

# **Section 8 Change of Dwelling Request**



**Legal Services of Greater Miami, Inc.**

**Tenants' Rights Project**

## **WHAT IS A SECTION 8 CHANGE OF DWELLING REQUEST?**

The Section 8 office must give you permission to move to a different rental house or apartment. This is called a Change of Dwelling. The Section 8 office will give you permission to move if:

- Your rental house or apartment did not pass inspection, and Section 8 stopped paying the landlord.
- Your lease is about to end, and the landlord does not want to enter a new lease with you for another year.

## **HOW DOES A TENANT GET A CHANGE OF DWELLING?**

To get a Change of Dwelling you must do the following:

- Go to the Section 8 office, and complete the paperwork for a Change of Dwelling as soon as possible. The form for Miami Dade Section 8 is included with this brochure.
- The Section 8 office will give you a Request for Tenancy Approval (RFTA) packet. If your voucher is from Miami-Dade, you will first be required to attend a briefing.
- Once you find a new landlord, the landlord must fill out the RFTA.
- You must take the RFTA back to the Section 8 office. You have 60 days from the date on the RFTA to bring it back to the Section 8 office.

## **AFTER A TENANT GIVES SECTION 8 THE REQUEST FOR TENANCY APPROVAL PACKET, WHAT DOES THE SECTION 8 OFFICE DO?**

After Section 8 receives the Request for Tenancy Approval form from you, Section 8 does two things:

- Section 8 will inspect the house or apartment inside and out, to make sure it is safe and suitable for people to live in it. The inspectors may check the rooms, hallways, doorways, bathroom and kitchen fixtures, windows, screens, electrical outlets, smoke detectors, and other parts of the home to make sure they are in good repair.
- Section 8 will do a rent survey of the unit to make sure the rent is reasonable.

If the unit passes the inspection, and Section 8 decides that the rent is reasonable, you may sign a lease with the new landlord. After the lease is signed, you may move into the new home.

## **WHAT IS A RENT SURVEY?**

Section 8 will compare the amount of rent the landlord charges to the rents charged for similar units in the area. This is a rent survey. If the amount of rent the landlord charges you is more than other units in the area, Section 8 may not allow you to rent it.

## **CAN YOU MOVE INTO THE NEW RENTAL PROPERTY BEFORE SECTION 8 APPROVES IT?**

You may not move into the new rental property before Section 8 gives you permission to move in. If you move in before Section 8 approves the unit, you will be responsible for paying the full rent. If the landlord says he will not charge you the rent if you move in early, get the agreement in writing.

## **WHAT IF YOU CANNOT FIND A NEW LANDLORD WITHIN 60 DAYS?**

If you cannot find a landlord within 60 days of receiving the RFTA, you can ask Section 8 for more time to find a new landlord. The request should be made at least 10 days before the RFTA expires. You should ask for more time in writing explaining why you need more time. Keep a copy of the written request for his records. The written request should explain why you could not find a new landlord within 60 days. If the failure to locate housing is related a disability, your extension request should mention this fact.

After receiving your written request for more time to find a new landlord, Section 8 may give you 30 more days to find a new landlord. If after 30 days, you still cannot find a new landlord, Section 8 may give the tenant 30 more days to find a new landlord. Section 8 can give you up to a total of 120 days to find a new landlord.

Note that Miami-Dade Section 8 will only give extensions beyond the initial 60 days if there are “extenuating circumstances” or if you need the extension because of a disability.

## **WHAT SHOULD YOU DO IF THE LANDLORD WANTS YOU TO MOVE OUT BEFORE YOU CAN FIND A NEW PLACE TO LIVE?**

The Change of Dwelling approval process can take anywhere from a few weeks to several months, depending on your housing authority. The old landlord may want you to move before this process is completed.

Around the time you go to Section 8 for the annual re-certification, you should ask the landlord whether he or she plans to renew your lease. If the landlord does not want to renew your lease, you should immediately request a Change of Dwelling from Section 8.

You should read the terms of your lease to see how much notice your landlord must give you if he or she does not intend to renew your lease. If you are a month-to-month tenant, then your landlord only has to give you 15 days’ notice to vacate. If you live in Miami Beach, you get 30 days’ notice. If you do not move out by the time your landlord’s termination notice expires, your landlord may file an eviction against you. The landlord cannot force you to move without first going to Court and getting an order from the Judge ordering you to move.

You should seek immediate legal help if you think that the landlord wrongly tried to end your tenancy, or wrongly tried to evict you. Do not ignore the eviction. It is very important that you challenge any unlawful eviction. If you are evicted from the Section 8 home, you may also lose your Section 8 voucher.

You should contact Legal Services if the landlord sends you a termination notice or if the landlord files an eviction action against you. You should also read Legal Services’ brochure, “How to Answer Your Eviction Case,” to better understand the eviction process.

## **CAN YOU GET A CHANGE OF DWELLING IF YOUR CURRENT APARTMENT DOES NOT PASS THE ANNUAL INSPECTION?**

Sometimes an apartment or house does not pass the annual inspection because of a landlord violation. If the landlord does not fix the violations by the second inspection, you can get a Change of Dwelling. You should read Legal Services’ brochure, “Section 8 Housing Quality Standards Inspections” to better understand the inspection process.

