paid by the tenant
- which appliances must be provided by the tenant
- Tenancy Addendum

You must include the Tenancy Addendum exactly as it appears on the HUD web site:

- [Tenancy Addendum](#) (requires [Adobe Reader](#))

You may include any other conditions that you normally include in your leases, as long as they do not violate any laws.

What kind of inspection is done?

Your apartment will be inspected to make sure that it meets the housing standards of the Section 8 program. The inspector will examine the exterior of the building, the plumbing and heating systems, the exits and hallways, and each room in the apartment to make sure the unit is safe, clean, and in good condition. The unit must be vacant at the time of the first inspection, and all utilities must be turned on. The inspector must have access to the unit itself, the basement, and all common areas.

The inspector uses a checklist form provided by HUD, the federal agency in charge of the Section 8 program. For each item on the list, the inspector marks if the unit passes or fails (or not sure). If repairs are needed, the inspector marks this on the form.

You can view the inspection form on the HUD web site:

- [Housing Choice Voucher Program Inspection Form](#) (requires [Adobe Reader](#))

A family will not be allowed to rent your apartment until you have made any needed repairs and the unit passes the inspection.

The apartment will be re-inspected each year. If problems are found, you must make repairs within the time allotted or else Section 8 will stop payments.

Lead Based Paint

If the building was built prior to 1978 and is to be occupied by a family with children under the age of 6, you must provide a Letter of Compliance from a licensed de-leading inspector. It must state that the unit and relevant common areas are in compliance with Massachusetts Lead Law, MGH c11s190-91. If the building was constructed after 1978, a copy of the original permit is required.

How much rent can I charge?

The rent you charge must be reasonable compared to other units of similar size in your community. The Section 8 office will compare your rent to their payment standards, which are based in part on the fair market rents in your city or town. The fair market rents are the average gross rents (rent plus utilities) being paid in your community for modest apartments of varying sizes. See [What are "fair market rents?"](#)

If the gross rent (rent plus utilities) for your apartment is less than or equal to the payment standard, the tenants pay 30% of their monthly income for rent and Section 8 pays the rest. If the rent is higher, the tenants must make up the difference. However, they are not allowed to pay more than 40% of their income for rent when they first rent an apartment.

If you want to increase the rent when you renew the lease, you must get approval from Section 8. The rent must remain reasonable and within the family's ability to pay, or else Section 8 will not approve it.

The landlord may not collect any additional rent amount or payments from the tenant which have not been specifically approved by the WHA. This constitutes fraud in a Federal Government Program and is subject to prosecution.

How do I get paid?

The WHA makes landlord payments through direct deposit for their portion of the rent each month. The WHA will continue to do so as long as the tenant remains eligible for Section 8 and your apartment meets the Section 8 program standards.

You are responsible for collecting the tenant portion of the rent each month.

May I evict a Section 8 tenant?

You may evict a Section 8 tenant in the same way you would evict a non-Section 8 tenant. The same laws apply.

Required Forms to complete request for tenancy approval.

- Completer Request For Tenancy Approval
- Landlord Rent Calculation Certification
- Landlord Certification
- IRS Form W-9
- Landlord direct deposit agreement
- Proof of legal ownership of the rental unit
- Lead Based Paint Compliance