

Chapter 9

Chapter 9 GENERAL LEASING POLICIES

Part I: GENERAL LEASING POLICIES

INTRODUCTION

Chapter 9 covers the lease-up process from the family's submission of a Request for Tenancy Approval to execution of the HAP contract.

In order for the PHA to assist a family in a particular dwelling unit, or execute a Housing Assistance Payments (HAP) contract with the owner of a dwelling unit, the PHA must determine that all program requirements are met.

24CFR 982.305(a)

4/1/2024

(a) Program requirements

The PHA may not give approval for the family of the assisted tenancy, or execute a HAP contract, until the PHA has determined that all the following meet program requirements:

1. The unit is eligible;
2. The unit has been inspected by the PHA and pass applicable housing quality standards [24 CFR 982.305(a)]
3. The lease includes the tenancy addendum;
4. The rent to owner is reasonable; and
5. At the time a family initially receives tenant-based assistance for occupancy of a dwelling unit, and where the gross rent of the unit exceeds the applicable payment standard for the family, the family share does not exceed 40 percent of the family's monthly adjusted income.

7/1/2025

Also see 24CFR982.306 PHA Disapproval of Owner.

9-I.A. Tenant Screening and Information to Owner

1/5/2010

24CFR 982.307(a)(1)

(1) The PHA has no liability or responsibility to the owner or other persons for the family's behavior or suitability for tenancy. However, the PHA may opt to screen applicants for family behavior or suitability for tenancy. The PHA must conduct any such screening of applicants in accordance with policies stated in the PHA administrative plan.

24CFR 982.307(a)(2)

(2) The owner is responsible for screening and selection of the family to occupy the owner's unit. At or before PHA approval of the tenancy, the PHA must inform the owner that screening and selection for tenancy is the responsibility of the owner.

24CFR 5.2005(a)(2)

6/1/2015

7/17/2012

(a) Notice of VAWA protections.

...(2) PHAs must provide notice to owners and management agents of assisted housing, of their rights and obligations under VAWA and this subpart;....

24CFR 982.307(b)(1)

(1)The PHA must give the owner:

- (i) The family's current and prior address (as shown in the PHA records); and
- (ii) The name and address (if known to the PHA) of the landlord at the family's current and prior address.

24CFR 982.307(b)(2)

(2) When a family wants to lease a dwelling unit, the PHA may offer the owner other information in the PHA possession, about the family, including information about the tenancy history of family members, or about drug-trafficking by family members.

- *Tenant-based assistance under the HOME Program;*
- *Rental assistance payments under Section 521 of the Housing Act of 1949 (a program of the Rural Development Administration);*
- *Any local or State rent subsidy;*
- *Section 202 supportive housing for the elderly;*
- *Section 811 supportive housing for persons with disabilities; (11) Section 202 projects for non-elderly persons with disabilities (Section 162 assistance); or*
- *Any other duplicative federal, State, or local housing subsidy, as determined by HUD. For this purpose, 'housing subsidy' does not include the housing component of a welfare payment, a Social Security payment received by the family, or a rent reduction because of a tax credit.*

9-I.D.v. Initial Inspections

7/1/2025

In order to eligible, the dwelling unit must be in safe and habitable condition and pass applicable housing quality standards. See Chapter 8 for a full discussion of inspection standards as well as the process for inspection at initial lease-up.

9-I.D.vi. Unit Size

See Chapter 5 for a full discussion of subsidy standards.

9-I.D.vii. Rent Reasonableness (See 24 CFR 982.305 and 24 CFR 982.507)

See Chapter 8 for a full discussion of rent reasonableness and the rent reasonableness determination process.

9-I.D.viii. Rent Burden (See 24 CFR 982.508)

See Chapter 6 for a discussion of calculation of gross rent, the use of payment standards, and calculation of family income, family share of rent and HAP.

9-I.E. Lease and Tenancy Addendum

See *HUD 52641-A*

12/18/2012

9-I.E.i. Lease Form Information and Tenancy Addendum

24CFR 982.308 Lease and Tenancy

(a) *Tenant's legal capacity.*

The tenant must have legal capacity to enter a lease under State and local law. "Legal capacity" means that the tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.

(b) *Form of lease.*

1. *The tenant and the owner must enter a written lease for the unit. The lease must be executed by the owner and the tenant.*
2. *If the owner uses a standard lease form for rental to unassisted tenants in the locality or the premises, the lease must be in such standard form (plus the HUD-prescribed tenancy addendum). If the owner does not use a standard lease form for rental to unassisted tenants, the owner may use another form of lease, such as a PHA model lease (including the HUD-prescribed tenancy addendum). The HAP contract prescribed by HUD will contain the owner's certification that if the owner uses a standard lease form for rental to unassisted tenants, the lease is in such standard form.*

(c) *State and local law.*

The PHA may review the lease to determine if the lease complies with State and local law. The PHA may decline to approve the tenancy if the PHA determines that the lease does not comply with State or local law.