



Los Angeles Law Library
 Pro Bono Week
 October 2020

Overview of Section 8 Housing

Sheyda Joolharzadeh
 Legal Aid Foundation of Los Angeles

Agenda

1

Overview of LAFLA Services

Section 8 Programs:
 Housing Choice
 Voucher & Project
 Based

2

3

Tenants' Rights in
 Section 8 Programs

Section 8 Tenancy
 Termination &
 Evictions

4

1

Overview of LAFLA Services

About LAFLA



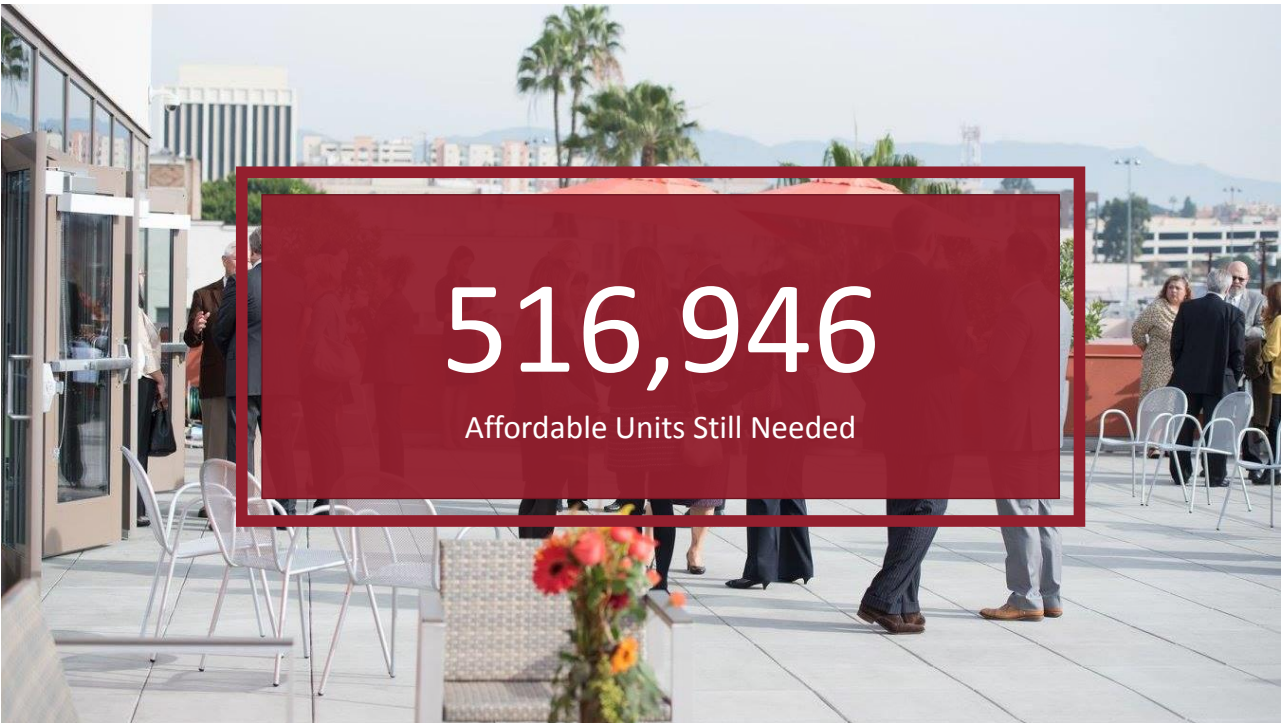
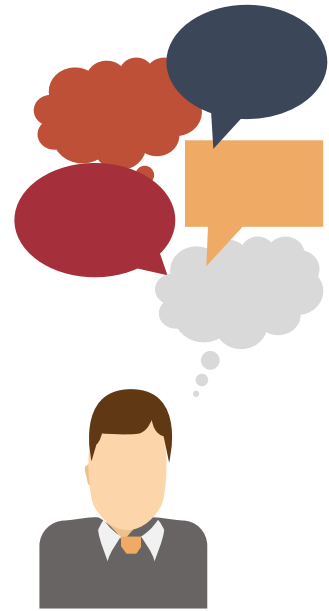
Mission:

LAFLA is committed to promoting access to justice, strengthening communities, fighting discrimination, and effecting systemic change through representation, advocacy, and community education.

Reflection:

How many affordable housing units does LA County need to build to meet needs of low-income renters?

