



Streamlined Housing Choice Voucher (HCV) Program Landlord Guidebook

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Introduction from DHAA

The Delaware Housing Access Association (DHAA) is a partnership of all five Public Housing Authorities (PHAs) in the State of Delaware - Delaware State Housing Authority, Dover Housing Authority, Newark Housing Authority, New Castle County Housing Authority, and Wilmington Housing Authority.

Since 2023, the DHAA has worked to improve efficiency, standardize leasing procedures, and increase transparency across the five PHAs' Housing Choice Voucher (HCV) programs. Through this coordinated effort, the Delaware PHAs have streamlined HCV leasing processes, enhanced landlord communication, and aligned inspection and other procedures statewide. The goals of the streamlining effort are to increase landlord participation in the program and increase housing choice for voucher holders throughout the state.

About this guidebook

This guidebook is intended to be a primer on the HCV program for landlords and highlight policies and procedures that have been aligned among the DHAA partners.

It does not include all information regarding each PHA's voucher program, and each PHA continues to have their own unique local policies and requirements.

PHAs are required to outline their **full HCV program policies in an Administrative Plan**, including those relating to leasing processes, rent increase, annual inspections, and program compliance requirements.

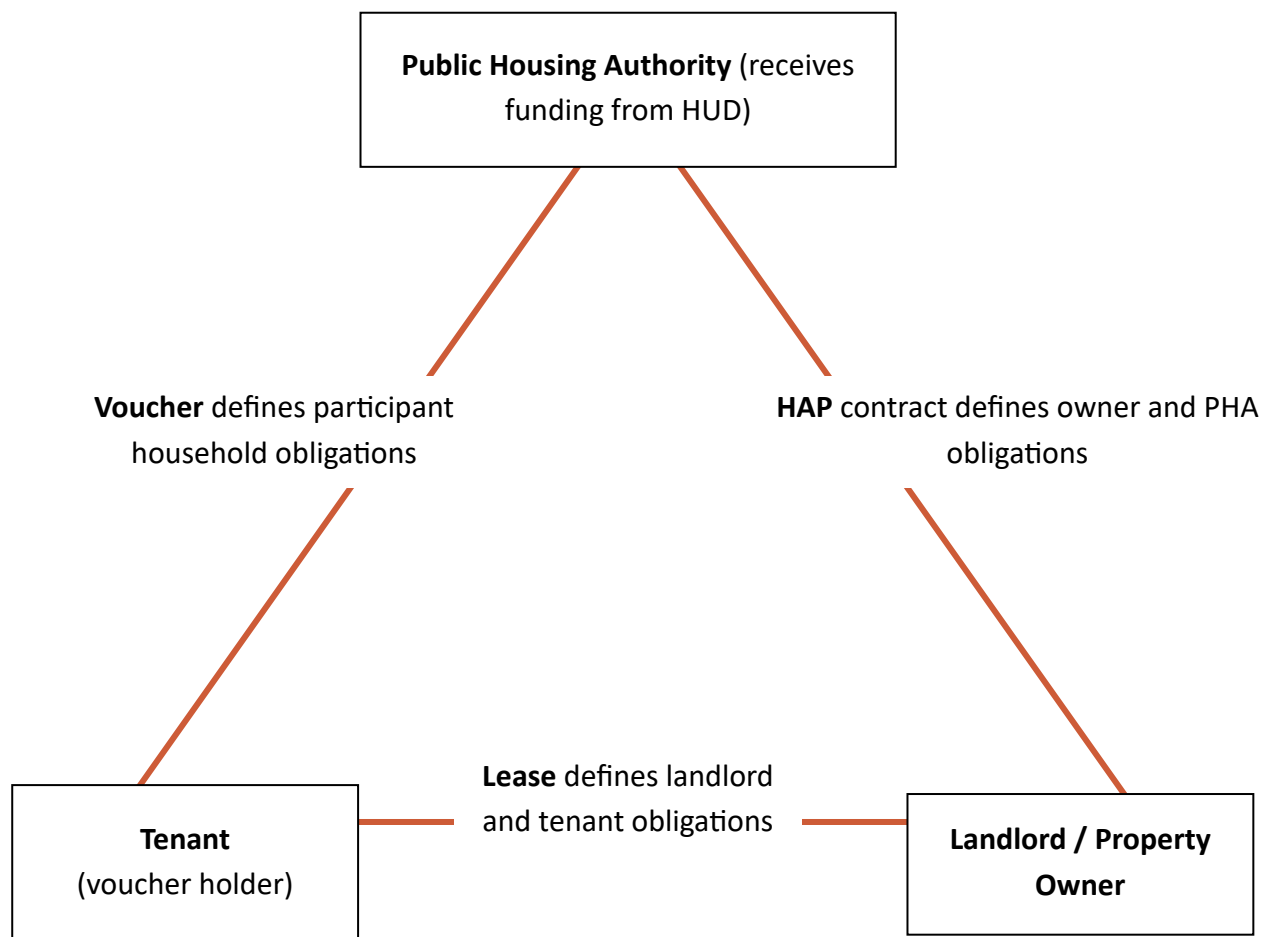
Administrative Plans can be obtained from each PHA directly, or online at <https://delaware.affordablehousing.com/>.

