



# RentSense

## Direct Deposits Save Time and Worry!

Many of the problems with Housing Assistance Payment (HAP) checks being lost in the mail or received late can be alleviated by signing up for Direct Deposit of your HAP checks.

The process is easy! Just call the rental assistance department of IHFA at 1-800-219-2286 to obtain a direct deposit form. Fill out the form and return it with a voided check, and the HAP will be deposited in the bank account that you designate on the form starting one month after set-up (at least one more payment by mail will be received due to processing by your bank).

For the time being, you can still elect to receive the payment advice/stub (that details each tenant and the amount paid on their behalf) if you wish, but this is a great opportunity to rid yourself of unnecessary paperwork. Everyone is going paperless and you can too!



## Rights and Responsibilities of a Landlord



As a landlord, you may have questions regarding your rights and the rights of renters. Idaho Housing and Finance Association (IHFA) branch offices in Idaho

Falls, Twin Falls, Coeur d'Alene, and Lewiston receive many questions from landlords regarding this topic, and while IHFA can provide guidance on the Section 8 program regulations or IHFA policies, we don't have the authority, or the expertise, to provide legal advice on landlord-tenant issues.

One resource for landlords is provided as a courtesy by The Office of the Attorney General for the state of Idaho. The publication, entitled "Landlord-Tenant Guidelines," assists both landlords and tenants in understanding their rights and responsibilities under a mutual agreement and includes such landlord topics as: Lease Agreements, Maintaining the Rental Property, Paying and Collecting Rent, Changing the Lease, Moving Out (including the return of security deposit), and Evictions, as well as providing other important information such as Idaho code listings, resource lists and sample checklists that can be used. You can access a copy of these guidelines at [www.ag.idaho.gov](http://www.ag.idaho.gov) or by contacting the Attorney General's Office, Consumer Protection Division, at 1-800-432-3545 (in Idaho).

In addition to the guidelines presented in the Attorney General's publication, landlords should consult the lease, the Section 8 Housing Assistance Payment (HAP) Contract and Tenancy Addendum, and state/federal law for guidance when issues arise with their renter.

The responsibilities of landlords who elect to rent to a Section 8 participant are spelled out in the HAP contract and Tenancy Addendum, and in the regulations issued by the Department of Housing and Urban Development (HUD).

These responsibilities include: maintaining the unit in accordance with Housing Quality Standards (HQS); collecting security deposit, tenant's portion of the rent, and any charges for damages to the unit by the tenant; paying for utilities and services not paid for by the family under the lease; enforcing the tenant's obligations under the lease; and performing all management and rental functions for the assisted unit (e.g. selecting your renter and deciding their suitability for tenancy).



Maintaining the unit is only one of many landlord responsibilities.

Thorough screening of your prospective renter for past rental history should be high on any landlord's list of things to do before accepting them as a renter. IHFA does not screen Section 8 participants for suitability as a renter, only for Section 8 program participation eligibility criteria (such as income and household composition and criminal offenses that would prohibit them from participating in the program, etc.). You, as a landlord, should always screen the prospective Section 8 participant as you would any other non-assisted renter.

The relationship between you and your renter can be greatly enhanced by being aware of your rights and responsibilities as a landlord in Idaho (and on the Section 8 program).



If a tenant moves out without a 30-day notice, be sure to contact your local IHFA branch office.

## RentSense for Section 8 Landlords

Published annually by the Idaho Housing and Finance Association. Comments are welcome. Please contact IHFA Rental Assistance at 1-800-219-2286. Visit our Web site at [www.ihfa.org](http://www.ihfa.org).

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Notify tenants of a rent increase at least 60 days prior to the anniversary date of the lease.

## Opportunities to Comment

IHFA's Grant Programs Department seeks comments from the general public regarding the following HUD reports throughout the year:

- Annual Action Plan for Idaho's Housing and Community Development Programs (each January)
- Consolidated Annual Performance Evaluation Report (CAPER) for Idaho's Housing and Community Development Programs (each June)

The Action Plan is the anticipated overview of the goals, strategies, priorities and needs for HUD's affordable housing and community development programs in Idaho for 2012. The CAPER is Idaho's annual report to HUD regarding its federal housing and community development programs. This CAPER includes Idaho's Community Development Block Grant and HOME program's non-entitlement areas.

Documents can be found at [www.ihfa.org](http://www.ihfa.org). Click on 'Grant Programs' and then 'Plans and Reports' to review the documents.

# ProgramSense

## What to Expect When the Unexpected Happens: Moves, Deaths and the HAP

When your tenant gives you a proper written 30-day notice to move (and provides a copy to IHFA), IHFA will pay the Housing Assistance Payment (HAP) through the end of the date given on the notice. If the family continues to reside in the unit (with your approval) after that timeframe, IHFA will pay HAP until the unit is vacated (or until their assistance is terminated). It is a good idea to keep in contact with IHFA throughout this process to ensure proper payments are set up and in the event your tenant did not inform the local branch office of their intentions to move. If you have begun legal eviction proceedings against a family and the family continues to occupy the unit, IHFA will continue to make payments until you obtain a judgment or the family moves out of the unit.

However, when your tenant moves without notice or passes away, you should immediately contact your local IHFA branch office. Payment of HAP in these situations is dictated by Federal Regulations and IHFA is required to recoup the amounts paid to a landlord for any month after the month in which a tenant moves without notice or passes away. IHFA is required to confirm the death of a participant (through court records or by contacting the family of the deceased) and provide that information to the Department of Housing and Urban Development.

# MoneySense

As a participating landlord on the Section 8 Program, you may request a rent increase after the first term of the lease (specified in the lease agreement between you and your tenant). Rent increases are not automatic and must be requested in writing. Rent increases by a landlord are typically requested after the receipt of the annual inspection notice. In order for the change to be effective at the participant's annual recertification date you must give your tenant notice of any increase at least 60 days prior to the anniversary date of the lease. IHFA must receive a copy of the increase notice and before a rent increase can be approved, IHFA must determine that the rent is "rent reasonable." This means that the landlord's rent cannot be more than the rent charged for similar unsubsidized units in the same general area or

## Rent Increases and Rent Reasonableness

neighborhood. Determining that the unit's rent is reasonable ensures that federal funds are not being wasted and conversely, that owners are being paid a fair amount. Criteria used to determine that the rent is reasonable include:

- Which utilities the owner will pay
- The overall condition of the unit
- Any amenities provided by the owner
- Any improvements made to the unit
- A comparison of similar rental units within that general area.

After receiving your request for a rent increase, IHFA will then approve or deny your request and you will be notified in writing of the decision and the effective date of the increase.



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