



FAMILY INDEPENDENCE ADMINISTRATION

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Policy, Procedures, and Training

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Office of Procedures

POLICY BULLETIN #10-118-OPE

HPD HOME TENANT BASED RENTAL ASSISTANCE (TBRA) PROGRAM

Date: November 30, 2010	Subtopic(s): Housing, Section 8
<p> This procedure can now be accessed on the FIAweb.</p> <p>Shelter type code 38</p>	<p>This policy bulletin is to advise staff at Job Centers and Homelessness Diversion Units (HDUs) sites of the new HOME Tenant Based Rental Assistance (TBRA) program administered by the Department of Housing Preservation and Development (HPD).</p> <p>The HOME TBRA program was created as a temporary substitute for the New York City Housing Authority (NYCHA) Section 8-Housing Choice Vouchers (HCV) program.</p> <p>The HOME TBRA program will provide a rental subsidy for those families who lost their Section 8 vouchers when NYCHA revoked them in December 2009 after eligibility for the voucher was already determined.</p> <p>The HOME TBRA program essentially will work in the same way as the Section 8 voucher program. A HOME TBRA rental subsidy will be provided for up to a two-year period when, at such time, NYCHA Section 8 subsidies will be issued to these HOME TBRA program participants.</p> <p>Cash Assistance (CA) applicants/participants will appear at Job Centers or HDU sites with HPD's Letter to HRA (see Attachment A) to request the tenant's share of the first month's rent, security deposit, and broker's fees in order to relocate to a HOME TBRA subsidized rental. JOS/Workers are to process the requests as per current procedures.</p> <p>However, when budgeting for the HOME TBRA cases, JOS/Workers <i>must use</i> Shelter type code 38 (Subsidized Housing – Deep Subsidy – Voucher Program/Project Based Section 8/Section 236) instead of Shelter type code 40 (Section 8 Voucher – 30% Limit) which is used to identify Section 8 subsidies administered by NYCHA.</p>

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center Fax* or fax to: (917) 639-0298

Effective Immediately

Reference:

[05-ADM-02](#), Section 8 Voucher: Change to the Temporary Assistance (TA) Budgeting for Some Section 8 Voucher Cases

Related Item:


[CD #10-29](#)

Attachments:

Attachment A HPD Letter to HRA

Attachment B Frequently Asked Questions : HPD's HOME Tenant Based Rental Assistance (TBRA) Program

Attachment C HPD FAQ for Landlords – HOME Tenant Based Rental Assistance Program

 Please use Print on Demand to obtain copies of forms.



Department of
Housing Preservation
& Development

RAFAEL E. CESTERO
Commissioner
DOUGLAS APPLE
First Deputy Commissioner
LAURIE LoPRIMO
Assistant Commissioner

Division of Tenant Resources
100 Gold Street
New York, N.Y. 10038

Human Resources Administration
180 Water Street
New York, NY 10038

Thursday, September 9, 2010

RE: mickey mouse2
446

Manati, PR 00674

Dear HRA Representative,

The above mentioned tenant has been approved to lease the below unit, which has passed Housing Quality Standards (HQS) inspection, and be subsidized with HOME Tenant Based Rental Assistance payments.

The above mentioned tenant has been approved to lease a unit subsidized with rental assistance payments. The tenant may move in to the assisted unit on the Rental Assistance Contract (RAC) effective date. However, RAC subsidy payments will not begin until/unless a Rental Assistance Contract between the landlord and HPD is executed. If the landlord does not return all required RAC documents, including a signed landlord/tenant lease agreement within the allotted time, HPD will not issue subsidy on behalf of the tenant at this address and will offer the tenant additional time on their coupon to find another unit.

The following is information regarding the leased unit:

HAP Effective Date:	09/01/2010
Assisted Address:	120 Beach 19 Street DO NOT USE HOME ONLY Suite 22L Far Rockaway, NY 11691
Number of Bedrooms:	1
Total Rent:	\$ 588.00
HPD's Share:	\$ 588.00
Tenant's Share:	\$ 0.00
Utilities tenant is responsible for:	Electricity/Electricity

Please note that the tenant share is subject to change per federal regulations. The final tenant share will be listed on the rent breakdown letter that will be sent to the tenant and the landlord after the complete contracts are executed and returned within the allotted time and the new admission is processed.