General Program Info

What is the Housing Choice Voucher (HCV) program?

The HCV Program is a rental assistance program funded by the US Department of Housing and Urban Development (HUD) and administered locally by Public Housing Authorities (PHAs). It is the nation's largest rental subsidy program assisting very low-income families, elderly individuals, and people with disabilities. The success of the program depends on partnerships with landlords and property managers who provide safe, decent, and sanitary rental units to HCV participants.

Many households in Delaware depend on the voucher for housing stability. Participants in the HCV program are free to choose any housing that meets both their needs and the requirements of the program. Once a unit is selected and approved by the housing agency, the tenant pays a portion of the rent and utilities based on a percentage (typically 30%) of their household adjusted income. The remaining rent is paid by the PHA directly to the landlord, which is outlined in a Housing Assistance Payment (HAP) contract.



Responsibilities of each party

Public Housing Agency (PHA)

- Determine household eligibility and issue vouchers.
- Inspect rental units to ensure they meet Housing Quality Standards (HQS).
- Approve lease and rent amounts to ensure they are reasonable and affordable based on local housing market costs.
- Pay the Housing Assistance Payment (HAP) directly to the landlord each month.
- Monitor ongoing compliance, including conducting annual or special inspections and recertifying tenant income.
- Note: PHAs *do not* enforce the lease, act as law enforcement, or generally intervene in the landlord/tenant relationship.

Landlord / Property Owner

- Provide a safe, decent, and sanitary unit that meets HQS requirements.
- Set and maintain reasonable rent in line with market standards and PHA approval.
- Screen and select tenants using standard, non-discriminatory criteria.
- Enforce the lease, including addressing tenant violations in the same way as with any other tenant.
- Maintain the property and complete repairs in a timely manner.
- Inform PHAs of tenant status changes due to judgement or eviction.
- Accept monthly HAP payments from the PHA and collect the tenant's portion of rent.

Tenant / Voucher Holder

- Search for a suitable unit that meets program requirements and household needs.
- Comply with the lease, including paying their share of rent on time.
- Maintain the unit in good condition and report issues to the landlord.
- Provide accurate information to the PHA and complete annual income recertification.
- Follow program rules, such as reporting changes in income or household composition.

Who is eligible to receive a voucher?

Eligibility for the voucher is set by each PHA based on a household's gross annual income, citizenship or eligible immigration status of household members, and family composition.

Program participants are required by law to provide information that is then verified by the PHA with other local agencies, employers, and banks. The PHA uses this information to determine program eligibility, the size (number of bedrooms) of the voucher the household is eligible for, and the maximum amount the household and PHA will pay towards rent and utilities.

What are the benefits of becoming an HCV landlord?

