

Is it O.K. to allow the prospective tenant to move in before inspections and paperwork are completed?

The process to execute a contract can take some time and there may be issues which will arise, e.g., required repairs, disagreement over the rent, etc., which result in a HAP Contract not being executed. This could mean the landlord would have a tenant in possession who will not be receiving housing assistance.

To avoid such a situation, it is advisable to postpone the tenant's move-in date until the unit has passed inspection and the rent has been agreed upon. If the landlord wants to allow the tenant to move in, the landlord should collect at least a minimum security deposit and enter into a conventional rental agreement which can remain in place until the Section 8 contract is executed. This way the landlord and the tenant will have a legally enforceable agreement in the event a Section 8 contract is not entered into on the unit.