



Let others know about the FREE legal resources available at LA Law Library.



#ProBonoWeek #LALawLibrary



Section 8 and Subsidized Housing

Agenda

1. General Subsidized Housing Information
2. Evictions vs. Terminations
3. Informal Review/Hearing Process
4. Tenant Rights in Section 8
5. Q & A



Helpful Terminology

- HUD – Department of Housing and Urban Development
- PHA – Public Housing Agency
- HACLA – Housing Authority of the City of Los Angeles
- HACoLA – Housing Authority of the County of Los Angeles
- PBS8 – Project-Based Section 8
- HQS – Housing Quality Standards
- CFR – Code of Federal Regulations
- HAP – Housing Assistance Payment Contract
- Total Contract Rent – Tenant rent + Rent from PHA/owner
- RSO – Rent Stabilization Ordinance

Current Local Housing Market

- 10.02 million people in Los Angeles County
- 3.8 million people in City of Los Angeles
- LA is the least affordable rental market in the U.S. (Harvard University Joint Center for Housing Studies)
- 1 in 4 households spend at least 50% of income on housing
- Vacancy rates are low, 2.7% as of November 2015
- Rent continues to increase
- Most Section 8 waiting lists in L.A. are closed



General Subsidized Housing Information

Housing Programs

1. Section 8 Housing Choice Voucher Program
2. Project-Based Section 8 Housing
3. Public Housing
4. Other programs:
 - a) Shelter Plus Care
 - b) Moderate Rehabilitation SRO-MRS (single room occupancy)
 - c) HOPWA (HIV/AIDS assistance)
 - d) HUD VASH (veterans)
 - e) Homeless Program
 - f) Tenant Based Supportive Housing Program (chronically homeless)

How Does the Subsidy Work?

Section 8 Voucher Choice Program

- Administered by local PHA
- Three contracts or agreements
 1. PHA and the property owner
 2. PHA and the tenant
 3. Tenant and the property owner
- Total contract rent:
 - Tenant pays approximately 30%-40% of adjusted income and PHA pays the remainder
- Each recipient is assigned a case advisor
 - This person is not an attorney and is not permitted to give legal advice!

How Does the Subsidy Work?

Project-Based Section 8

- HUD or local PHA
- Two contracts or agreements
 - HUD/PHA and property owner
 - Tenant and property owner
- Tenant pays approximately 30%-40% of adjusted income and HUD pays the rest
- Each property is assigned a project manager
 - This person is not an attorney and is not permitted to give legal advice!

Requirements for Admission: Section 8

- Family composition and income eligibility
 - HUD regulations define family as a single person or group of persons residing together “regardless of actual or perceived sexual orientation, gender identity, or marital status.”
 - Low-income
 - Immigration status
 - Must have legal status (citizen or eligible non-citizen)
 - Mixed families eligible for pro-rated assistance
- Free from debt to any Housing Authority
- Pass criminal background check

Requirements for Admission: PBS8

- Family composition and income eligibility
 - HUD regulations define family as a single person or group of persons residing together “regardless of actual or perceived sexual orientation, gender identity, or marital status.”
 - Low-income
 - Immigration status
 - Must have legal status (citizen or eligible non-citizen)
 - Mixed families eligible for pro-rated assistance
- LL has discretion over using background and credit checks to screen
 - Potential 3 year ban for criminal activity per HUD rules

Application/Admission to the Program

- Tenant-Based Voucher
 - Apply with the PHA
 - Eligibility interview/background check
 - Issued voucher
 - Apply with the private owner or management
 - Sign lease agreement
 - PHA inspects the property
 - PHA signs the HAP with the private owner or management
 - Waiting list
- Project-Based Section 8
 - Apply with property manager
 - Eligibility interview/background check
 - Waiting List

Housing Resources

- **Project Place – Rental Housing Listings**
 - <http://www.housingrightscenter.org/doc.asp?id=8>
 - Can sign up for monthly list on Housing Rights Center website
- **HACLA Public Housing**
 - <http://www.hacla.org/apply-public-housing/applyforph>
- **HACoLA Public Housing**
 - <https://www.hacola.org/public-housing/how-to-apply>
- **Affordable Apartment Search: HUD**
 - <http://www.hud.gov/apps/section8/step2.cfm?state=CA%2CCalifornia>

