



KNOW YOUR RIGHTS GUIDE:
SECTION 8

2007–2008

Frequently Asked Questions

- 1. What is Section 8 Housing?**

Section 8 Housing is the federal (national) government's major program that helps people get decent, safe, and sanitary housing if they cannot afford it on their own.
- 2. How do I apply for Section 8?**

To apply for Section 8, you must report to the Public Housing Authority (PHA) that runs the program in your area. In Los Angeles you either go through the Housing Authority of the City of Los Angeles, the Housing Authority of the County of Los Angeles, or another Housing Authority within the County. You must go to these locations and fill out an application. Once you do this you will be put on the waiting list until there is a voucher available. See pages 7 and 8 for more information.
- 3. What can keep me from getting a voucher?**

To get a voucher, at least one family member must be a citizen (or legal immigrant) and you must be considered low income. In addition to these requirements, there are other things that can make you eligible or ineligible. For a complete list, see pages 5 and 6 in the sections on Eligibility, Ineligibility, and Automatic Denials.
- 4. How long will it take for me to get a voucher?**

It currently takes an average of 5 to 10 years to receive a voucher, so there is no guarantee that once you apply you will get a voucher quickly.
- 5. What other housing programs are there besides section 8?**

Other than Section 8 there is also Public Housing, first-time homebuyer programs, and project-based assistance. **This Guide only applies to Section 8 tenant-based vouchers!**
- 6. How will I know when I have an interview?**

Whenever the Housing Authority contacts you for any reason, whether it is for an interview or to inform you of a problem, they will do so in writing through a letter. Because of this, it is very important that you keep your address current so that they can get a hold of you whenever they need to. This also ensures that your name remains on the waiting list.
- 7. How is my portion of the rent determined?**

Each Housing Authority has a different formula for determining your portion of the rent. On page 13 there is a step-by-step process to help you determine what your portion will be. In most cases though, rent is generally between 30% and 40% of your monthly income.
- 8. Are there any special programs?**

Each Housing Authority has a different list of special programs that they offer. In most cases the programs target elderly, disabled, people with HIV or AIDS, and homeless people.
- 9. Can I move with my voucher?**

Once you have your voucher, and have lived with it for one year, you become eligible to move. You may either move to another unit in the same area or to another area through a process called portability. Once you have leased a unit, you are required to remain in that unit for the first 12 months. After the initial one-year period, you may move again.
- 10. For what reasons can I be evicted?**

On page 25 is a complete list of the reasons for which you can be evicted, if you are evicted for any other reason, contact someone who can provide you with legal assistance.
- 11. Where can I turn for legal assistance?**

There are many legal resources that are either free or have a very small fee to help accommodate people on Section 8. Some of these groups include the Legal Aid Foundation, Public Counsel, and the Eviction Defense Network. For a more complete list, see pages 26 and 27.
- 12. Are there any phone numbers for resources?**

On pages 26 and 27 is a list of local resources who can help counsel you in the Section 8 process.

THINGS TO DO:

1. Seek legal representation when requesting a formal hearing or going to court. There is a list of groups who can help you in this process on pages 26 and 27. Report any cases of wrongful eviction or termination AS SOON AS POSSIBLE to one of these groups.
2. Always use certified mail when mailing to HACLA/HACoLA. This way you can prove that you mailed in your forms on time.
3. Get all correspondence in writing, and get copies of papers exchanged in the HACLA/HACoLA office. This is yet another way to prove that if you have done everything right, the error is on their side.
4. Get date stamps on all paper copies and items you mail to HACLA/HACoLA.
5. Be diligent in updating your personal information and address with HACLA/HACoLA when you move. This way you can always be contacted if necessary and your name will remain on the waiting list. It is also important to always update your personal circumstances, such as a change in income or disability. This may have an impact on your eligibility for the program.
6. Follow all stated rules about income, occupancy, inspections, update deadlines, etc., or you may be in danger of termination.
7. Always know your tenant identification number and refer to it when dealing with HACLA/HACoLA or social workers.
8. Read carefully any letters sent by HACLA, HACoLA, and seek help from an advocate or lawyer if you do not understand the letter.
9. Know which housing authority you are dealing with—LA City (HACLA), LA County (HACoLA), or others, like Long Beach, Pasadena, etc...
10. Pay all of your bills, maintain good credit, and make sure your income level is reported accurately to HACLA/HACoLA.
11. If you feel you are being discriminated against for any reason, contact a lawyer or discrimination agency (see pages 26 and 27 for a list).