Please note that HPD does not pay for security deposits or realtor/broker fees. These costs are the tenant's responsibility. The client is responsible for paying these fees and providing documentation from the owner and/or broker to demonstrate these costs.

Should you have any questions, please contact HPD at (917) 286-4300.

Sincerely,

Starlette Johnson
HPD Representative





RAFAEL E. CESTERO
Commissioner
DOUGLAS APPLE
First Deputy Commissioner
LAURIE LoPRIMO
Assistant Commissioner

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ASUNTO: mickey mouse2
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Manati, PR 00674

Estimado Sr./Sra.:

Esta carta reemplaza el arriendo de la Sección 8 que su oficina recibió en el pasado como respuesta a peticiones de cheques (HRA - Human Resources Administration) la administración de recursos humanos. HPD ya no emite arriendos de la Sección 8 a los inquilinos.

El inquilino que se menciona arriba ha sido aprobado para arrendar una unidad subsidiada con pagos de asistencia de arriendo de la Sección 8. El inquilino puede mudarse a la unidad subsidiada en la fecha de vigencia del HAP. Sin embargo, los pagos de subsidio no comenzarán hasta que el contrato de HAP y el contrato de arriendo sean ejecutados entre el arrendador y HPD y entre el inquilino y el arrendador. Si el arrendador no devuelve todos los documentos de HAP requeridos dentro del tiempo permitido, HPD no arrendará la unidad para el inquilino y a éste se le ofrecerá un certificado para buscar otra vivienda.

Lo siguiente es información relacionada con la unidad arrendada:

Fecha de vigencia del HAP:	09/01/2010
Dirección de la unidad subsidiada:	120 Beach 19 Street DO NOT USE HOME ONLY Suite 22L Far Rockaway, NY 11691
Número de dormitorios:	1
Renta total:	\$ 588.00
Parte que le corresponde a HPD:	\$ 588.00
Parte que le corresponde al inquilino:	\$ 0.00
Servicios de utilidades incluidos:	Electricity/Electricity

Por favor tenga presente que la parte que le corresponde al inquilino está sujeta a cambios según los reglamentos federales. La parte final de la renta que le corresponde al inquilino se indicará en la carta de desglose de la renta y se le enviará al inquilino y al arrendador después de que los contratos sean realizados y enviados dentro del plazo dado y la nueva admisión sea procesada.

Por favor tenga presente que HPD no paga los depósitos de seguridad o comisión del agente de propiedades. El cliente es responsable de pagar estos honorarios y de proveer recibos del propietario y/o agente de propiedades para demostrar estos costos.

Si hay una cualquier pregunta, por favor contáctese con HPD llamando al (917) 286-4300.

Le saluda atentamente,

Starlette Johnson
Representante de la Sección 8





**FREQUENTLY ASKED QUESTIONS:
HPD'S HOME TENANT BASED RENTAL ASSISTANCE (TBRA)
PROGRAM**

1. *What is HOME TBRA?*

TBRA is a temporary rental subsidy program offered by HPD. HPD has created the temporary HOME TBRA program for individuals who are at risk of homelessness as a result of losing rental assistance within the last 12 months. HPD is offering you HOME TBRA assistance because you were referred by NYCHA and identified as a family that is at risk of homelessness. It is designed as a transition to the New York City Housing Authority (NYCHA) Section 8 program. HOME TBRA will provide families temporary rental subsidy assistance (not to exceed 24 months) until NYCHA Section 8 Vouchers become available.

2. *How long will I have to wait for a Section 8 voucher from NYCHA?*

The length of time that you will have to wait for a NYCHA Section 8 voucher will depend on funding availability. NYCHA estimates that a family will wait approximately one year or less from when HOME Subsidy begins.

3. *How does the program work?*

TBRA has similar eligibility requirements and benefits as Section 8. Families will pay approximately 30% of adjusted income toward rent, while the subsidy covers the rest, up to 110% of Fair Market Rent (the rent amount used in the HPD Section 8 program).

4. *What can I expect after I complete a TBRA application?*

Once families complete a TBRA application and are determined eligible to receive TBRA, the head of household must attend a briefing where family obligations, rights and responsibilities under the HOME TBRA program will be explained. The head of household must bring current income, assets and family composition documentation to the briefing and if the household remains eligible, a HOME TBRA Rental Assistance Coupon (similar to the Section 8 voucher) will be issued for the family, along with a landlord package.

