

**RULES
OF
TENNESSEE HOUSING DEVELOPMENT AGENCY
SECTION 8 RENTAL ASSISTANCE PROGRAM**

**CHAPTER 0770-1-5
HOUSING CHOICE VOUCHER PROGRAM**

TABLE OF CONTENTS

0770-1-5-.01	General	0770-1-5-.24	Repealed
0770-1-5-.02	Objectives	0770-1-5-.24	Repealed
0770-1-5-.03	Definitions	0770-1-5-.26	Repealed
0770-1-5-.04	Administrative Plan	0770-1-5-.27	Repealed
0770-1-5-.05	Forms	0770-1-5-.28	Repealed
0770-1-5-.06	Program Eligibility	0770-1-5-.29	Repealed
0770-1-5-.07	Application Process	0770-1-5-.30	Repealed
0770-1-5-.08	Selection of Unit	0770-1-5-.31	Repealed
0770-1-5-.09	Tenancy	0770-1-5-.32	Repealed
0770-1-5-.10	Termination of Assistance – Recipient Factors	0770-1-5-.33	Repealed
0770-1-5-.11	Termination of Payments to Owner	0770-1-5-.34	Repealed
0770-1-5-.12	Program Reduction or Termination	0770-1-5-.35	Repealed
0770-1-5-.13	Repealed	0770-1-5-.36	Repealed
0770-1-5-.14	Repealed	0770-1-5-.37	Repealed
0770-1-5-.15	Repealed	0770-1-5-.38	Repealed
0770-1-5-.16	Repealed	0770-1-5-.39	Repealed
0770-1-5-.17	Repealed	0770-1-5-.40	Repealed
0770-1-5-.18	Repealed	0770-1-5-.41	Repealed
0770-1-5-.19	Repealed	0770-1-5-.42	Repealed
0770-1-5-.20	Repealed	0770-1-5-.43	Repealed
0770-1-5-.21	Repealed	0770-1-5-.44	Repealed
0770-1-5-.22	Repealed	0770-1-5-.45	Repealed
0770-1-5-.23	Repealed		

0770-1-5-.01 GENERAL. These regulations prescribe the policies, procedures and authorization for administering the Housing Choice Voucher Program under the U.S. Housing Act of 1937.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.02 OBJECTIVES. The program is designed to assist low-income households in obtaining decent, safe and sanitary rental housing.

Authority: T.C.A. §13-23-115 (13), (14) and (18); 42 USC §§1437, and 24 CFR, Part 982. *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.03 DEFINITIONS.

- (1) Administrative Plan. A document prepared by the Agency as required by federal law. The Administrative Plan implements federal law governing the Program.
- (2) Agency. The Tennessee Housing Development Agency created by T.C.A. 13-23-101 et. seq.
- (3) Annual Contributions Contract (ACC). The contract entered into between HUD and the Agency through which the Agency receives federal funding to provide program benefits, establishes the relationship between HUD and the Agency and defines the duties and responsibilities of both parties.

(Rule 0770-1-5-.03, continued)

