

Orange County Housing Authority

1501 E. St. Andrew Place • Santa Ana, CA 92705
(714) 480-2700 • California Relay Service (800) 735-2929
<http://www.ochousing.org>

Frequently Asked Questions

Q: Do I have to be present at the inspection?

A: Yes, the HQS inspection is very important for both the owner and tenant, therefore, you must be present. If unforeseen events prevent you from attending, please call your Field Rep.

Q: Must utilities in the unit be turned on during the inspection?

A: Yes, utilities must be on at the time of the inspection or the unit will be marked "FAIL."

Q: Can I move into the unit prior to the inspection?

A: Yes, you can; however, you will be responsible for the rent. Orange County Housing Authority will begin to assist you only after the unit passes the H.Q.S inspection.

Q: What I should do if I want to move?

A: You must serve your owner/manager a written 30-day notice prior to the move-out date, if you're on a month-to-month lease. If you're currently locked into a lease and it won't be ending in the next 30 days, or if you want to move out before 30 days, you would have to speak with the owner and get an agreement to make the exception.

Q: When will I get my security deposit back?

A: In California, the landlords are typically required to return your security deposit, or give you an itemized accounting of the deductions from your security deposit, within three weeks after you move out. The general rule is that you are not responsible for normal wear and tear. If you believe you were unfairly treated, you may seek remedy in Small Claims Court or you can call Fair Housing Council for legal advice at (714) 569-0823.

Q: Who pays the security deposit in Section 8 program?

A: The tenant is responsible for paying the security deposit.

Q: Can a Landlord charge a different security deposit to a housing tenant than a non-housing tenant?

A: No, by treating Section 8 tenants differently than any other non-housing tenant, the Landlord is in violation of both Federal and State laws prohibiting discrimination.

Q: Who is liable for damages and unpaid rent?

A: The tenant is responsible for unpaid rent and damages to the unit when they leave. Owners may bring tenants to the court of law to seek remedy.

Q: What happens if the tenant refuses to pay the unpaid rent and damages upon leaving the unit?

A: The new voucher will be put on hold for 60 days until the tenant resolves all issues with the owner and verification is submitted to OCHA. If the matter is not resolved after 60 days, the tenant may be terminated from the program.

Q: I'm ready to move out of my apartment and the annual inspection is scheduled for tomorrow. Can I cancel my appointment?

A: No, as long as your move-out date is after the annual inspection date, you must keep your appointment with the inspector.

Q: The unit that I'd like to move into is not ready until a week after the expiration date of my voucher. What should I do?

A: As long as you submit a Request For Tenancy Approval (RTA) signed and dated by you and the owner prior to the expiration date of your voucher to "stop the clock," your voucher will remain valid.

Q: When does the owner get paid?

A: Normally, the first of the month; however, HAP checks also go out on the 15th.

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Q: I know somebody who needs housing assistance but isn't part of the Section 8 Assistance program, nor is he on the Waiting List. Can you help?

A: We can do three things:

- 1) Send them an Orange County Affordable Rental Housing List.
- 2) Refer them to the Anaheim, the Santa Ana, and the Garden Grove Housing Authorities to see if their Waiting List is open.
- 3) Suggest that they visit <http://www.hud.gov> and see if HUD has any current programs that can be of help. Unfortunately, while OCHA's Waiting List closed, there is not much else we can do since our agency is geared towards helping people who are on the Waiting List or already have Housing Vouchers.

Q: I am having issues with my landlord (or tenant)... what should I do?

A: If you are having issues with your landlord, property manager, or tenant, you should contact your Field Representative. If you are not sure who that is, please call the Owner Hotline at (714) 480-2866. We do not give legal advice; however, if you feel that it is or may be a legal matter, we recommend contacting the Fair Housing Council of Orange County at (714) 569-0823. You may also visit their website at www.fairhousingoc.org.

Q: I am a Housing Choice Voucher tenant interested in moving into a unit that is outside of OCHA's jurisdiction. How do I go about doing this?