THINGS TO AVOID:

1. Don't allow any extra people (people who are not listed on your voucher) to stay in your apartment. This is considered a violation of your Housing Assistance Payments (HAP) contract with the PHA and you can be terminated from the Section 8 Program. Having unauthorized people stay in your unit is also a violation of your lease and may result in eviction from your unit.
2. Don't have people going in and out of your apartment (this can attract negative attention from the landlord). You have to remember that anyone, including your neighbors can turn you in for "disruptive" behavior, so be sure to be quiet and under control so that you do not get in trouble. Do not violate your lease or any of the PHA family obligations. Violations can result in eviction from your unit and/or termination from the Section 8 Program.
3. Don't ignore any paperwork, rules or deadlines set by HACLA or HACoLA—you could lose your voucher. If you do not respond to paperwork, the Housing Authority assumes you no longer want to be a part of the program, so be sure to show your interest and turn paperwork in on time.
4. Don't do any damage to the apartment. Damage to your unit can make you fail an inspection and it can also make you ineligible if you try to apply for another voucher later on.
5. Don't put off seeking help from an advocate or lawyer if you have a problem. Sometimes it can be too late to assist with your problem. Advocates are often free of charge to consult with you and can offer advice and representation that will keep you from being terminated or evicted or can help you assert rights you did not even know you had.
6. Don't agree to make any additional payments to your landlord that are not part of the Housing Assistance Payment contract. It is a violation of your Section 8 family obligations and may result in termination from the program. It is also a violation on the part of the owner.
7. Don't break any of the rules regarding your obligations because otherwise you will be terminated from the program. Make sure you keep your house clean, safe, and yours alone.
8. Don't skip an inspection because it is at an inconvenient time. If you miss your inspection you will be terminated from the program. Not everyone needs to be there, but at least one person over the age of 18 must be present for the inspection to be conducted.

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How to Read the Guide:

- If you want to learn the City of Los Angeles (HACLA) rules, read the left column.
- If you want to learn the County of Los Angeles (HACoLA) rules, read the right column.
- When there is no column separation, the information applies to both the city and the county.

Section 8: Know Your Rights Guide

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Important Disclaimer: The information contained in this guide is as accurate and up-to-date as possible, however some language and rules are subject to change periodically. Seek legal advice or work with an advocate if unsure.

The Section 8 Program

The Section 8 Program is the federal government's major program for assisting low- to extremely low-income families, the elderly, and the disabled to get affordable decent housing in the private market. The City of Los Angeles and Los Angeles County have separate agencies who provide this assistance. This guide outlines the regulations for both the City and the County and offers advice on how to make the most of your section 8 Voucher.

How to Get Section 8 Housing

If you want to learn about the City, read the left side of the page!

HACLA/City

If you want to learn about the County, read the right side of the page!

HACLA/County

Eligibility

A family is eligible for Section 8 Housing if:

- They are citizens of the United States.
 - Section 8 Housing Choice Vouchers are available to: U.S. citizens, non-citizens with legal immigration status, and families with at least 1 U.S. citizen. If some of the members of the family are non-citizens, your assistance is prorated based on the number of citizens or legal immigrants in your family.
- They meet the standards for being extremely low-, or very low-income. In Los Angeles this means that they make 50% to 30% of the Area Median Income.

