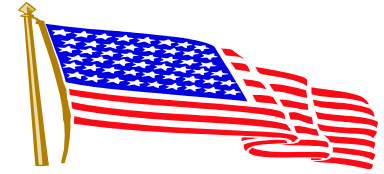


# HAP Express

Charleston Housing's Landlord Newsletter



Remember Flag Day, June 14, 2002

Volume 5 Issue 1

May 1, 2002

## Owners' Leases Must Contain Criminal Activity Provisions

Federal regulation now requires all leases for Section 8 tenants to contain provisions allowing owners to evict for drug related or other criminal activity.

The law states: *"The (owner's) lease must provide that drug-related criminal activity engaged in, on or near the premises by any tenant, household member, or guest, or such activity engaged in, on the premises by any other person under the tenant's control is grounds for the owner to terminate tenancy."*

The lease must also state that the owner may evict a family when it is determined that a household member is illegally using a drug or when the owner determines a pattern of illegal use interferes with the health, safety or right of peaceful enjoyment of the premises by other tenants.

In addition to drug related criminal activity, the lease must contain provisions relating to other criminal activity. The owner may evict for:

- 1) Criminal activity that threatens the health, safety or peaceful enjoyment of the premises by other residents (including property management staff residing on the premises)
- 2) Criminal activity that threatens the health, safety and right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the assisted unit.
- 3) Any criminal activity on or near the premises by a tenant, household member, or guest, or any such activity on the premises by any other person under the tenant's control..

The federal regulation (CFR 982.310) that mandates this language also provides guidance on the burden of proof needed by a landlord to evict. The regulation states *"The owner may terminate tenancy and evict by judicial action a family for*

*criminal activity by a covered person in accordance with this section if the owner determines that the covered person has engaged in criminal activity regardless of whether the covered person has been arrested or convicted for such activity and without satisfying the standard of proof used for a criminal conviction."*

Please note, before any eviction the owner must give a written notice that specifies the grounds for termination of the tenancy during the term of the lease. The owner may only evict by initiating court action and they must provide Charleston Housing a copy of this notice.

Charleston Housing will require all new leases to contain the required language before a Housing Assistance Payment contract will be executed. A landlord should also consider offering a new lease for existing tenants to include this language.

### LANDLORD MEETING

Thursday, May 9th  
6:30 p.m.

911 Michael Avenue

**The Mini-Mod  
Rehabilitation Program**

**Presented by Howard Tyree  
WV Housing  
Development Fund**

### **Are You Interested in Attending Lead Paint Maintenance Training?**

Since February 2001 Charleston Housing has hosted four separate training courses on Safe Work Practices with regard to lead based paint. A number of landlords have expressed an interest in another course. We are in contact with a national trainer about offering a FREE course in mid-June. If you are interested please contact Mary O'Connor at 348-6451 extension 382 to register. We need to have at least 25 people signed-up by May 31, 2002 to have the course. If your rental was built prior to 1978 and there are children age 6 and younger living there, this training is important. Call and sign up today!

## Staff Directory

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**Jennifer Young**

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## Rehabilitation Program offers Loans for Rental Properties

Charleston Housing and the West Virginia Housing Development Fund are again having a meeting on the Mini-Mod Rehab program for interested landlords. The program offers low interest loans up to \$10,000 for the repair of residential rental properties. Please plan to attend the meeting on May the 9th at Charleston Housing's main administrative offices at 911 Michael Avenue at 6:30 p.m.

## Welcome Back Pat!

Many of you may remember Pat Bush from when she previously worked for Charleston Housing. Pat rejoined our staff in February after a six year leave. We're very pleased to have her back and this time we won't let her go.

### *Thank You*

*A special thanks to all landlords who sponsored Charleston Housing staff in the recent March of Dimes Walk-a-Thon. CH staff raised over \$800 for the event.*

## Post Your Available Rental Property

If you want CH to post your available rental property contact Wanda Allen at 348-6451, ext. 370 or fax your posting to 348-8155. Your add will be placed on our bulletin board for 60 days or until you report the unit has been rented.

## **Charleston Housing's Offices will be closed on the following dates:**

May 14.....Primary Election Day  
May 27.....Memorial Day  
June 20.....West Virginia Day  
July 4.....Independence Day