- (4) Applicant. Any person or household that applies for a voucher.
- (5) Federal Funding. Money paid by the federal government to the Agency or to other entities at the Agency's request in relation to the Housing Choice Voucher Program.
- (6) Federal Program Requirements. Includes all applicable federal law related to the Housing Choice Voucher Program, including 42 U.S.C. 1437, 24 C.F.R. Part 982 and any subsequent or additional handbooks or guidance provided by HUD.
- (7) Household. One or more persons living in the same unit or applying together for a single unit.
- (8) Housing Assistance Payments Contract (HAP). A contract entered into between the Agency and the Owner that provides for payment of that portion of the rent for a unit the Program will pay the Owner on behalf of the Recipient so long as the Program Requirements are met.
- (9) Housing Choice Voucher Program (Program). A program created by the U.S. Housing Act of 1937, as amended. The Program provides Recipients a voucher which pays a portion of the Recipient's rent, subject to compliance with all Program Requirements.
- (10) Housing Quality Standards (HQS). Standards established by HUD that define the minimum acceptable condition for a housing unit participating in the Program.
- (11) HUD. The U. S. Department of Housing and Urban Development. The federal agency responsible for implementing the statutory provisions creating the Housing Choice Voucher Program.
- (12) Lease. An agreement signed between the Owner and the Recipient defining the duties and obligations of each party to the other.
- (13) Owner. The person or entity that owns the unit rented by the Recipient under the Housing Choice Voucher Program, or the authorized agent for that person or entity.
- (14) Preference. A circumstance or category of Applicants or Recipients that may be provided special treatment under the Program.
- (15) Program Requirements. Federal Program Requirements, the Administrative Plan and these rules.
- (16) Recipient. Any person or household that receives assistance through this program.
- (17) Unit. The apartment or other approved living quarters of a household.
- (18) Voucher. A document issued by the Agency to a family selected for admission to the Program. This document describes the Program and the procedures for Agency approval of a unit selected by the Recipient. The Voucher also states the obligations of the Recipient under the Program.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.04 ADMINISTRATIVE PLAN.

- (1) Pursuant to 24 C.F.R. 982.54, the Agency shall prepare an Administrative Plan.

(Rule 0770-1-5-.04, continued)

- (2) The Agency shall administer the Program in compliance with the Administrative Plan and shall update the Administrative Plan as necessary and as required by Federal Program Requirements to assure continued Federal Funding for the Program.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.05 FORMS. The Agency shall use and/or create such forms as may be necessary for the making and processing of applications and for performance of its obligations under the ACC and Program Requirements.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.06 PROGRAM ELIGIBILITY.

- (1) Applicants and Recipients shall be eligible to receive housing assistance through the Agency under the Program only in accordance with Program Requirements. From time to time, the Agency may limit eligibility in its Administrative Plan in accordance with Federal Program Requirements, and the ACC. The Agency shall establish appropriate methods in the Administrative Plan to effectuate the selection of Applicants to receive Vouchers in accordance with Program Requirements.
- (2) The Agency shall verify income eligibility of Applicants and Recipients by utilizing such methods and forms as may be provided for and/or required by the Program Requirements. Applicants shall not be eligible for the Program if income is greater than the maximum allowable income for the Program.
- (3) An Applicant shall not receive a Voucher unless all eligibility requirements established in the ACC and Administrative Plan are met, no legal impediment exists that would exclude the Applicant, and the Agency has a Voucher available.
- (4) Recipients shall continue to receive assistance under the Program subject to all Program Requirements.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.07 APPLICATION PROCESS.

- (1) Each Applicant shall complete all application documents and provide all requested documentation prior to consideration for assistance under the program.
- (2) The Agency may, in its discretion, accept preliminary applications where no Vouchers are currently available. The Agency shall include in the Administrative Plan the procedure for accepting preliminary applications and maintaining a waiting list that complies with Program Requirements.
- (3) Prior to issuing a Voucher, the Agency shall verify Applicant income, Applicant composition, value of assets, factors allowing a preference, status of full-time students and any other factors relating to eligibility determinations as required by the Program Requirements.
- (4) The Agency shall determine, at its discretion, the verification methods used. The Agency shall seek independent written or oral third party verification when feasible. If independent written or oral third party verification is not feasible, review of documentation, Applicant certification and any other means the Agency determines shall satisfy the verification requirement may be utilized.

(Rule 0770-1-5-.07, continued)

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.08 SELECTION OF UNIT.