5. *Can I search for an apartment outside of New York City?*

The HOME TBRA Rental Assistance Coupon will allow a family to search for an apartment within New York City. The family **cannot** search for an apartment outside of the five boroughs of New York City. Once the family has located an apartment, the landlord must complete the Landlord Package and return it to HPD and the unit must pass a Housing Quality Standards (HQS) inspection. The HQS Inspection is described below. Before subsidy can begin, just like in the Section 8 program, a signed TBRA Rental Agreement Contract must be returned by the Landlord.

6. *How long is a HOME TBRA Rental Assistance Coupon valid?*

A HOME TBRA Rental Assistance Coupon is valid for 120 days (approximately four months). You must find an apartment within New York City and return a completed Landlord Package by the end of this 120-day period. If you do not return a package in that period, your coupon will expire and you will be unable to receive subsidy under the HOME TBRA program.

7. *Can landlords refuse to accept HOME TBRA?*

Landlords may select tenants the same way they would an applicant without subsidy. Under NYC Human Rights Law, landlords may not discriminate against applicants based on the fact they have HOME TBRA, just like they may not discriminate against applicants with Section 8 vouchers. If you believe you are being denied an apartment unlawfully, or if your current landlord refuses to accept the HOME TBRA Rental Assistance Coupon, you should contact the Law Enforcement Bureau of the NYC Commission on Human Rights by calling 311.

8. What happens when I find an apartment that I want to rent?

The landlord must complete the Landlord Package and return it to HPD. HPD must conduct a HQS inspection and once the unit passes inspection, HPD will issue you a *Notice of HOME Tenant-Based Rental Assistance Lease-Up*. This notice will inform you of the date that you are able to move in to the apartment. Simultaneously, HPD will issue a HOME Rental Assistance Contract to your landlord. It must be returned immediately.

9. What is a Housing Quality Standards (HQS) inspection?

An HQS inspection determines whether a subsidized apartment is decent, safe, and sanitary and meets the minimum physical standards established by the U.S. Department of Housing and Urban Development. Only after an apartment passes HQS inspection can HPD enter into a contract to pay a HOME TBRA subsidy on your behalf.

10. Will I be allowed to sign a two year lease?

HOME TBRA is a temporary rental subsidy and therefore families **will not** be allowed to sign a two-year lease. Families can sign leases with a one-year lease term only.

11. Does HPD pay moving-related costs?

HPD does not pay any moving fees, real estate broker fees or security deposits.

12. How long will I receive HOME TBRA assistance?

HOME TBRA is designed to provide temporary assistance while families wait to receive NYCHA Section 8. This temporary period will not be longer than two years. Once NYCHA offers you a Section 8 voucher, you must accept. You will no longer be eligible to remain on the HOME program.

13. When am I eligible to move?

Once you sign a one-year lease, you are legally obligated to follow the terms of your lease. If during the lease term, NYCHA offers you a Section 8 voucher and you would like to use the voucher for the apartment that you currently reside in with HOME TBRA subsidy, HPD will work with NYCHA and your landlord to ensure continued subsidy. If you would like to relocate to another unit using your NYCHA voucher, you must arrange with your landlord to break your lease and inform HPD immediately when you plan to move out of the apartment.

14. What happens if my lease term is up and I still don't have a NYCHA Section 8 voucher?

If, at the end of the lease term NYCHA has not offered you a Section 8 voucher, HPD will need to collect updated information from your family and determine if your family is eligible for an additional year of HOME TBRA. **If you are determined to be eligible and if funding is available, HPD will continue assistance for your family, but only for your current apartment.** Because HOME TBRA is temporary assistance, HPD will prohibit moves for families unless there is a documented emergency for which a move is essential. HOME TBRA is rental assistance will not exceed a period of 24 months. A family will not be granted more than two years of HOME TBRA assistance.



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Division of Tenant Resources
100 Gold Street
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HPD FAQ for Landlords- HOME Tenant Based Rental Assistance Program

What is the HOME Tenant Based Rental Assistance (TBRA) Program?

HPD's TBRA program provides eligible low-income households with up to 24 months of rental assistance. Similar to the Section 8 Housing Choice Voucher program, tenants pay approximately 30% of their incomes towards rent and HOME subsidy pays the rest, up to HPD's Payment Standard for the unit's bedroom size. See more on Payment Standards below.