By renting to a voucher program participant, landlords and property managers can take advantage of the following benefits:

- A guaranteed monthly assistance payment.
- If a tenant's income decreases, the PHA can adjust their portion of the rent and increase the PHA's portion to ensure the landlord gets the full rent amount.
- The ability to use your own lease and screening process for tenant selection, as well as enforce all lease requirements as with any other tenant.
- Free unit inspections done by the PHA to help maintain properties and make it easier to rent to a future voucher holder.
- The ability to list units for free, match directly with tenants searching for housing, and manage all initial program paperwork through [Delaware.AffordableHousing.com](https://delaware.affordablehousing.com).

Payment standards and utility allowances

The **payment standard** on a voucher is the maximum amount a PHA will pay each month to help an HCV participant with rent and utilities. The amount is based on HUD's Fair Market Rent for the area where the unit is located. The payment standard helps determine how much of the rent the PHA will cover and how much the tenant must pay. PHAs set these standards within HUD-allowed ranges based on the cost of the local rental housing market to make sure voucher holders can find safe, decent housing without paying more than they can afford.

Utility allowances are standardized amounts that each PHA estimates a typical household will need to pay for essential utilities in the area—like electricity, gas, water, sewer, or trash—if those costs are not included in the rent. Instead of reimbursing families for their exact utility bills, the PHA uses these allowance amounts when calculating the family's share of the rent. If a tenant pays their own utilities, the allowance is factored in to help ensure the total housing cost (rent plus expected utilities) stays affordable.

Payment standards and utility allowances for all DHAA housing authorities can be found online at <https://delaware.affordablehousing.com/landlords>.

How to Become an HCV Program Landlord

Eligibility criteria

Generally, a landlord or property owner may rent through the HCV program, **unless** you:

- Are suspended, debarred, or otherwise restricted from federal housing programs.

- Previously violated HUD or HCV program rules, such as committing fraud, bribery, or other criminal acts involving federal housing.
- Have a history of failing HQS inspections or not maintaining your properties.
- Have been found to engage in housing discrimination.
- Have a history of poor property management or abusive behavior toward tenants.

To rent to an HCV participant, you must complete the DHAA **Landlord Vendor Forms**, including a W-9, Landlord Application, Vendor Authorization, and Self Certification. These can be submitted at the same time as the Request for Tenancy Approval (RFTA) packet – the form required to begin the HCV rental process for all five Delaware PHAs (see Leasing Process below). All forms required to become a vendor through all of the DHAA partners can be found online at <https://delaware.affordablehousing.com/landlords>.

Landlord Vendor Forms can be downloaded and filled out on your computer, then uploaded once complete to your account on the website or may be sent to the voucher issuing PHA.

Using the online landlord portal

The DHAA has partnered with AffordableHousing.com to provide an online portal for landlords statewide who are interested in renting through the HCV program. This is a centralized place for landlords to go to find all required forms, PHA Administrative Plans, payment standards, and other information for renting through any of the PHAs in Delaware.

Visit <https://delaware.affordablehousing.com/landlords> to:

- Market your available units for free
- Complete the RFTA online or download a copy to be uploaded once completed
- Download Landlord Vendor Forms, which can be submitted with the RFTA
- Review key resources such as payment standards and rental permit and inspection requirements by local jurisdiction
- Match with potential tenants with an HCV

Leasing Process

Tenant screening

When a household approaches you about renting a unit with a voucher, it is important to remember that they have only been screened by the PHA that issued the voucher for HCV program eligibility, not suitability as a tenant. It is up to you to screen the applicant as you would any other potential tenant. Tenant selection cannot be based on any protected personal or household characteristics under fair housing laws, including the fact that the tenant is using a voucher to pay the rent. Additional

information about protected characteristics under federal and state fair housing laws can be found in the next section of this Guidebook.

You may ask the tenant to confirm that their voucher is not expired and fits the bedroom size of the unit the tenant is interested in. Once the tenant has been approved through your usual screening process, you will need to complete and submit the Landlord Vendor Forms and the Request for Tenancy Approval (RFTA) to begin the leasing process with the PHA.

