
LOW RENT HOUSING



Thousands of rental units in Kansas are subsidized (the government pays part of the rent) through the federal Department of Housing and Urban Development (HUD) and Rural Development (RD) programs. Public Housing, Housing Authority, Section 8, Rental Assistance, and Low Rent are names you may hear or recognize. Formulas for calculating the tenant's share of the rent are similar in all programs. They are based on a government-adopted preference that Americans should not spend more than 30% of available income for housing (including housing payment and utilities). There are special rules for government assisted housing programs; however, the laws of the state of Kansas and local communities also apply. Common programs are:

Public Housing - Low rent housing built all or in part with government funds. With few exceptions, public housing is owned by a local housing authority, governed by a local board of directors, and managed by their staff or on contract.

Project Based Section 8 - Privately owned complexes where HUD Section 8 rent subsidies are available for some or all tenants through a contact between the complex owners and the government. Prospective tenants apply directly to the owner or manager for housing.

Section 8 Voucher Program - A program that allows tenants to take vouchers anywhere in a certain geographic area as long as, following an inspection and approval by the managing agency, the property meets certain size and condition standards. There is no limit on how much the rent can be, only how much assistance is available. The government provides subsidies through managing agencies that contract with the tenant and the owner. The subsidy is paid directly to the owner who applies it to the rent; an additional amount may be owed by the

tenant if the full rent amount is greater than the HUD assistance. Housing Authorities, Community Action Agencies, and Agencies on Aging often are the managing agencies.

Special Section 8 Programs - There are periodically special Section 8 programs targeted at improving certain types of properties or targeted at certain groups of people (i.e. homeless, mentally ill). These programs may have special names such as Shelter Plus Care and are generally operated like the Section 8 Voucher Program.

Tax Credit / Section 42 - A program for new or updated apartment or townhome complexes. The program is available for elderly, families, and single persons. There are limits on income based on the number of bedrooms in units. Rents are the same for all residents. These units are generally not available to households comprised entirely of full-time students.

Other - Local nonprofits and others have also developed local low-rent programs. Check with your City, your housing authority, or the State (see contact information in box in this chapter) to see if there is anything near you.

WHO IS ELIGIBLE (HUD PROGRAMS)

For "elderly" housing programs, a person must be low income, 62 years of age or older, or qualify as disabled (regardless of age). The age limit can go down to 55 if certain amenities such as activities or transportation are available.

To get into "family" programs, families with children and, in most cases, people who qualify for the elderly programs are eligible.

"Disabled" means anyone with a qualifying mental or physical disability.

Single people who are neither elderly nor handicapped are sometimes eligible. Check with the manager.

Unmarried adults who are living together with children are usually considered “families.”

Some programs are limited to people who are homeless or have other special circumstances.

Owners and managers have the right to check into the background of you and your family to decide whether or not to offer you housing or a place on a waiting list. If you are rejected, you have the right to be told why. In both Section 8 and public housing, federal law says the landlord must offer you at least an informal conference. Many programs provide unsuccessful applicants access to a “grievance procedure,” described later in this chapter.

Some programs have priorities, called preferences, for who gets housed first from their waiting lists. Sometimes, for instance, it’s higher-income people first, sometimes lower, sometimes persons with earned income, or people who are in substandard conditions. These priorities change from time to time due to changes in government rules and/or local choices. This policy cannot discriminate against you because you just moved to town. You have the right to see a copy of the written priority policy and to know what number you are on the waiting list. When you are on a waiting list, you are responsible to keep the rental office updated if your contact information changes. If you don’t and they can’t reach you when your name comes up, you can be removed from the list and have to reapply and start all over at the bottom.

In all situations, you must furnish accurate information about the employment and income of each family member and how many people are living with you so the agency can determine whether you are eligible for subsidized housing, the size of dwelling unit you should be in, and how much your rent should be. This is called “income certification.”

In most programs, you will be asked to turn in this information once a year and whenever income or family size changes. This is called “recertification.” If anything has changed, the amount of rent you pay may be raised or lowered or you may be asked to move to a different size unit.

SECURITY DEPOSITS

Expect to pay a security deposit. Kansas law requires that your security deposit cannot be more than your monthly rent unless pets are allowed, in which case the security deposit can be as much as one and one-half times your monthly rent.

Some programs will set your security deposit based on your rent, others will have a flat rate. Some housing authorities have security deposit schedules that are based on the number of bedrooms. Some have a set amount for the pet deposit. In these cases, the housing authority must allow tenants to pay the security deposit in payments rather than all at once. (See Security Deposit section in Rights and Responsibilities chapter for more on Security Deposits.)

MAINTENANCE

Landlords with subsidized housing are required to meet at least the same maintenance standards that are expected of private landlords in the state of Kansas.

Some programs have their own specific maintenance standards and their own inspectors; however, all properties must comply with local codes and ordinances.