HPD is offering tenants HOME rental assistance as the result of a special collaboration between the U.S. Department of Housing and Urban Development (HUD), HPD, New York City Housing Authority (NYCHA), and the New York State Division of Housing and Community Renewal (DHCR), that aims to ensure that all NYCHA Section 8 voucher holders whose vouchers were suspended last year be given another opportunity for rental assistance.

The HPD TBRA program is a transitional subsidy. NYCHA has committed to provide eligible tenants with HOME TBRA a Section 8 Housing Choice Voucher within the next 24 months. Therefore, HPD designed the HOME TBRA program to operate like the Section 8 program to simplify the transition from HOME to continued assistance with a NYCHA Section 8 subsidy.

What is the HOME TBRA Coupon?

The HOME Rental Assistance Coupon is the document that HPD provides applicants who have been offered HOME TBRA. It has the name of the Head of the Household and serves as a document of their eligibility in the program and the size of the apartment for which they have been approved by HPD. It serves the same purpose as the Section 8 Voucher.

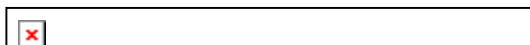
My tenant or prospective tenant has an HPD HOME Rental Assistance Coupon. When do I start getting paid?

Once an existing or prospective tenant has a Coupon four critical steps must be undertaken in the following order, in order to start payments:

1. The landlord must submit a completed Landlord Package to HPD.
2. HPD will then register the landlord and unit in our system, and determine whether the proposed rent is reasonable. Rents must be deemed reasonable.
3. HPD will then conduct a mandatory Housing Quality Standards (HQS) inspection of the unit. The unit must pass inspection.
4. Finally, HPD will generate a HOME Rental Assistance Contract, which the landlord must sign and promptly return to HPD, along with an executed lease with a one year lease term that matches the HOME Rental Assistance Contract dates.

Once all four steps are completed, payments will begin, and will continue for one year as long as all parties remain in compliance with program and eligibility requirements. After the initial lease term has ended, if the tenant has not received a NYCHA voucher, HPD will re-determine the participant's eligibility for the HOME program. If the tenant still meets eligibility requirements, HPD will send the landlord a new HOME Rental Assistance Contract.

How do I obtain a Landlord Package? What does it include?



Landlords receive Landlord Packages directly from prospective HOME TBRA tenants who want to reside in their units. The Landlord Package includes detailed instructions and several forms and supporting documents that must be completed and returned. Completed Landlord Packages should be submitted directly by the landlord to HPD as soon as possible and must include:

- Copies of unsigned leases HOME Rental Assistance Contracts
- Substitute W-9 Form (available at <http://www.nyc.gov/html/hpd/downloads/pdf/section8-w9.pdf>)
- IRS issued Tax ID Verification
- Copy of recorded deed to the property
- Certificate of Occupancy (if structure is new)
- If rent stabilized or rent controlled, DHCR Annual Registration
- Rent reasonableness documentation
- Regulatory Agreement (if applicable)
- Lead Based Paint Disclosure Form
- Completed Request for Unit Approval

What if I need help filling out the Landlord Package?

The Landlord Package includes information on the above components and directions on how to return your completed package to HPD. However, if additional questions arise or you need assistance, please call us at (917) 286-2400 or visit our Client Services office. Appointments are welcome.

What are HOME Payment Standards?

Just like the Section 8 HCV program, the HOME TBRA program subsidizes housing costs so that low-income families can pay an affordable percentage of their monthly adjusted income towards rent. The Payment Standard is the amount needed to rent a moderately priced dwelling unit in the local housing market.

The applicable Payment Standard is provided on the HPD website at:

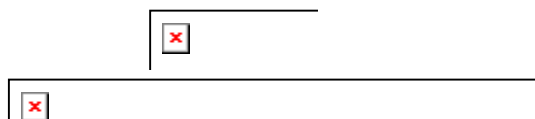
<http://www.nyc.gov/html/hpd/html/section8/section8-tenants.shtml>

HPD’s Payment Standards (which include utilities) effective **October 1, 2010** are:

	SRO	0BR	1BR	2BR	3BR	4BR	5BR	6BR	7BR	8BR
New Payment Standard	\$962	\$1,283	\$1,387	\$1,543	\$1,899	\$2,135	\$2,455	\$2,775	\$3,095	\$3,417

HPD’s Utility Allowances effective October 1, 2010 are:

# of Bedrooms	Gas	Electric	Total Gas & Electric	Gas Heat & Hot Water	Oil Heat & Hot Water	Electric Heat & Hot Water
SRO	\$15	\$52	\$67	\$54	\$65	\$164
Studio	\$15	\$52	\$67	\$54	\$65	\$164
1	\$17	\$54	\$71	\$73	\$93	\$226
2	\$17	\$56	\$73	\$86	\$111	\$268
3	\$18	\$70	\$88	\$98	\$130	\$309
4	\$20	\$72	\$92	\$111	\$149	\$351
5	\$21	\$82	\$103	\$123	\$167	\$392



How is rent approved or determined “reasonable”?

