

Subsidized housing

There are many different kinds of subsidized housing. If you apply to the local city or county housing authority, you may be eligible for conventional public housing (the Housing Authority is your landlord) or the Housing Choice Voucher Program (formerly called “Section 8”), in which you use a voucher to help you pay rent in a privately owned apartment.

There are also housing developments that are subsidized as long as the tenant remains in the unit, and high-rise buildings that accept senior citizens and/or people who have disabilities. For each of these programs, the tenant’s rent is approximately 30% of the monthly household income, and therefore it is necessary to report all income and changes in who lives in the household, called “family composition.”

There are also developments that are built by private developers who received government financial assistance or tax credits. These low income housing tax credit properties may be required to keep rents below fair market value for a long period of time and provide additional services. Tenants may have rights to remain in the unit unless they violate the lease so that the owner has “good cause” for eviction.

For many tenants, having subsidized housing allows them to afford the rent and avoid homelessness. Therefore, it is important to understand the rules and regulations to avoid eviction or loss of the subsidy. A tenant who is evicted from public housing or whose voucher is terminated may be ineligible to reapply for assistance for three to five years.

Public housing eviction process

You can be evicted from public housing by the housing authority for “good cause.” “Good cause” means serious or repeated violation of the lease, including non-payment of rent. Public housing leases have many rules that are different from private housing, including rules about overnight guests and reporting income changes, so read your lease carefully. You are allowed to have a lawyer or representative present for conferences or hearings with the housing authority.

Notice of eviction from housing authority

You can be evicted from conventional public housing for non-payment of rent and/or violation of the lease terms. Under the housing regulations, the housing authority must first send you a Notice of Proposed Termination that explains why you are being evicted. The housing authority will deliver the eviction notice to any adult of the household, or send it by mail. Be sure to collect any certified mail right away.

What should do when I receive an eviction notice?

Informal settlement conference

You are entitled to appeal the proposed termination by requesting an informal settlement conference with the housing authority. This conference gives you a chance to try to resolve the problem with the housing authority. Generally, you have 10 days from the date of the Notice of Termination to request the informal conference.

If you receive a Notice of Termination, you should **immediately** submit a written request with the housing authority for an informal settlement conference. Keep a copy of your request. You should call NPLS or a private attorney for assistance.

Can I review my file before the informal settlement conference?

Yes. You have that right and should review all documents and records that are important for your conference. The housing authority must make them available to you. If you want copies of any records in your file, you may have to pay for the copies.

What happens after the informal settlement conference?

You will be notified in writing of the results of the hearing. If you are satisfied with the decision and the problem is resolved, your lease will continue. If you disagree with the decision, you can appeal by requesting a formal hearing.

Formal hearing

You must give a written request for a formal hearing to the main or administrative office of the housing authority, generally within 15 days of the decision of the informal settlement conference. The authority then schedules a formal hearing on the grievance at the earliest possible time.

Your housing manager and witnesses may be present at the hearing. This conference is held before a Hearing Officer who listens to both the tenant and housing authority's positions before making a decision in the matter. It is helpful to have a lawyer present.

What happens after the formal hearing?

The Hearing Officer will send you a written decision within 30 days after the hearing. The housing authority must follow the decision of the Hearing Officer. If the Hearing Officer finds in favor of the housing authority, the eviction process will continue. In these cases, the housing authority will file a landlord/tenant complaint to begin the eviction process with the court. The process will be the same as a tenant in private housing and will start with a complaint before the Magisterial District Judge.

Housing Choice Voucher Program – termination of voucher

A tenant in the Housing Choice Voucher Program receives a voucher to be used with a private landlord. The landlord must agree to accept the tenant and be willing to participate in the program. The housing voucher is rental assistance from the housing authority, which pays part or most of your monthly rent. When choosing a landlord and apartment in this program, take care to choose a place that meets your family's needs and is within the rent and size requirements of your voucher.

With this program, you may lose your housing voucher in two ways:

- 1) you can be physically evicted from your home through an eviction action filed by your landlord for violation of the lease, and/or
- 2) you can lose your housing subsidy for violation of the housing authority's rules.

