

CITY OF PITTSBURGH

Commission on Human Relations

This document was designed as tool to help educate landlords regarding the Source of Income Ordinance.
It does not represent professional legal advice.

F.A.Q for the new Source of Income Ordinance:

What counts as income under the Source of Income Ordinance?

Sources of income covered by the ordinance include any that are defined as legal, such as:

- Earned income
- Rental assistance programs such as Veteran Affairs Supportive Housing (VASH) vouchers, Housing Choice Program Vouchers (often referred to as Section 8 vouchers).
- Alimony, child support, gifts, trust fund payments, etc.
- Pension proceeds, Social Security income (SSI), Social Security Disability Insurance (SSDI) and other similar forms of income from federal, state, and local programs.

Do I have to certify all of my units with the Housing Authority of the City of Pittsburgh (HACP) to be in compliance with the Source of Income ordinance?

No. Units for rent under the program are approved on a case-by-case basis after a Request for Tenancy Approval is submitted by the prospective tenant and the unit passes the initial Housing Quality Standards inspection.

If a unit is not approved for the Housing Choice voucher program, can I deny persons who want to use vouchers to pay the costs of that unit?

If the unit does not pass the Housing Quality Standards inspection, you may deny the individual with a Housing Choice voucher. But that denial can only be made after the Request for Tenancy Approval form has been submitted, the unit is inspected, and you prove that it is not a structurally necessary accommodation to make the recommended repairs to bring the unit to those basic Housing Quality Standards. Those inspection standards are no more difficult than the requirements already required under Pennsylvania law.

Can I tell a tenant my unit is not “section 8 approved” without having gone through the process?

No. The HACP does not pre-approve units for the Section 8 program. Units for rent under the program are approved on a case-by-case basis after a Request for Tenancy Approval is submitted and the unit passes the initial Housing Quality Standards inspection.

More information about HACP inspection standards, as well as a Self-Inspection Checklist, may be found in HACP’s [New Landlord Information Packet](#). An online version of the information packet can be found here: https://issuu.com/hacp/docs/new_landlord_information_packet/0

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Do I have to use an HACP lease agreement?

No, you can use any standard lease(s) that you commonly sign with your tenants. The HACP will simply review and approve these leases used for the Housing Choice voucher program to verify that your lease(s) go along with Pennsylvania laws. You may not use a different lease designed specifically for tenants using Housing Choice vouchers. For the convenience of landlord participants, HACP also offers a standard lease that accords with basic legal criteria under PA law.

What standards does the Housing Authorities use to inspect the property?

The HACP uses a combination of Federal Housing Quality Standards and the City of Pittsburgh building codes to inspect rental properties. More information about our inspection standards, as well as a Self-Inspection Checklist, may be found in HACP's *New Landlord Information Packet*. An online version of the information packet can be found here:

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How long does it take for the Housing Authority to inspect a unit?

HACP will complete the first inspection within *15 days* of approving a completed Request for Tenancy Approval. Inspections are scheduled Monday - Friday between 8:00 and 5:00 pm. Both the landlord and the voucher holder must be present for the first inspection. Once the inspection is complete, the HACP will alert the landlord and the voucher family of the results. If needed the landlord will be given time to make any repairs to meet basic Pennsylvania inspection codes that are identified by the inspector.

What happens if another prospective tenant is able to occupy a unit while waiting for HACP inspection? Do I have to wait for the Housing Authority to complete any of their various processes if I have another prospective tenant?

If another prospective tenant applies and can immediately pay the requested rent and deposit, you do not have to wait to rent your unit. The benefits for landlords for waiting include:

- a stable payment through the Housing Choice voucher program
- the Housing Authority pre-screening process for tenants for certain types of criminal activity and,
- information from the HACP regarding the tenant's current and prior landlords;
- access to a wider range of tenants and free advertising.

An additional reason to wait is to go against common stigmas; the Housing Authority reports that complaint rates for all reasons are substantially lower for Housing Choice voucher users than for other tenants.

If you have submitted a Request for Tenancy Approval to the HACP for one of your available unites, the HACP asks that you follow the application process at the same time as the inspection process. Housing Choice holders have a limited time to find a rental unit. Giving away a unit after submitting a Request for Tenancy Approval form may cause the Housing Choice voucher tenant to lose their assistance.

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Do I need to get the tenant's approval to raise the rent?

As with all lease agreements, any changes to the lease, including rental increases must be agreed to by the tenant, with standard legally required notice so that they can prepare for a move if they are unable to pay the increase. Rent increases can be requested once per year, and must be approved by the HACP. The rent increase must be signed by both, the tenant and the landlord, then submitted for HACP approval no later than 90 days before the end of the lease date.

What is the Commission's process if someone files a Complaint?

- When a complaint is filed (under Chapter 659.03 of the Pittsburgh City Code), the housing provider will be served the charge within ten (10) days of the date of filing.
- The housing provider has 30 days to provide an answer to the charge.
- The case is assigned to an investigator on staff to find fact and determine whether the alleged discrimination occurred.
- The Commission's Compliance Review Section reviews the investigator's finding and ultimately determines whether there is enough evidence to proceed with a probable cause finding or dismiss the case for lack of probable cause (evidence).
- Cases with a finding of probable cause at the Compliance Review Section, move on to the Public Hearing track.
- Testimony and findings are presented to the Public Hearing Panel of the Commission and a decision is reached.

Do I still have to take a Section 8 tenant if they do not pass a background check or have bad credit?

If a potential tenant with a Housing Choice voucher does not meet the screening requirements that you apply to all applicants, you do not have to rent to them.

Keep in mind, however, you are *not* permitted to apply stricter screening requirements to Section 8 applicants. You must use the *same screening requirements* for a voucher family as you would use for a regular, non-assisted rental applicant.

Before obtaining a voucher, many families pay over half of their income on rent and utilities, which makes them more vulnerable to eviction, utility termination and default on other credit obligations. Tenant selection policies that screen tenants out based on what happened when they paid over half of their income on housing should have no relevance to their prospective ability to meet lease obligations when the housing authority covers the unaffordable portion of those expenses. Likewise, requiring tenants to have income of at least 3 times the entire contract rent effectively excludes voucher holders because if they met those income requirements they wouldn't need a voucher.

Do I still have to take a section 8 tenant who does not have income that is 3 times the rent?

The purpose of the Housing Choice Voucher program is to make private housing affordable to low income families. The tenant normally pays 30% of their income on rent and utilities and the housing authority pays the rest.

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HACP encourages good tenant screening practices for all our current and prospective landlords. *Please keep in mind you may not apply stricter screening standards to Housing Choice Voucher tenants than you use for regular, non-assisted applicants.*

This information was provided to you by:

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