Request for Tenancy Approval (RFTA)

The Request for Tenancy Approval (RFTA) is the form that an HCV participant will present when interested in renting your unit. DHAA has created a unified RFTA packet that will be accepted for any PHA in the state of Delaware, regardless of which PHA the participant's voucher is through.

The unified RFTA packet is online at <https://delaware.affordablehousing.com/landlords>. The form can be filled out directly on the website, which will then be sent to the tenant for signature. If necessary for technological limitations, a paper copy can be submitted to the PHA that issued the voucher along with the Landlord Vendor Forms and required attachments.

Be sure to read the RFTA packet carefully and complete all sections, paying close attention to all questions, including those answered with a checkbox (e.g.: Section 12.c. regarding lead-based paint disclosures). In addition, make sure your name and contact information AND the tenant's name and contact information are correct before submitting. Ensuring the RFTA is complete and accurate is the first step in a smooth leasing process.

Unit approval process and timeline

Once a RFTA packet has been submitted to the Delaware.affordablehousing.com portal and has been **verified to be complete**, the PHA reviews the proposed rent to make sure it is reasonable for the market and affordable for the family. Then, the PHA schedules an inspection to confirm the unit meets HUD's Housing Quality Standards (HQS). If the rent is approved and the unit passes inspection, you and the PHA will sign a Housing Assistance Payment (HAP) contract, and the tenant can sign their lease and move in.

Rent reasonableness determination

All PHAs are required by HUD to verify that the rent amount a landlord is charging is fair compared to similar units in the private market. This verification process is called the rent reasonableness determination. DHAA partners have aligned their process to be the same across the state. The PHA will review the proposed rent and compare it to rents for similar unassisted units in the same area. Factors such as location, size, age, condition, and amenities are all considered.

Once the PHA conducts its rent reasonableness determination, you will be notified of the rent the PHA can approve. You may submit information about other comparable units in the area for the PHA to consider. Talk with the PHA issuing the voucher about their process for submitting additional comparable unit information.

Inspections

DHAA currently evaluates rental units for compliance following HUD's HQS, which are basic health and safety requirements. The RFTA packet contains an **inspection checklist** to assist in verifying that each part of the unit meets HUD's minimum health and safety requirements. This checklist can also be found within the downloadable RFTA packet at <https://delaware.affordablehousing.com/landlords>.

After the RFTA is submitted, use the inspection checklist to assess the condition of the unit's plumbing, heating, electrical systems, windows and doors, smoke detectors, and overall cleanliness and safety. Make any necessary repairs or updates so that the unit will be ready as quickly as possible. Once you verify the unit is empty and ready for inspection, the PHA schedules an inspector visit. If the unit meets all standards, it passes and can be approved for the HCV participant to move in. If issues are found, you must correct them before the unit can be approved.

The PHA administering the voucher will conduct an initial inspection within 7 to 10 days of receipt of a completed RFTA, unless you indicate that the unit will not be ready by such date. The initial inspection is free. If the unit requires any repairs, the PHA will schedule a re-inspection as soon as you let them know the repairs have been made. This reinspection is also free. However, if the unit again requires repairs and a second reinspection will be needed, you will be charged \$50. At the PHA's discretion, you may be charged an additional \$75 per-unit reinspection fee for subsequent reinspection for consistent and/or reoccurring HQS deficiencies.

Unit approval timeline

The DHAA housing authorities adhere to the following timeline for unit approval:

***Day 1:** RFTA is submitted to the online portal and verified for completeness. If RFTA is complete, AffordableHousing.com sends the information to the PHA administering the voucher and confirms the start of a 7-day clock. If RFTA is not complete, you will be notified to provide any missing information.

Days 2-3: Landlord and unit information is verified across internal databases to check for prior submissions or red flags and rent reasonableness is determined.

Day 4: Unit inspection is scheduled.

Days 7-10: Initial inspection is conducted, unless you indicate the unit will not be ready for inspection until a later date. If the unit passes inspection, the lease can be signed with the tenant. If not, a deficiency list is issued with a deadline for repairs to be made.