A: This process is called "porting." Whether you are a tenant of OCHA looking to move into a unit outside of OCHA's jurisdiction (porting out) or a tenant participating in another Housing Authority's program looking to move into a unit inside of OCHA's jurisdiction (porting in), you can call our Portability Dept. at (714) 480-2746 for assistance.

Q: What does "negotiable" mean on the referral list?

A: "Negotiable" means that the rent amount listed for that unit is what the owner/manager is asking for but does not necessarily mean that it is the amount that was approved by Leasing. Because the unit actually falls under the jurisdiction of another Housing Authority (i.e. Anaheim, Santa Ana, or Garden Grove), they will be determining the final rent amount. We list these units as a courtesy to the owner.

Q: Is the Referral List available online?

A: At this time, the Referral List is not available online. The list that many tenants find online at the County website is actually the *County of Orange Affordable Rental Housing List*. As of right now, the Referral List is available through email, fax, postal mail, or in-person pickup. The Referral List can be obtained by contacting the Owner Hotline at (714) 480-2866 or emailing the Owner Hotline at OCHA.Referral@occr.ocgov.com

Q: Can the owner charge the tenant the cost of heating by dividing their bill by the number of units in the complex?

A: Depending on the arrangements set out in the Rental Agreement, there is nothing to suggest that a landlord cannot do this. If the landlord includes the heating charge in the rent, then the way the amount is assessed must be written in the lease. If not, the tenant can ask to see the bill to ensure that it has been divided equally, before paying their share separately from the rent.

Q: As a tenant, what recourse do I have if I believe I was unfairly terminated from your program?

A: You must submit a written request for an informal Hearing within 15 calendar days from the termination notification date. OCHA has instituted an informal Hearing Panel to ensure that the right to a due process is guaranteed to all. A Hearing Officer and Counsel, independent of OCHA, will hear and decide the case brought before them. After all facts are disclosed and presentations by tenants, OCHA employees, and DA Investigators are heard, a decision is then made.

Q: What is the maximum rent amount that will be approved for a property in a certain area?

A: There is no "maximum rent amount" that is currently set by the Leasing Section. Generally, Leasing will approve of units whose rent is about the same amount as that of other similar units in the area. If in doubt, tenants may call the Field Representative in charge of the city where the unit is located or call the Owner Hotline at (714) 480-2866.

Q: I left a message for my Field Representative, but he/she hasn't called me back yet. Who else can I talk to?

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A: OCHA's policy is that voice messages be returned within 24 hours (not including weekends and holidays). If you left a message for a Field Representative, please wait 24 hours before requesting to speak with another person, since your Field Representative is the best person to speak with concerning your leasing issues. If you do not receive a return call within 24 hours, please contact the Owner Hotline at (714) 480-2866 for assistance.

Q: I have a 2-bedroom voucher and have found a unit renting for \$1450. If the current Payment Standard for 2 bedrooms is only \$1420, can I pay the difference?

A: Yes, only if your Field Representative approves the rent on the unit. Factors that determine the contract rent of the unit are: the market rent of comparable units; the age of the unit; its size; amenities; whether or not utilities are included, etc. If it is approved, the Field Representative would then have to determine, based on your particular income, if you will be allowed to make up the difference out of your own pocket. The most important thing to remember is that, as a tenant, you are never to pay anything other than what the Field Representative has instructed you to pay.

Q: Do I have two caseworkers?

A: Yes. You have an Occupancy Specialist and a Field Representative. Your Occupancy Specialist handles changes in family composition and income and is responsible for your annual reexaminations. Your Field Representative handles leasing issues, such as: moving to another unit, issues with your landlord, rent increases, etc. Occupancy Specialists and Field Representatives are assigned based on your city of residence. Big cities are often divided among multiple caseworkers and, in those cases, are then assigned by last name.

Q: What is the difference between Affordable Housing and a Housing Choice Voucher (a.k.a. Section 8)?

A: A Housing Choice Voucher is a rent subsidy voucher that the holder can take with him/her anywhere in the country. The rent to the owner, however, has to be approved by OCHA based on rent reasonableness. Affordable Housings are complexes that have a specified number of units set to be rented at below-market rent. The owners of these complexes have a contract with HUD or the city and have agreed to put their units at lower rent amounts. Applying to these units is done directly through the complex and not through OCHA.