Affordable Apartment Search

California

To find subsidized apartments in California, provide one or more of the following pieces of information:

1 Select a city:

 OR

Select a County:

 OR

Enter zip code:

 OR

Enter the name of property

2 Specify the apartment type

3 Specify the number of bedrooms

 1 2 3 4 5 or more

< Back

Next >

Nationwide Statistics

- Project based rental assistance programs house over 1.2 million low income households
 - 446,000 units (33%) are at risk of losing their affordability
 - Of these 446,000 units at risk, 397,000 units face expiring contracts within the next two years
- There is significant variation among metropolitan areas in the share of units at risk

Source: <http://www.urban.org/urban-wire/how-keep-affordable-housing-high-opportunity-neighborhoods>
<http://www.cbpp.org/research/housing/policy-basics-section-8-project-based-rental-assistance>

Identifying Subsidies

How do I figure out what subsidies apply to a building or unit?

- Local Housing Authority: HACLA or HACoLA
- National Housing Preservation Database
- California Housing Partnership Corporation
- LA LOMOD
- HCIDLA (Los Angeles Housing Department)

TERMINATIONS vs. EVICTIONS

- Termination from the Section 8 program means that the PHA/HUD will no longer subsidize the tenant's rent. Once terminated, the tenants will be responsible for the full market rent of the unit. A tenant can challenge a termination decision through the informal review/hearing process.
- An eviction is when the landlord is moving to end the tenant's rental agreement, requiring the tenant to vacate the unit. Evictions require a lawsuit and court process to remove a tenant from the property.

Common Reasons for Termination*

- Drug-Related Criminal Activity
- Violent Criminal Activity
- Violation of Lease
 - Nuisance; Failure to pay rent; etc.
 - Severe and Continued Violations
- Failure to Pass Unit Inspections
- Failure to Recertify
- Fraud
 - Unreported income; Unauthorized tenant
 - EIV- Electronic Income Verification

*This is not a complete list

Owner Termination from Subsidized Housing Program

- Violation of Housing Quality Standards
 - PHA will withhold these payments from landlord when standards are not met
 - Note: the tenant remains on the Section 8 program even if the HAP is terminated
- Fraud
 - Demanding and/or accepting rent in excess of the total contract rent
 - Tenant can also be terminated from the program for the same reason

Evictions

An *eviction* is when the landlord is moving to end the rental agreement, requiring the tenant to vacate the unit. Evictions require a lawsuit and court process to remove a tenant from the property.

The eviction process for Section 8 tenants and non-Section 8 tenants is identical.

Rent control protections may apply to certain Section 8 tenants, depending on the building they're living in.

Rent Control and Subsidized Housing

- In the City of Los Angeles, the unit may be subject to the Los Angeles Rent Stabilization Ordinance (RSO) aka LARSO
- How do I know if a unit is rent controlled?
 - Generally, the RSO applies to rental properties that were first built on or before October 1, 1978, and includes apartments, duplexes, condos, and rooms in motels/hotels/ boarding houses occupied > 30 days
 - Check <http://zimas.lacity.org/> for building info
 - All properties with RSO must post notification
 - You can also call the LA Housing Department (HCID) at **1-866-557-7368** to check

Legal Reasons for Eviction under RSO

Rent control laws prohibit evictions to 14 legal reasons including:

1. Failure to pay rent
2. Using the unit for an illegal purpose
3. Breaking a lease term
4. Causing a nuisance
5. Refusing the landlord reasonable access to the unit for repairs, improvements or inspections
6. There is a different person in possession of the unit than the person who rented it

* This is an incomplete list

INFORMAL REVIEW/ HEARING PROCESS

Right to Hearing/Informal Review

- There is a right to review and challenge the decision to terminate a Section 8 voucher or project-based Section 8 subsidy
- Section 8 Voucher Program/Public Housing
 - Informal review – hearing held by the PHA
- Project-Based Section 8
 - Informal meeting with owner w/i 10 days

Section 8 Voucher Tenants: Overview of the Hearing Process

1. Notice of specific action taken by PHA
2. Opportunity to request an informal hearing
3. PHA attempts to resolve issue before hearing
4. If not resolved, referred to hearing process
5. All materials relevant to case sent to hearing officer
6. Hearing is scheduled and parties notified at least 10 days prior to the hearing date