EVICCTIONS

Public housing tenants must be given 14 days’ written notice for nonpayment of rent. (This is more than Kansas law requires.) Otherwise, minimum notice in all of the programs is the same as state law and/or as set in the lease. In government assisted housing, the landlord must

WORKSHEET FOR COMPUTING PUBLIC HOUSING AND SECTION 8 RENTS AT 30% OF INCOME

(This is a simplified form which should give you a general idea of how much your rent might be.)

FAMILIES

Gross Monthly Income _____
X 12 (months)

Deductions

\$480 per Dependent - _____

Child Care - _____

Adjusted Gross Income _____
÷ 12 (months)
X .30 (30% of Adjusted
Gross Income) _____

Monthly Gross Rent _____

Utility Allowance - _____
(if tenant pays gas,
electricity or water)

Monthly Net Rent _____

ELDERLY / HANDICAPPED

Gross Monthly Income _____
X 12 (months)

Deductions

\$400 per Household - _____

Medical (Over 3%
Gross Income) - _____

Adjusted Gross Income _____
÷ 12 (months)
X .30 (30% of Adjusted
Gross Income) _____

Monthly Gross Rent _____

Utility Allowance - _____
(if tenant pays gas,
electricity or water)

Monthly Net Rent _____

Gross Monthly Income is defined as the income (before taxes) of all members of the household who are over 18, including students. One-time only income does not have to be counted. Foster-care payments do not have to be counted either.

Dependent is defined as anyone in the household (except the head of the household, his or her spouse, and foster children) who is under 18 years of age, a full-time student, or disabled.

EVICCTIONS (con't)

have a "good cause" to evict someone. "Good cause" may include, but not be limited to:

- Failure to pay rent or other amounts owed
- Failure to fulfill tenant obligations
- Providing false information
- Serious or repeated interference with the rights of others.
- Serious or repeated damage to the premises.
- Criminal activity

GRIEVANCE PROCEDURE (PUBLIC HOUSING AND RURAL DEVELOPMENT ASSISTED PROJECTS ONLY)

In public housing, the tenant may have the right to a hearing before an impartial person or panel if the tenant disagrees with a proposed action of the management. In the case of eviction disputes, federal law allows Kansas housing authorities to skip the grievance procedure and insist on going to court, but most will allow you to file the grievance anyway.

If you disagree with an action taken against you, either as a tenant or an applicant for public housing, you may file a grievance against the management stating the source of the disagreement and what you think should be done to correct it. If you wish to file a grievance, both you and the management must follow the specific grievance procedure adopted for that complex. Ask for a copy if you don't have one. It should be very similar to the procedure outlined below:

- (1) You must personally deliver the written grievance to the housing authority, usually to the director, within the time stated in the notice. In this way, the grievance may be informally discussed and possibly settled without a hearing.
- (2) Within 5 business days, you should receive a response with the following items included:
 - A suggested settlement.
 - Signature of a member of the management.
 - The date.
 - A statement informing you of your right to a hearing before an impartial person or panel and how to obtain it.
- (3) If you are not satisfied with the response, you can send a dated, written request for a formal hearing to the director or project manager's office, usually within 5 business days.

If you do not request a hearing within this time, you will probably forfeit your right to appeal this particular case.

- (4) If you request a formal hearing, you will be mailed information with the date and time of the hearing.
- (5) You have the right to see any documents the management plans to use against you in advance.
- (6) At the hearing, you will have the opportunity to:
 - Be represented by an attorney or another person of your choice.
 - Present your evidence.
 - Question the management's evidence.
- (7) If you find the person or panel's decision unsatisfactory, you may appeal it in court. Likewise, management must take court action to proceed further against you. Remember, if you ever receive an eviction or any notice that you feel is unfair, appeal it immediately, don't wait.

ADMINISTRATIVE REVIEW PROCEDURES (SECTION 8 AND HOUSING VOUCHERS)

Federal law requires anyone who runs a Section 8 program to adopt an "administrative plan" that contains a review procedure to be used when a tenant has a grievance or wants to appeal a decision.

TO FIND OUT IF THERE IS AFFORDABLE HOUSING IN YOUR TOWN...

Kansas Regional HUD Office
400 State Ave., Room 200
Kansas City, Kansas 66101-2406
(913) 551-5462
www.hud.gov

Kansas Rural Development State Office
1303 First American Place, Suite 100
Topeka, Kansas 66604
(785) 271-2700
www.rurdev.usda.gov/ks/

Kansas Housing Resources Corporation
611 S. Kansas Ave., Suite 300
Topeka, Kansas 66603-3803
(785) 296-5865
www.kshousingcorp.org

There are volumes available on each kind of government assisted program, the regulations are constantly changing. Ask these sources or your manager to give you a copy of the regulation(s) you want to see.

If you can't get the information you need from these sources, contact Housing and Credit Counseling, Inc. at (785) 234-0217 or (800) 383-0217.