



## **PUBLIC AND SUBSIDIZED HOUSING**

If you live in public housing, project-based assisted housing (such as a Section 8 or a Section 236 building), or on tenant-based assistance with a Section 8 Voucher, all of the protections explained in this book apply to you, too. Plus you have some extra rights and responsibilities because you get a housing

subsidy to help pay your rent.

Your rights depend on the program you are a part of. Get in touch with a lawyer or your local legal services office for help (see the list on page 74). Many of these added protections are in the written lease required in all subsidized housing programs.

For many project-based programs where the subsidy stays with the building, you can be evicted **only if** the landlord has good reason for evicting you, not for just any reason like month-to-month tenants in private housing. For many project-based buildings, the landlord must also give you a written termination notice and a right to meet with the landlord to try to solve the problem without moving. Section 8 voucher tenancies, where you take the subsidy with you when you move, may be terminated without a reason at the end of the lease. In public housing, in most terminations, you have the right to a formal hearing in front of a hearing officer or panel before a Housing Authority can take you to court to evict you.

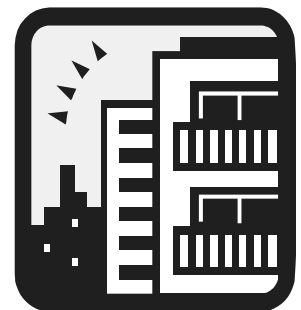
## **ADMISSION**

All public housing and assisted housing programs have maximum income limits for applicants. Some housing programs also limit applicants to certain categories like age limits or a particular type of disability. The local housing authority or the Minnesota HUD office in Minneapolis can give you information about income limits.

In addition to income and program eligibility, other standards must be met. Some of these requirements are

- paying rent on time
- following the lease and rules
- not disturbing your neighbors, and
- not damaging the property.

To choose residents the landlord may



1. Check with other landlords to see if you paid your rent or if you disturbed your neighbors.
2. Check your criminal history, with the police, F.B.I., and/or the court system.
3. Check your record with the unlawful detainer court or a tenant screening agency.
4. Check your credit history.

**If you are a victim of domestic violence**, a housing program cannot turn you down because of what the abuser did. Domestic violence can be violence against you or a family member, dating violence and stalking. The housing agency or landlord can ask you to prove the domestic violence.

### **IF YOU ARE DENIED ADMISSION TO PUBLIC HOUSING**

- You get a written decision that tells you about your appeal rights.
- You have the right to know any bad information the landlord/housing authority found. You often have the right to give other information to correct bad information that is wrong. You also can show that your situation has changed, like you got a job or are in counseling.
- If you applied for public housing and are rejected by the Housing Authority, you are entitled to a hearing. You have the right to examine the materials used to deny your application and to correct anything that is wrong. At the hearing, all the information in the Housing Authority's file will be presented.
- In all public and assisted housing you have the right to "reasonable accommodation." This means you have the right to ask that the admission rules or policies are changed, if you need the change for your disability. The change has to be reasonable and give you equal access to the housing.

### **RENT**

Federal laws set the amount of rent that assisted and public housing residents must pay. The amount of rent depends on your income. The rent for most tenants in public and assisted housing is either 30 percent of your income after certain deductions are made, or the minimum rent set by the housing authority, up to \$50.00, whichever is less. You must have proof of income when you apply and you must report income increases when they happen. If your income decreases, the rent usually

decreases. Recertification of income and rent is done once a year, **but you need to report income and family changes according to the housing program rules.** A rent overcharge can be a defense to an eviction court case. If you have questions about your reporting requirements or eviction defenses, you should contact a lawyer or your local legal services office (see the list on page 74).

### **GRIEVANCE PROCEDURES – IF YOU HAVE COMPLAINTS**

Housing Authorities have to have grievance procedures for public housing residents. Private landlords do not have this obligation. You can begin the grievance process for anything done by the landlord that you believe affects or threatens your health and safety, or the amount of rent you pay. All requests for a grievance hearing must be in writing. The housing authority usually must also use the grievance process when it claims you have violated your lease.