**Note: The clock does not begin until the RFTA packet is complete.*

Housing Assistance Payment (HAP) contract and lease signing

Once a unit has been approved and passed inspection and you have accepted the PHA's rent offer, the PHA will provide you with a **Housing Assistance Payment (HAP)** contract to sign. The HAP contract is your agreement with the PHA that outlines program rules and the terms under which the PHA will pay rental assistance on behalf of the voucher-holding tenant. It runs concurrently with the lease and terminates automatically when the lease terminates.

In addition to the HAP contract, you will also be asked to include the HUD-required **Tenancy Addendum**, which becomes part of the lease. This outlines the rights and responsibilities of both you as the landlord and the HCV participant and ensures the lease complies with all HUD program rules.

The first time an HCV participant leases a unit, the lease must be for a minimum of twelve (12) months. Once the lease and HAP are signed, the PHA will begin a monthly schedule of sending the subsidy portion of the rent directly to you. It may take up to 60 days (two payment cycles) to receive the first HAP payment, which will include payment beginning from the effective date of the lease. Payments thereafter will generally be received around the first of the month.

You will collect the tenant's authorized portion of the rent directly from the HCV participant. Note that no side or additional payments are allowed that are not listed in the HAP contract and lease agreement. If a tenant is late in their paying rent portion, you may assess late fees consistent with the lease. Under federal regulations, late fees cannot be assessed to the PHA.

Annual activities

After the first twelve (12) months of a lease in the HCV program, the PHA carries out several routine annual activities to keep the household and unit eligible. These include conducting an annual recertification to verify the family's income and household composition, which determines the updated tenant rent portion and subsidy amount. The PHA also conducts a yearly inspection to ensure the unit continues to meet Housing Quality Standards. In addition, the PHA reviews the rent to confirm it remains reasonable for the market.

Through a coordinated effort, the DHAA partners have streamlined administrative processes and aligned inspection and operational procedures related to initial lease-up of HCV participants. Beyond the first year of the lease, each PHA will follow its own policies and procedures for activities like rent increase requests, annual inspections and HCV participant income recertifications, lease renewals, etc.

You can learn more about annual activities by contacting the PHA you have signed the HAP contract with. Most importantly, be sure to **maintain communication with the PHA**. Respond to PHA inquiries,

notices, and other communications, and let them know of any tenant-related concerns as soon as possible.

Termination of tenancy or HCV assistance

Termination of tenancy or HCV assistance can occur for different reasons and involves specific responsibilities depending on whether the action is taken by the landlord, the tenant, or the PHA.

Termination by the Landlord

You have the right to enforce the lease with an HCV participant as you would with any other renter without an HCV. During the first year, the HCV participant must have serious or repeated violations of the lease, such as failure to pay rent or other cause to terminate. Any eviction notice must be issued in accordance with the lease and state and local landlord/tenant law.

Termination by the Tenant

The tenant may end the lease according to the terms of the lease, typically by giving proper written notice. They must inform the PHA before moving out or giving you notice, and they must comply with PHA procedures if they plan to move with continued assistance.

Termination by the PHA

The PHA may terminate a family's assistance for reasons such as program violations, fraud, failure to report income or household changes, or serious lease violations. The PHA must give written notice stating the reason for termination and the effective date. HCV participants have the right to request an informal hearing before assistance is ended, and the PHA must coordinate timing with you, so the tenant's lease is not ended improperly due to PHA action.

Abatement

As the landlord, you are responsible for ensuring that the unit meets Housing Quality Standards during the entire term of the HAP Contract. If at any time it is determined that the unit does not meet HQS, such as through a tenant-requested inspection, you will be provided with time to make repairs. If the repairs are not made within that time, the PHA is **required to abate payments** until the unit passes inspection again. The HCV participant is still responsible for their share of the rent if the PHA abates payments.

Fair Housing and Landlord/Tenant Laws

Fair housing law

To be compliant with federal, state, and local fair housing law, landlords must comply with:

- Federal Fair Housing Act
- State/local anti-discrimination laws
- Non-discriminatory tenant screening and selection practices

The **federal Fair Housing Act** prohibits discrimination in housing on the basis of race, color, religion, national origin, disability status, sex (including sexual orientation and gender identity), and familial status.