- 1. 500,000
- 2. 25,000
- 3. 10,000
- 4. 1,000



■ Los Angeles' Historic Housing Crisis



- 4th Least Affordable
- By 2024, LA city will lose an estimated 8,597 income restricted units
- Average Price of 1 bdr = \$ 1745/month



66,436

LA County Residents Experiencing Homelessness as of
June 2020

■ LAFLA's Clients Need Your Help!

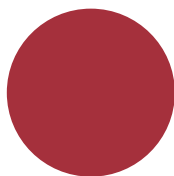
- Often live in substandard housing
- Victims of crime/DV survivors
- Low-income
- Elderly
- Disabled
- Veterans



2

HUD Section 8 Programs Voucher & Project Based

Types of Subsidized Housing Programs



HUD

- Section 8 HCV (& Subprograms)
- Project Based Section 8
- Might combine sources of financing

Other Options = LIHTC, State and local programs, HUD programs, Public Housing

Housing Agency Key Terms & Programs

HUD

United States
Department of
Housing and Urban
Development

Administers & regulates
Section 8

PHAs

Public Housing
Agencies

Local agencies that
administer and regulate
Section 8 and public
housing

Note: Landlord = LL

Tenant = T

HAP

Housing Assistance
Payment

Contracts between
Landlord-Govt
to pay a portion of rent

■ Section 8 Housing Choice Voucher “HCV”

- Private Landlord
- Administered by Local PHA
- Portable

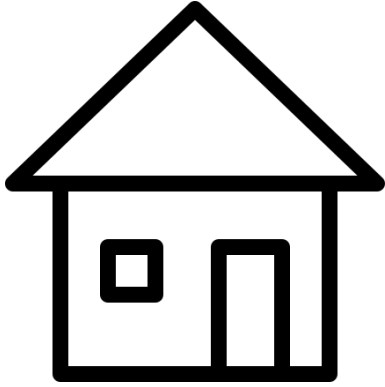


■ Project-Based Section 8

- Privately-owned & managed units
- Subsidy is attached to the unit
- Not Portable
- Funding may be mixed



How the Section 8 Housing Voucher Works



- Tenant pays 30-40% of Adjusted Income
- Each PHA has Administrative Plan
- Rules that govern:
 1. HAP Contract (PHA and LL)
 2. Section 8 Agreements (PHA and T)
 3. Lease Agreement (LL and T)

How Project-Based Section 8 Works



- Tenant pays 30—40% of Adjusted Income + utilities
- Administered by HUD or Local contractor
- Rules that Govern:
 1. HAP Contract (HUD and LL)
 2. Lease Agreement (T and LL)

■ Requirements for Section 8 Voucher Eligibility

Family Definition	Income Limits	Citizenship Status	Eviction for Drug/Criminal Activity
Each applicant must meet PHA's definition of "family"	HUD establishes income limits by family size for the PHA's geographic area	Applicants must meet documentation requirements of citizenship or eligible immigration status	Ineligible if evicted from public housing or any Section 8 program for drug-related criminal activity for at least 3 years

■ Requirements for Project-Based Section 8 Eligibility

Family Composition	Income Limits	Citizenship Status	Disclosure of SS #
Depends on type of program (may require a member of the household to be elderly/disabled in certain programs)	Depending on the type of property, very low-income or low-income limit used	Applicants must meet documentation requirements of citizenship or eligible immigration status	Disclosure required

Application & Admission to the Programs

Section 8 Voucher	Project-Based Section 8
Apply with the PHA	Apply with Property Manager
May involve waiting list	May involve waiting list
Eligibility Interview	Eligibility Interview
Background Check	Background Check
Apply with Private Owner/Management	Sign lease agreement
Sign lease agreement	
PHA inspects unit and signs contract with private owner/management	

■ Determining Subsidies On a Unit

National Housing Preservation Database
www.preservationdatabase.org

Some Questions to ask:

Does T complete annual paperwork?
Does T have a Section 8 Case worker?

Contact LAFLA for further assistance



How Do I Find Affordable Housing?



**Housing Rights Center
Project Place Listings**

www.hrc-la.org/rental-listing

3

Tenant Rights in Section 8 Programs

Rights Under California Landlord Tenant Law

All subsidized housing tenants have protections

- Right to live in safe & habitable unit
- Free from harassment, discrimination, and retaliation
- Have timely repairs performed on request
- Be given reasonable notice of any nonemergency inspection or entry into unit, in writing
- Quiet enjoyment of the premises
- Notice prior to any eviction proceedings

Other Program Specific Tenant Rights

Section 8 Voucher	Project-Based Section 8
Right to informal review of denial	Right to informal hearing before termination
Right to informal hearing before termination	Right to organize in buildings (24 CFR § 245)
Right to review rent increases	<ul style="list-style-type: none"> • Right to organize as residents
Right to HQS inspection upon complaint of habitability issues in unit	<ul style="list-style-type: none"> • Right to post materials regarding rights
	<ul style="list-style-type: none"> • Right to use common space to meet

