SECTION 8 RENT INCREASES

For tenant-based Section 8 vouchers, rent increases must pass through two separate gates.

1 GATE 1
IS THE INCREASE LEGAL?

First determine what California and local landlord-tenant law permits.

- ☑ Does **AB 1482** apply?
- ☑ Is the property subject to local **rent control**?
- ☑ Is there a lower local cap?
- ☑ Has the required **notice** been properly calculated and served?

Section 8 does not erase California or local rent restrictions.

2 GATE 2
WILL THE PHA APPROVE IT?

The housing authority has a separate role.

- ☑ **During the initial lease term, the owner may not increase the rent to owner.** (24 CFR § 982.309(a)(3))
- ☑ Notify the PHA **at least 60 days** before the proposed effective date.
- ☑ The PHA must determine that the proposed rent is reasonable in comparison with rents for comparable unassisted units in the private market.
- ☑ Factors may include:
  - Location • Quality • Size • Unit Type • Age
  - Amenities • Housing Services • Maintenance • Utilities

THREE NUMBERS. THREE DIFFERENT THINGS.

FAIR MARKET RENT (FMR)
A HUD benchmark used in administering the voucher program.

PAYMENT STANDARD
Used by the PHA to calculate housing assistance.
Generally, it is not a ceiling on rent to owner.

RENT TO OWNER
The actual rent for the unit, subject to program requirements —including rent reasonableness.

THE TAKEAWAY: **A legally permissible rent increase still requires PHA approval.**

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