The **State of Delaware** prohibits discrimination in housing on the basis of:

- Race
- Color
- Religion
- Disability status
- Family status
- National origin
- Age
- Creed
- Marital status
- Sex, including sexual orientation and gender identity
- Source of income
- Housing status
- Military status

The state's fair housing protections related to source of income, housing status, and military status were either expanded or added by recent legislation. Specifically, Senate Substitute No. 1 for Senate Bill No. 293 (152nd General Assembly) removed an exception from the code relating to source of income; House Bill No. 440 (152nd General Assembly) added "housing status" as a protected characteristic; and House Substitute No. 1 for House Bill No. 55 (153rd General Assembly) added military status to the list of protected characteristics.

Visit <https://humanandcivilrights.delaware.gov/how-can-we-help/protected-classes/> for more information on each state protected characteristic. Your **local county or city** may have additional protections in its fair housing law. Contact your local Office of Civil Rights or similar agency to be sure you are complying with all local fair housing laws.

In 2024, HUD's Office of Fair Housing and Equal Opportunity issued guidance on how the federal Fair Housing Act applies to **tenant screening practices**. The guidance discusses how housing providers and companies that offer tenant screening services can screen applicants for rental housing in a nondiscriminatory way and recommends best practices for complying with the Fair Housing Act.

View the full guidance online here: https://www.fairhousingnc.org/wp-content/uploads/2024/08/FHEO_Guidance_on_Screening_of_Applicants_for_Rental_Housing.pdf

Creating More Inclusive Tenant Screening Practices by Urban Institute:
<https://www.urban.org/sites/default/files/2024-07/Creating%20More%20Inclusive%20Tenant%20Screening%20Practices.pdf>

Reasonable accommodations and modifications

Many households with an HCV have one or more persons with a disability. Landlords renting to an HCV participant should understand the difference between **reasonable accommodations** and **reasonable modifications** under fair housing laws.

A reasonable accommodation is a change to a rule, policy, or practice, such as allowing a service animal despite a no-pet policy, to enable a person with a disability to fully use and enjoy the housing.

A reasonable modification is a physical change to the unit or common areas, such as installing grab bars or a ramp. In most cases, HCV tenants pay for modifications unless the housing is federally funded.

Landlords must allow both accommodations and modifications unless they pose an undue administrative or financial burden or fundamentally alter business operations. For more information, visit <https://humanandcivilrights.delaware.gov/fair-housing-information-center>.

Landlord/tenant law

All housing providers renting within the State of Delaware must abide by the Delaware Residential Landlord-Tenant Code, as well as any local rental licensing ordinance based on where a unit is located. These laws create the rights and responsibilities of both landlords and tenants regarding leases, security deposits, eviction notices, and other housing-related requirements.

The State code can be found at : <https://delcode.delaware.gov/title25/c055/index.html>

For questions about the code, contact an organization specializing in landlord/tenant law, such as the Legal Services Corporation of Delaware, Inc. or speak with your attorney.

<https://www.lscd.com/node/294/guide-tenant-rights-responsibilities>

Learn more about rental permits and inspections required by the local jurisdictions at <https://delaware.affordablehousing.com/landlordrpi>.

Additional Resources

DHAA partners contact information

Delaware State Housing Authority

<https://www.destatehousing.com/>

Phone: 302-739-7416

Dover Housing Authority

<https://www.dhade.org/>

Phone: 302-678-1965

New Castle County Housing Authority

<https://housing.nccde.org/>

Phone: 302-395-5273

Newark Housing Authority

<https://newarkhousingauthority.net/>

Phone: 302-366-0826

Wilmington Housing Authority

<https://whadelaware.org/>

Phone: 302-429-6701

Sample Housing Assistance Payment (HAP) contract

<https://www.hud.gov/sites/dfiles/OCHCO/documents/52641ENG.pdf>