2006 Income Limits for Section 8 in Los Angeles* (City and County)

Number of People	Extremely Low Income	Very Low Income	Low Income
	30% AMI	50% AMI	80% AMI
1	\$14,550	\$24,250	\$38,800
2	\$16,650	\$27,700	\$44,350
3	\$18,700	\$31,200	\$49,900
4	\$20,800	\$34,650	\$55,450
5	\$22,450	\$37,400	\$59,900
6	\$24,150	\$40,200	\$64,300
7	\$25,800	\$42,950	\$68,750
8	\$27,450	\$45,750	\$73,200

*These values will change each year according to the Average Median Income as determined by HUD

A family is eligible for Section 8 Housing if:

- They are citizens (with verified Social Security Numbers) or non-citizens with eligible immigration status.
- They meet the definition of low- or very low-income: This means that their yearly income must be no more than 80% of the Area's Median Income Level. The standards are outlined in the table below.
- They meet HACoLA's definition of a "family." A family is a single person or group of persons who fit into one of the following categories:
 - *An Elderly Family*: A family whose head, spouse, or sole member is 62 years or older.
 - *A Disabled Family*: A family whose head, spouse, or sole member is a person with disabilities.
 - *The Remaining Member of a Tenant Family*: The remaining member of a tenant family where all other members are no longer in the household.
 - *A Group of Persons*: Two or more people sharing a residence whose income are available to meet family needs. They must be related by blood or operation of law, or show evidence of a stable relationship.
 - *A Single Person*: A single individual who lives alone, and intends to live alone, and is not elderly or disabled, or the remaining member of a tenant family.

How to Get Section 8

HACLA/City

HACLA/County

Ineligibility

A family is ineligible if:

- Any family member has been evicted for “drug related criminal activity,” or if any member of the family is currently (within the past year) engaging in drug related criminal activities.
- Any family member has ever been convicted for the manufacture of methamphetamine.
- Any family member must register as a sex offender in any state.
- A family member has abused alcohol within the last year.
- Any family member is threatening or abusive toward a HACLA employee.
- Any family member has committed fraud, bribery, or any other corrupt criminal act regarding federal housing programs within the past 5 years.
- Any member of the family currently owes any money to HACLA or another Public Housing Agency (PHA).

A family is ineligible if:

- Any family member has been evicted from federally assisted housing for drug-related criminal activity.
- Any family member has been convicted for manufacturing methamphetamine while living in federally assisted housing.
- Any family member is currently using illegal drugs.
- Any family member is subject to a lifetime sex offender registration in any state.
- Any family member has a pattern of alcohol abuse.
- Any family member has been convicted of fraud or bribery in association with federal housing programs.
- Any family member is currently or has participated in drug-related or violent criminal activities.
- Any family member has not completed parole or probation (this may not be true, check with your Housing Authority to be sure).

Automatic Denials

Assistance is automatically denied if:

- Any family member fails to sign consent forms, provide proof of immigration or citizenship status or verify social security numbers.
- Your family has been evicted from public housing in the past three years.
- Any adult family member refuses to sign a consent form or submit fingerprints in order to process a criminal record check.
- Your family is offered conditional assistance, but doesn't accept it, or violates the conditions.

Assistance is automatically denied if:

- Any family member does not or cannot verify their Social Security numbers, consent to a Criminal Background Check, or sign any required release of information authorization.
- The family has violated any obligations in prior federal housing programs, has engaged in serious lease violations within the past five years, or if the family or any member owes money to any housing agency.
- The family has engaged in abusive, threatening, or violent behavior toward a HACoLA employee.
- No member of the family is a U.S. citizen or eligible immigrant.
- If any family member fails to meet eligibility requirements regarding individuals who are enrolled in an institution of higher education.

HACLA/City

HACLA/County

How to Apply

HACLA is currently closed for registration and is not issuing any new vouchers. If you are already registered and need to report any changes in your situation contact the address below in writing.