In Minnesota, Housing Authorities may waive the grievance procedure and go directly to court to evict when it claims your lease violation threatens health or safety. If you are denied a grievance hearing, especially before an eviction hearing, contact your local legal services office or a housing advocate.

At the formal grievance hearing you begin or the housing authority begins against you, you have 4 important rights as follows:

1. You have the right to see your file in the housing authority's office before the formal grievance hearing, including all the information the housing authority is using in its complaint.
2. You have the right to "cross-examine"(ask them questions yourself) the witnesses who have made complaints. The housing authority cannot present complaints at the hearing without the witnesses to prove the story.
3. You have the right to be represented by a lawyer or any other person you choose.
4. You have the right to a decision based on only the evidence presented at the hearing. The decision makers cannot consider any evidence not brought up at the hearing.



## **EVICCTIONS**

**If you are living in public or project-based assisted housing, you can be evicted only for serious or repeated violations of important terms of the lease or for other good reasons.**

Examples of serious lease violations include

- not paying rent
- intentional damage of property
- violence to other tenants, or
- criminal activity.

**If you are a victim of domestic violence**, you cannot be evicted because of what the abuser did. Domestic violence can be violence against you or a family member, dating violence and stalking. This does not mean that the housing agency or landlord cannot enforce other housing program rules or other terms of the lease.

Examples of minor lease violations that may be a basis for eviction if they are repeated may include repeated refusal to permit scheduled inspections or repairs, or repeated late payment of rent. Remember, many evictions for nonpayment of rent can be avoided by quickly reporting a reduction in income.

You must be advised of the reason for the eviction. In addition, as a public housing tenant, you must be advised of your right to ask for a grievance hearing. The type of notice and deadline to ask for an appeal depends on the type of housing program. If you get a notice to vacate you should talk to your local legal services office or a housing advocate immediately. Even if you lose at the housing authority's grievance hearing, **you cannot be evicted without an unlawful detainer court complaint** and a hearing in court. At that time you have the chance to defend yourself.

At the eviction (unlawful detainer) hearing you can raise all of the defenses discussed earlier for private landlord/tenant relationships (see pages 42 - 44). They are also available to you as a resident in a public, project-based assisted housing program, or as a Section 8 Voucher holder.

For more information about Public Housing, get a copy of the booklet called A Guide to Public Housing in Minnesota. You can get one from your local legal aid office or online at [www.lawhelpmn.org](http://www.lawhelpmn.org).

## **MANUFACTURED HOME PARKS**

Under Minnesota law, tenants in manufactured home parks have the same rights and responsibilities as tenants in other residential buildings. However, there are also laws that have to do with special situations that come up only in manufactured home parks.

Following are some of the laws that are specifically for tenants in manufactured home parks

- Rent can be raised twice a year, but only a “reasonable” increase is allowed.
- The manufactured home park owner have to use a **written** agreement with a tenant when renting a lot. The written agreement must state all the terms and conditions of the agreement. This is different from tenants in residential buildings because some landlords in those buildings rely on **verbal** leases.
- The park owner must give a **60-day written notice** to a tenant **before** changing any rule. New rules may be enforced against existing tenants **only if** the new rules are reasonable and do not significantly change the original agreement between the tenant and park owner. In other rental buildings, the notice required to change a rule depends on the type of tenancy (such as fixed term or periodic term).
- Tenants in manufactured home parks have the right to "organize" and hold meetings about issues affecting the tenants. Park owners may not prohibit these or any other activity in which the tenants are engaging as a way of expressing themselves. However, park owners may enforce rules that limit the time, place, and manner of these activities.



For more information on specific laws affecting your tenancy if you live in a manufactured home park, call a lawyer or your local legal services office and go to [www.LawHelpMN.org](http://www.LawHelpMN.org) for more information.