## **WHAT SHOULD YOU DO IF YOU NEED TO MOVE OUT BEFORE SECTION 8 HAS APPROVED THE NEW APARMENT?**

You may do everything correctly and still not have a new place to move into by the time the landlord wants you to move out. A landlord must file an eviction to remove you. If you do not want to face a Court ordered eviction, you may want to stay with family or friends while looking for a new place to live using the Section 8 voucher. However, if you have a Section 8 voucher from Miami-Dade County, you may not want to move out: If your voucher expires before you find a new home and you are no longer living in the unit, you will lose your Section 8 assistance.

## **CAN MY SECTION 8 LANDLORD CHARGE ME A SECURITY DEPOSIT?**

A Section 8 landlord may charge a tenant a security deposit. If you cannot afford to pay all of the security deposit before moving in, you should ask the landlord if you can pay a part of the security deposit each month, along with the rent. However, if the landlord wants you to pay all of the security deposit before moving into the apartment, you must do so.



Carlos A. Gimenez, Mayor  
[www.miamidade.gov](http://www.miamidade.gov)

Public Housing and Community Development  
 Miami-Dade Housing Choice Voucher Program

P.O. Box 521750  
 Miami, FL 33152-1750  
 TTD/TTY Florida Relay Service  
 1-800-955-8771 or Dial 771

Customer Service Number: 305-403-3222/ Fax: 786-358-5893  
 Si necesita ayuda con este formulario, llame al 305-403-3222  
 Si w bezwen asistans ak fòm sa a, tanpri rele 305-403-3222

## Intent to Move – Change of Dwelling Request

The family listed below has advised MDHCV of its intent to move. MDHCV requires this Intent to Move-Change of Dwelling Request form to be completed by MDHCV family to verify the family’s notice of its intent to move and the family’s current status with lease compliance. Families not in compliance with HCV program and lease obligations may not be eligible to move. The HAP contract and HAP payments terminate automatically when the family moves from the unit.

### HCVP FAMILY HEAD OF HOUSEHOLD COMPLETE THIS SECTION ONLY

I, \_\_\_\_\_ MDHCV participant, certify that I have provided notice of termination as  
*Head of Household Name*  
 required by the lease to the owner/agent, and to the Miami-Dade Housing Choice Voucher Program of my intent to move.

I am attaching a copy of my notice to the owner/agent, which was submitted to him/her on \_\_\_\_\_  
*Date*

for the unit located at: \_\_\_\_\_  
*Property Street Address City State Zip Code*

By \_\_\_\_\_, I intend to be fully moved out and will return possession of the unit at the above address.  
*Month/Day/Year*

#### Select reason for move:

- |  |   |
|--|---|
| <input type="checkbox"/> Unit is in abatement for HQS violations                           | <input type="checkbox"/> Family is over/under housed  |
| <input type="checkbox"/> Reasonable Accommodation/VAWA                                     | <input type="checkbox"/> Foreclosure – Final Judgment |
| <input type="checkbox"/> Payment standard reduction- tenant portion exceeds 40% of income. | <input type="checkbox"/> Voluntary                    |
|  | <input type="checkbox"/> Other: _____                 |

I/We certify that the information given to the Miami-Dade Housing Choice Voucher Program is accurate and complete to the best of my/our knowledge and belief. I/We understand that false statements or information are punishable under Federal law. I/We also understand that false statements or information are grounds for termination or participation in the Housing Choice Voucher Program.

\_\_\_\_\_  
*Head of Household Signature*

\_\_\_\_\_  
*Phone Number*

\_\_\_\_\_  
*Date*

#### Notes:

1. The Housing Choice Voucher Program will not process Intent to Move – Change of Dwelling request unless it is accompanied by a copy of notice to vacate the unit, which has been submitted to the owner/landlord. Please note that the notice to vacate must be submitted to the owner/landlord at least sixty (60) days prior to the intended vacancy date.
2. Are there any changes to your household income or family composition? If yes, your Interim change must be processed prior to the issuance of your COD. A Request for Interim Recertification form may be obtained by visiting our office located at 7400 Corporate Center Drive (NW 19<sup>th</sup> Street) Miami, FL 33126 Monday through Friday 8:00AM – 5:00PM or our website [www.miamidade.gov/housing/housing-choice-voucher.asp](http://www.miamidade.gov/housing/housing-choice-voucher.asp)

#### Guidelines for 60 Day Notice

The following is to be included in the “60 Day Notice”.

- |                  |                              |
|------------------|------------------------------|
| 1. Tenant Name   | 4. Owner Contact Information |
| 2. Client Number | 5. Unit Address              |
| 3. Owner Name    | 6. Titled “60 Day Notice”    |

\*Please note that if a COD request is submitted 60 days prior to the lease effective date, it will not be denied.

\*\* If the Notice does not include the above guidelines, it will not be accepted.