Section 8 Registrations
Housing Authority City of Los Angeles, Foy Station
P.O. Box 17965-0965
Los Angeles, California 90017-0965
Fax: (213) 252-1218; Phone: (213) 252-1290

Be sure to include your name, registration number, address (old and new address if you are changing your address), social security number, and date of birth.

To start the application process with HACoLA, you can go online and register at:

- <http://www.hacola.org>
- Click on the link “Apply for Section 8 Rental Assistance.”

You can also call HACoLA’s application telephone number:

- From area codes (310), (323), (714), (805) and (818), call (800) 731-4663.
- From other area codes, call (562) 347-4663.

Application Process

- Once HACLA gets funding, they will be able to open so that new families can register. In order to register you must first turn in an application and have your family’s eligibility confirmed (including a criminal check). At this point you are put on a waiting list until there is a voucher available.
- Once you are at the top of the waiting list, you are called in to HACLA to have an interview with the Housing Authority. During this meeting you begin the process of verifying all your information, including your income and citizenship status so that HACLA is sure that you are eligible.
- If you are eligible, you will receive your voucher. Once you do this you must locate a unit, discuss the Section 8 program with the owner of the unit, and submit a Request for Tenancy Approval to HACLA (you can only submit one at a time).
- The Housing Authority will then review the rent of the unit to see if it is reasonable and schedule an inspection of the unit.
- Once the unit passes inspection, you, HACLA, and the owner agree to the rent, start date, security deposit, and other lease terms. Once you sign the lease, you and the owner must sign the HACLA Lease Addendum and the owner and HACLA must sign a contract.
- Once a family makes the initial step of registration they are put on the Preliminary Registration Waiting List.
- When HACoLA decides there is enough money to give out more vouchers, a group of new applicants is taken from the Preliminary Registration Waiting List and placed on an active waiting list.
- An application will be mailed to the family, and the application is due back within 10 days. **If this application is returned as undeliverable by the postal service, the family will be removed from the waiting list.**
- Once the application is received by HACoLA and the family is deemed eligible, HACoLA will either request information from families about their income and assets by mail or through an interview.
 - A family has either 10 days to return mailed forms or two chances to attend an interview session—otherwise the applications are cancelled.
- If the family is determined to be eligible and all the paperwork has been completed, the family must attend a briefing session where they will be issued a voucher.
 - Briefing Sessions are conducted in **ENGLISH ONLY.**

HACLA/City

HACLA/County

Waiting List

The HACLA waiting list for Section 8 vouchers is closed.

When HACLA does have the funds to issue more vouchers, they will be given according to when applicant families were deemed eligible. However, HACLA has outlined certain special programs or circumstances that may speed up a family's chances of getting a voucher.

Special Circumstances

- Referrals from HACLA Owned Units
- Relocations from HACLA Owned Units Due to Emergencies
- Referrals from Public Housing Units and the Public Housing Waiting List due to Special Needs
- Referrals from Public Housing Units Due to Demolition or Rehabilitation
- Victims of Declared Disasters
- Displacement Due to Government Actions
- Termination of HUD Subsidies

Special Programs

- Aftercare Program
- Disabled Families
- Families with Medicaid Home and Community-Based Services Waivers
- Family Unification Program (FUP)
- Homeless Program
- HOPE for Elderly Independence Program (HEIP)
- Long Term Family Self Sufficiency Program (LTFSS)
- Mainstream Housing Program
- Veterans Affairs Supportive Housing Program (VASH)
- Housing Opportunities for Persons with AIDS (HOPWA)

Removal from the Waiting List:

- **HACLA may purge the waiting list.** A mailing is sent to all applicants on the waiting list to ensure that their address is accurate. The mailing is used to make sure people are still interested in the Section 8 program.
- **If you do not respond to the mailing you will be taken off the waiting list.** If this happens, make sure to request an informal review and try to obtain representation from an advocacy group listed on page 26 or 27.