Discrimination Complaints in Section 8 Housing

(HCV or Project-Based Section 8)



HUD Office of Fair Housing and
Equal Opportunity (FHEO)

1-800-669-9777

HUD.gov

■ Source of Income Discrimination

- **California SB 329:**
 - Source of Income Discrimination Protections, Effective January 1, 2020
- **City of Los Angeles**
 - Source of Income Discrimination Ordinance, Effective January 2020
- **Unincorporated Los Angeles County**
 - Source of Income Discrimination Ordinance, Effective June 2019



4

Subsidy Terminations and Evictions

Section 8 Termination vs. Eviction

Termination	Eviction
PHA/HUD no longer subsidizes rent	Landlord ends rental agreement
Informal hearing/review to challenge decision	Unlawful Detainer court process is required to remove T from property
Tenant responsible for full market rate	Tenant may still receive housing subsidy during this time
Depending on type of housing, tenant may remain in unit	Tenant required to vacate unit if Landlord wins in court. Housing subsidy will be at risk

■ Common Reasons for Subsidy Termination

Criminal Activity	Lease Violations	Procedural Issues	Fraud
<ul style="list-style-type: none"> Drug-Related Criminal Activity Violent Criminal Activity 	<ul style="list-style-type: none"> Nuisance Failure to Pay Rent Severe & Continued Violations 	<ul style="list-style-type: none"> Failure to Pass Inspections Failure to recertify 	<ul style="list-style-type: none"> Unreported income Unauthorized tenant

Owner Termination from Subsidized Housing Programs



Violation of Housing Quality Standards

- PHA withholding of payments

Fraud

- Demanding excess rent
- Accepting excess rent

Eviction Reminders

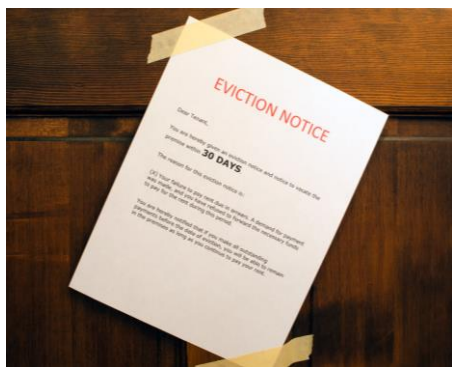
LL seeking to end the rental agreement

Requires a lawsuit and court process ("UD")

Eviction / UD Process does not change whether or not one is a Section 8 tenant

Rent Control protections may apply

Types of Eviction Notices



No Fault Evictions	For Cause Evictions
60-Day notice to vacate	3, 10, or 14-Day Notice to Pay or Quit
30 Days if tenant for less than 1 year	3, 10, Or 14-Day Notice to Cure or Quit
90-Day Notice	3, 10, Or 14-Day Notice to Quit
	90-Day Notice

Rent Control and Section 8 Programs



Rent control can strengthen protections for tenants in Section 8 programs

Jurisdictions with Rent Control:

- Los Angeles (city)
- Santa Monica
- West Hollywood
- Unincorporated LA County
- Culver City
- Inglewood

■ Due Process Rights

Right to review and challenge a
Voucher or subsidy termination:

Section 8 Voucher Program

- Informal hearing held by the PHA

Project-Based Section 8

- Informal meeting with owner within 10 days



Section 8 Voucher 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 Tenant Rights During the Hearing

**Prior to the hearing
 Section 8 voucher
 tenants have the right
to examine and copy
any housing authority
documents**

Tenant Rights at Hearing
Representation at tenant's expense
Interpreter or aid
Object to and question evidence & testimony
Bring & examine witnesses
Submit evidence & arguments
Call / confront / cross-examine witnesses
Reasonable accommodation

Project Based Section 8 Right to Hearing / Informal Review



- 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

Eviction Reminders

- **LL may not evict T without unlawful detainer proceeding**
- **T should seek immediate legal assistance upon receiving court summons, complaint, or eviction notice**

Contact LAFLA

Intake Line:

800-399-4529

To Volunteer: probono@lafla.org



■ Thank You for Your Time

Contact LAFLA

Intake Line:

800-399-4529

To Volunteer: probono@lafila.org



■ FOLLOW US IN OUR SOCIAL NETWORKS



Youtube: @legalaidfoundation



Facebook: @legalaidla



Twitter: @ legalaidla



Instagram: @ legalaidla



Google+: @ legalaidla