Q: My landlord has given me notice of a rent increase. I got a letter from OCHA showing my new portion of the rent when the rent increase takes effect. I feel that this portion is too high and too big a change from what I am currently paying for rent. What should I do?

A: Your portion of rent is based on your adjusted monthly income. We get this information from interviews we did with you upon issuing you the voucher and interviews we have with you every year. Normally, your portion of the rent is 30% to 40% of your adjusted monthly income. In a rent increase situation, your portion of the rent could be up to 50% of adjusted monthly income. If you feel it is not, please contact your Occupancy Specialist for a review of your reported income. Your Field Rep can also help you review your rent increase.

Q: Why did you put my new voucher on hold?

A: A tenant's new voucher can be put on hold for numerous reasons. The most common is when a tenant moves out of the old unit and leaves unpaid rent. The voucher is put on hold until the tenant pays the remaining rent that is due. If the tenant moves out and leaves damages that will cost more to repair than the security deposit covers and the owner advises OCHA within 21 days of the move-out date that a damage claim will be submitted, the voucher will be put on hold until the tenant pays whatever is owed. Tenants are given a specific amount of time to resolve these situations.

Q: How come I pay more than my neighbor who is also receiving housing and residing in a similar 2-bedroom unit?

A: Each family's income and family composition are different. The family's share of the rent is at least 30% of their monthly-adjusted income.

Q: What are the benefits to the owner of a property in agreeing to accept housing vouchers?

A: Benefits to owner are many: regular and guaranteed housing checks; family composition is accounted for; contract rent is comparable with open market; free move-in and annual inspections; courtesy vacancy listing; no unpaid rent or damage to the unit allowed; direct-deposit housing payments; less turnover; less cost to renovate; and peace of mind.

Q: What is a Payment Standard and how does it affect me as a tenant?

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Q: The Payment Standard is used to calculate the Housing Assistance Payment (HAP)—our portion of the rent—based on HUD’s published fair market rent for each Public Housing Agency across the US. The payment standard amounts directly affect HAP and tenant’s share of the rent. If a tenant moves into a unit with a gross rent below the payment standard, the family’s share of the rent is 30% of the adjusted monthly income. If it is higher than the payment standard, the family’s share will be higher than the 30%. Please keep in mind that the Payment Standard is only one of many factors used in determining rent and eligibility.

Q: What type of Lease or Rental Agreement must I use and what items must I have on the Lease when renting to Section 8 tenants?

A: Generally, you can use the same standard lease for Housing tenants as for unassisted tenants. For the Section 8 program, the lease must, at the minimum, specify all of the following:

- 1) The name of the owner & the tenant.
- 2) The unit address.
- 3) The term (length of stay) of the lease.
- 4) The amount of the monthly rent.
- 5) The utilities & appliances (who pays for what).

Finally, the lease must be signed and dated by Owner and Tenant.

Q: The property that I’m renting is in foreclosure, what should I do?

A: Unless you receive a Notice of Default sent to the property and instructions from the bank for future rent payment or to vacate, you should continue to pay the current owner on record.

Q: The expiration date on my voucher says it expires February 1, 2008. Does this mean the inspection for the unit I want to live at has to be done by this date for me to keep my Voucher?

A: No. It simply means you must turn in a Request for Tenancy Approval (RTA) form for a unit you have found by that date.

Q: My Housing Choice Voucher’s issued bedroom size was recently changed and Occupancy has sent me a new voucher. I don’t want to move or go through the process of finding a new place to live. What am I supposed to do?

A: You can submit a RTA for your current unit so Leasing can re-negotiate the rent on your behalf. If Leasing and the owner cannot agree on an amount, you will have to find a new place and submit a RTA for the new unit. Failure to do so within the allotted amount of time may result in interrupted HAP payments or the loss of your voucher.

Q: Do I have to stay in a unit that contains the same number of bedrooms as is stated on my voucher?