- (1) The Agency has no obligation to find a unit for any Recipient. The Recipient is responsible for locating a unit that suits the Recipient's needs and meets all Program Requirements, including, but not limited to, the time limits for selection of a unit.
- (2) Once a unit is selected and the Owner agrees to rent to the Recipient, the Agency must inspect the unit for compliance with Housing Quality Standards.
- (3) If the unit passes the Housing Quality Standards inspection, the Owner and the Agency may enter into a HAP contract.
- (4) Subsequent to approval of the unit by the Agency, and the Owner and Agency executing a HAP contract, the Owner and Recipient shall execute a lease that complies with all Program Requirements, state and federal law.
- (5) The Agency shall provide the Owner and Recipient with information concerning their respective obligations in relation to the Housing Quality Standards and the Program.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.09 TENANCY.

- (1) After a unit is selected and approved and a HAP contract and lease have been executed, the Agency shall continue to perform such compliance obligations as may be required under the Program Requirements including, but not limited to, monitoring Housing Quality Standards, processing complaints by the parties, processing monthly payments under the HAP contract in accordance with Program Requirements and such other functions as may be required under the Program Requirements.
- (2) Recipients must provide all requested documentation and otherwise cooperate with the Agency in the administration of the Program as provided in the Program Requirements. Failure by a Recipient to cooperate with the Agency in administering Program Requirements or otherwise violating Program Requirements may be grounds for termination of assistance under the Program as determined under the Program Requirements.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.10 TERMINATION OF ASSISTANCE — RECIPIENT FACTORS. A Recipient shall continue to receive assistance until such time as the Recipient no longer qualifies under the Program Requirements. The Agency shall comply with all Program Requirements concerning termination of assistance and shall provide in the Administrative Plan when termination may occur and the procedures the Agency shall follow in terminating assistance.

(Rule 0770-1-5-.10, continued)

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982 **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.11 TERMINATION OF PAYMENTS TO OWNER. The Agency shall continue to make payments to the Owner under the HAP and ACC so long as the Recipient is lawfully occupying the unit, and remains eligible for Program assistance, and the Owner complies with the HAP contract. The Administrative Plan shall provide when termination may occur and the procedures the Agency shall follow in terminating payments to an Owner.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.12 PROGRAM REDUCTION OR TERMINATION.

- (1) Should Federal Funding for this Program be reduced or eliminated, or should the Agency no longer participate in the Program, the Agency shall have no obligation to continue the Program or provide assistance to Recipients.
- (2) If the Agency no longer participates in the Program, it shall take such actions as are feasible to assist transition of Recipients.
- (3) Should Federal Funding be reduced, the Agency shall apply its eligibility criteria to determine which Recipients shall continue to receive assistance based on available Federal Funding for the Program. Once all Federal Funding is expended, any Recipients for whom no remaining Federal Funding exists shall no longer receive assistance.
- (4) Should Federal Funding be eliminated, the Agency shall notify all Owners and Recipients of the effective date of Program termination.
- (5) The Agency's obligation to provide Housing Choice Vouchers and HAP payments associated therewith is dependent upon receipt of Federal Funding. The Agency is obligated only to provide payments to the extent such Federal Funding is received, and only in accordance with Program Requirements.

Authority: T.C.A. §13-23-115 (18), 42 USC §§1437, and 24 CFR, Part 982. **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal and new rule filed September 28, 2004; effective December 12, 2004.

0770-1-5-.13 REPEALED.

Authority: T.C.A. §13-23-115 (18). **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.14 REPEALED.

Authority: T.C.A. §13-23-115 (18). **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.15 REPEALED.

Authority: T.C.A. §13-23-115 (18). **Administrative History:** Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.16 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.17 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.18 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.19 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.20 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.21 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.22 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.23 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.24 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.25 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.26 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.27 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.28 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.29 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.30 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.31 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.32 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.33 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.34 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.35 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.36 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.37 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.38 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.39 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.40 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.41 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.42 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.43 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.44 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.

0770-1-5-.45 REPEALED.

Authority: T.C.A. §13-23-115 (18). *Administrative History:* Original rule filed May 16, 1980; effective June 30, 1980. Repeal filed September 28, 2004; effective December 12, 2004.