Section 8 Voucher Tenants: Rights at the Hearing*

- Examining the file before the hearing
- Representation of attorney or other person at tenant's own expense
- An interpreter or other aid needed
- Object to/question any evidence or testimony
- Bring and examine witnesses
- Submit relevant evidence/arguments
- Call, confront, and cross-examine witnesses
- Request a reasonable accommodation

*For complete list of rights, see HACLA Chapter 14: Complaints and Hearings

Section 8 Voucher Tenants: Requesting Tenant Case File

Prior to the hearing, Section 8 voucher tenants have the **right to examine and copy any housing authority documents** that are relevant to the hearing.

Project-Based Section 8 Tenants: Informal Review Process

- Tenant has a right to request, within 10 calendar days from the date of the termination notice, a meeting with the owner to discuss the proposed termination [HUD Handbook 4350.3 8-6(A)(3)(e)]
- Can request reasonable accommodation to accommodate a disability
- Notice must be served properly

It's Time for a
Mini Quiz!



Q: A Section 8 tenant receives a notice of termination from the public housing authority. She should:

- a. Move out immediately
- b. Request a hearing to challenge the termination
- c. Ask for her case file
- d. Call her case advisor for legal advice
- e. B & C

Q: Termination of a tenant's Section 8 voucher means that the tenant is automatically evicted from the property.

TRUE OR FALSE?

RIGHTS AS A SECTION 8 TENANT

Basic Tenants' Rights Involving the Apartment

- The right to live in decent, safe, and sanitary housing that is free from environmental hazards such as lead-based paint hazards.
- The right to have repairs performed in a timely manner, upon request, and to have a quality maintenance program run by management.
- The right to be given reasonable notice, in writing, of any nonemergency inspection or other entry into your apartment.
- The right to invite guests onto the premises

PBS8: Basic Tenants' Rights Involving Organizing

- The right to organize as residents without obstruction, harassment, or retaliation from property owners or management.
- The right to post materials in common areas and provide leaflets informing other residents of their rights.
- The right to use appropriate common space or meeting facilities to organize.
- The right to meet without the owner/manager present.
- The right to be recognized by property owners and managers as having a voice in residential community affairs.

Habitability Concerns?

1. Notify the landlord in writing
 - Tenant should keep a copy
2. File a complaint with the Los Angeles Housing and Community Investment Department (HCID)
 - Call 1-866-557-7368
 - See also www.hcidla.lacity.org

Facing Discrimination?

Landlord cannot discriminate on the basis of race, color, religion, sex, national origin, disability, or familial status

1. Notify landlord/owner/property management company in writing
 - Tenant should keep a copy
 - Provide a detailed description of facts
 - Provide only relevant information
2. Contact case advisor or project manager
3. File a HUD complaint

Filing HUD Complaint (Form 903)

Handled by the Office of Fair Housing and Equal Opportunity (FHEO) *or* California Department of Fair Employment and Housing (DFEH)

Three methods:

- Phone: 1-800-669-9777
- Mail
- Online (complaint process steps and form)
 - http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process

Helpful Resources

- **HUD Guidelines**

- www.HUD.gov – HUDClips section
 - Handbooks, Guidebooks, HUD Letters, Legal Opinions, HUD Notices

- **Local Policies**

- PHA Administrative Plans
 - www.hacla.org
 - www.hacola.org
- HAP Contract, Section 8 Lease, Tenancy Addendum
- LA LOMOD- <http://www.lomod.org/>

- **The Green Book**

- HUD Housing Programs: Tenant's Rights (4th Edition 2012) by The National Housing Law Project (NHLP) and updates (Law Library has a copy)

- **California Tenants Guide**

- published by the CA Department of Consumer Affairs
- <http://www.dca.ca.gov/publications/landlordbook/catenant.pdf>

Eviction Resources

- **Shriver Center at Stanley Mosk Courthouse; or**
 - Downtown Los Angeles at 111 North Hill St. Rm 115
- **Legal Aid Foundation of Los Angeles; or**
 - call (800) 399-4529
- **Self Help Centers**
 - Inglewood, Torrance, Santa Monica, Long Beach, and Van Nuys Courthouses



QUESTIONS