A: No.

Example 1: You have a three-bedroom voucher but you found a very nice unit that contains only two bedrooms. As long as you are not creating an overcrowding situation, you can move into this unit. The rent, however, must be agreed by Leasing and the unit must pass the inspection.

Example 2: You have a three-bedroom voucher and found a very nice unit you’d like to live in; however, it’s a four-bedroom unit. As long as the rent amount on that unit is going for the same amount as a three-bedroom in the area (this will be determined by Leasing) and it passes inspection, you can move into this unit.

Q: My owner has asked me to start paying for additional things that I previously did not have to pay for (utilities, amenities, parking spaces, etc.). Since the amounts are very small, should I just start paying the owner for these additional items?

A: You should contact your Field Representative before making any additional payments to the owner or manager of your unit, regardless of the amount. Any payments aside from the amount that you were instructed to pay by OCHA may be considered a “side payment,” which violates your agreement with us. This may result in you losing your voucher. Have the owner contact your Field Rep. or the Leasing Dept. to discuss any additional charges they will need for you to start paying.

Q: My household size is not the same because my son moved out, what should I do?

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A: You should report this to your Occupancy Specialist immediately. At your next annual re-exam interview, if the change of family composition results in a decrease in bedroom size, the Occupancy Specialist will do the followings:

- 1) Complete a termination.
- 2) Issue a new smaller bedroom size voucher.
- 3) You will have 120 days to locate a new unit, or you may contact your Field Representative immediately if you believe the current owner is willing to lower the rent to keep you in the unit.

Q: What is a special inspection and how can I request one?

A: A special inspection is an inspection done generally to investigate complaints about Housing Quality Standards (HQS) matters. This could be for, but is not limited to: a broken toilet; water leakage; bug infestation; fire issues, etc. Please contact your Field Rep if you feel a special inspection of your unit is necessary.

Q: I've seen people on Housing drive new cars, wear expensive jewelry, and possess beautiful furniture. How are they able to get the money for these items when they can't even pay their monthly rent?

A: In some situations the tenant in question is simply living above their honest means, accruing debt as they overspend. In many situations, however, the answer is simple: Fraud. Unreported income in the household, unreported ownership of property and businesses, etc. The Orange County Housing Authority is actively fighting fraud. Its diligent employees will not give up. It is not an easy task, but with help from callers, who can remain anonymous, letters from concerned citizens, witnesses willing to speak up in hearings, and proactive measures and consequences enforced by OCHA, we should be able to clean up the fraud in our housing program.

Q: My owner or landlord has informed me of an increase in my portion of certain utility or monthly dues. Should I contact Leasing regarding this?

A: Yes. Any fees or dues in addition to the amount your Field Representative has instructed you to pay each month should be brought to his or her attention. If in doubt, contact your Field Representative to be sure no policies are being violated.

Q: I decided to rent my house to a tenant on the Housing program after purchasing and moving into a new home and was informed by the Field Rep. to remove the Homeowner Exemption from the property tax bill of the unit. Why? It's my home and I still own it...

A: Homeowner Exemption is a credit for the person who owns his home and lives in it as his primary residence. You still own the house, yet you're no longer living in it. You're renting it out so you are no longer eligible for claiming the Homeowner Exemption.

Q: My property is on the Referral List, but I have received no or very few phone calls regarding it. Why?

A: It could be a lot of factors. The biggest one would be that there is a different amount of demand for rental units depending on their location. Units in some cities are rented out the same week they are posted on the listing while units in some other cities may take a bit longer. It's advised that owners use our Referral List as one avenue of advertising their unit, among others, such as newspapers, magazines, online ads, etc.

Q: Are the properties on the Referral List the only ones in Orange County that are accepting Housing Choice Vouchers?

A: They are the only ones that have contacted us to let us know they have vacancies and are accepting Housing Choice Vouchers. There are also many owners who simply don't know about our program, but would be willing to participate. We always advise tenants to check newspapers, magazines, online ads, etc., to locate vacant rentals and speak with the owners regarding our program.