A landlord may evict a tenant with a voucher for serious or repeated violations of the lease or other good cause, including nonpayment of the rent, during the first year of the lease. After the first year, either the landlord or tenant may end the lease by giving proper notice to the other party. The notice must be sent to the housing authority and the housing authority then gives the tenant a voucher to move to a new unit.

If I am evicted from my apartment, can I lose my housing choice voucher?

Yes. If your landlord evicts you for breach of the lease, you will most likely lose your housing subsidy. Appeal the MDJ decision to the Court of Common Pleas if you disagree with the decision. The housing authority should be sent copies of any actions filed in court. If the action results in eviction, you will be sent a written notice that the housing assistance is terminated. Once your housing assistance is terminated, you are no longer eligible for a voucher or any other assistance from the housing authority.

Sometimes, you can work out a resolution with the housing authority to keep your voucher, especially if the landlord has failed to follow with proper procedure. If you receive an eviction notice from your landlord, you should call NPLS or a private attorney for assistance as soon as possible.

If the landlord files an eviction action against me, can the housing authority immediately stop making payments or refuse to issue a new voucher to move?

No. A landlord's decision to evict is not grounds to end your eligibility or stop making the rental payments. The housing authority must continue to pay their portion of the rent until you are evicted and the housing authority terminates your voucher.

What happens if the housing authority wants to terminate my housing choice voucher?

If you do not follow the housing authority's rules, they may take action to terminate your subsidy. You will receive notice of this proposed action in the mail. Your subsidy could be terminated for one of the following reasons:

- You committed fraud, by failing to report your correct income or family composition.
- You, your family, or guests are involved in drug or criminal activity.
- You did not pay a current debt owed to the housing authority as part of an agreement.
- You violated an important rule of the program, such as failing to submit information for re-certification.

You have the right to appeal this action by requesting an informal hearing. The subsidy continues until after the hearing and a decision is made. If the subsidy is terminated and you wish to remain in the unit (and your landlord allows it), you will be responsible to pay the full amount of the rent.

If you are a survivor of domestic violence

The Violence Against Women Act (VAWA) protects tenants in public housing, tenants in subsidized housing (including project-based Section 8 housing and Low-Income Housing Tax Credit housing), and tenants with Housing Choice Vouchers from being evicted or terminated from the Housing Choice Voucher program due to domestic violence. For example, a tenant cannot be evicted from public housing because of criminal activity in the housing unit if the criminal activity was domestic violence and the tenant was the victim. Your abuser, however, can be evicted from public housing. If you have a Housing Choice Voucher and you move out of your apartment before your lease ends to escape your abuser, you should not lose your voucher.

VAWA also covers survivors of dating violence, sexual assault and stalking. Despite its name, VAWA covers survivors of any sex; gender identity or sexual orientation. Applicants for public housing, subsidized housing and the Housing Choice Voucher program cannot be denied due to domestic violence. The housing authority cannot deny your application for public housing based on a negative landlord reference claiming damage in your previous apartment if you can show that your abuser damaged the apartment, not you.

If you do not speak or read English

Housing authorities or landlords receiving money from the federal government must provide "meaningful access" to people with Limited English Proficiency (LEP). Meaningful access can include the housing authority or landlord paying for an interpreter for meeting with you or having leases and notices translated into a language you read. This is required by Title VI of the Civil Right Act of 1964.

If you have a hearing or vision impairment

If you ask for a reasonable accommodation, the housing authority or landlord receiving money from the federal government should provide an American Sign Language (ASL) interpreter or provide important notices in large print or braille. This is required by Section 504 of the Rehabilitation Act of 1973.

This handout contains a general statement of the law and should be used only as a guide.

It should not be considered legal advice because everyone's case is different.

The complete Self-Help Handbook for Tenants is available in electronic format at <http://www.northpennlegal.org> in our Resources Section.

NPLS videos on rental housing are available on our website and at many area libraries.