Per federal regulation, the rent landlords charge for a HOME TBRA subsidized unit can never be more than rents charged for comparable unsubsidized (market rate) units within the development or in the vicinity. After a landlord submits a landlord package, HPD will review the requested contract rent to determine if the requested rent is reasonable.

Rent reasonableness is determined on a case-by-case basis. HPD’s Owner Services Unit will compare proposed rents to the rents currently charged for similar sized units within the same building, or by other landlords for comparable units in the vicinity. HPD will take into consideration unit type, amenities included in rent (e.g., balconies, on site laundry), location, overall condition, as well as any recent renovations made to the assisted or comparable units. If the unit’s gross rent (rent plus utilities) is equal to or below the Payment Standard, the family’s contribution is based on 30% of their income, and HPD subsidizes the balance. If the unit’s gross rent exceeds the Payment Standard, the family must make up the difference. However, families are not allowed to pay more than 40% of their income towards rent when they first rent apartments. HPD encourages families to find rental units that are affordable based on their income.

What happens if my proposed rent is not approved?

If the contract rent that you’ve proposed is determined to be unreasonable, HPD staff will notify you of this in writing and instruct you in what you should do to revise the request.

How is the effective date of the HOME Rental Assistance Contract determined?

Per HUD regulations, Rental Assistance Contracts will be generated and sent to a landlord after HPD has approved the rent and landlord package, the unit has passed HQS inspection, and the Coupon has been issued to the tenant. The effective date of a Rental Assistance Contract will be at least two weeks after the contract generation date and will be on either the 1st or 15th of the month.

If a Rental Assistance Contract is not signed and returned, along with a matching executed lease, to HPD within 30 days of issuance, the effective date of subsidy may be delayed, or the contract may be deemed void by HPD. The sooner the executed Rental Assistance Contract and matching lease are returned to HPD, the sooner subsidy payments will start.

Can I charge tenants more than the contract rent?

HOME Rental Assistance tenants must pay only the amount authorized by HPD. Any amount paid by a participant other than the HPD-authorized amount is considered an unauthorized side payment. Unauthorized side payments are grounds for termination of the Rental Assistance Contract and may adversely affect the landlord’s ability to participate in the program in the future.

SIDE RENTAL AGREEMENTS ARE A VIOLATION OF FEDERAL LAW.

HPD may authorize participants to make additional payments to the landlord for additional services or amenities, such as parking spaces or appliances (other than range and refrigerator), however, any side payment agreement between the participant and landlord, for items not included in the lease, must be made in writing, and pre-approved by HPD.

Can I move HOME Rental Assistance tenants from one of my units to another?

Tenants may not move while being subsidized with HOME Rental Assistance, even within the same development. Moving tenants without official HPD approval may result in a loss of subsidy.

What happens when my HOME assisted tenant receives a NYCHA Section 8 Housing Choice Voucher?

You will be notified in writing once NYCHA offers your tenant a Section 8 Housing Choice Voucher. To continue tenancy and subsidy payments, you may have to complete a new Landlord Package for NYCHA and you will need to sign a new lease with your tenant and execute a NYCHA Section 8 Housing Assistance Payment contract with NYCHA, thereby transferring HOME Rental Assistance to the Section 8 Housing Choice Voucher program. The method for calculating subsidy and tenant portion of rent will remain the same.

Who do landlords contact with questions?

If you have any related questions, please contact HPD at 917-286-4300 Monday through Friday, between the hours of 9:00 AM and 5:00 PM, please listen to the menu options and select the option most relevant to your question.. You may also visit our office at 100 Gold Street, Room 1-0, Monday through Friday between 9:00 AM and 4:00 PM. A valid photo ID is required to gain entry to the building. Drop-ins are welcome but to minimize wait times, please call us to schedule an appointment.