The waiting list is generally maintained based on the date and time of the initial application, but some applicants may be referred through community-based organizations, through set-aside programs, who are not on the waiting list.

Local Preferences (from highest to lowest):

Families of veterans and members of the armed services have priority in all following preference categories:

1. Families who are referred through set-aside programs, such as the homeless and people living with AIDS.
2. Families who were previously assisted and lost their assistance due to a loss of funding.
3. *Jurisdictional Preference:* Families who live or work in HACoLA's jurisdiction will be admitted ahead of those who live or work outside the County.
4. *Preferences Subject to Approval of the Executive Director:* These special preferences are not always in place.
 - Victims of Declared Disasters
 - Displacement Due to Government Actions
 - Referrals from law enforcement agencies
5. *Date and Time of Registration.*
6. Elderly and permanently disabled singles or families that have elderly or permanently disabled members.

Single Applicants: All other groups have admission preference over single individuals.

Removal from the Waiting List:

- **The waiting list is purged periodically.** A mailing is sent to all applicants on the waiting list to ensure that their address is accurate. The mailing is used to make sure people are still interested in the Section 8 program.
- **If you fail to respond to this mailing or the mailing is returned by the post office as undeliverable, you will be purged from the waiting list.** Therefore it is vital that all of the information that HACoLA has is current so that you do not miss one of these mailings.

HACLA/City

HACLA/County

Finding Housing

You are free to choose any housing unit that accepts Section 8 vouchers, including a single-family home, townhouse, or apartment, as long as:

- The unit meets the Housing Authority's Housing Quality Standards (see page 11 that outlines the HQS).
- The Housing Authority considers the rent to be reasonable (similar to comparable apartments in the same area)

Search Time:

- You have 60 days after you receive your voucher to find an apartment. If you are unable to find an apartment during this time, you may request up to 4 incremental 30 day extensions, totaling a maximum of 120 days. **If you do not request an extension and your sixty days runs out, you are terminated from the Section 8 Program.**
- **How to Apply for a Search Time Extension:** Report to the appropriate HACLA office and receive "counseling."
 - Counseling means discussing what problems you had in finding housing, how to fix those problems, and also a discussion of the benefits of moving to a low-poverty and low-minority concentration location.

Receiving Search Time as a Reasonable Accommodation:

- For an extension over 120 days, the family must have a proof that the disability of a family member made it impossible to find a unit.
- The voucher will then be extended in 30 day increments for a maximum of another 120 days (240 days total).

Once you receive your voucher, it is your responsibility to find a unit that fits your voucher specifications. The Housing Authority has a few rules regarding what forms of housing are suitable.

Once you have located a unit that you would like to rent, you must submit a Request for Tenancy Approval to the Housing Authority so that they can determine if the rental is up to their standards

- Housing Authority Standards include:
 - The unit is an eligible type of housing
 - The unit passes an inspection
 - The rent is reasonable (comparable to other, unassisted units in the building or same area)
 - The security deposit amount is approvable (the same as for unassisted units)
 - The lease complies with HACoLA and HUD regulations
 - The owner is approvable and in good standing

Search Time:

- The voucher is issued for an initial period of 60 days.
- Families who cannot find housing within this period of time may apply for an extension. If granted, extensions are given in 30, 60, or 120 day increments up to a maximum of 180 calendar days.

HACLA/City

HACLA/County

Unit Inspections

- An inspection is required before you can move in to your apartment. Additional inspections will take place once a year during your annual review. A family member over the age of 18 or the landlord has to be available for the inspection.
 - Following the inspection, the Authority issues a list of the major and minor deficiencies with the unit. Major deficiencies are those that *must* be corrected in order for the unit to pass on re-inspection, minor ones do not need to be corrected, but are warnings of problems that may become major deficiencies in the future.
 - If there are any major deficiencies, they must be corrected by the next re-inspection, 30 days later. If the unit fails again, for the same deficiencies, which were the responsibility of the owner, the assistance payments are abated (suspended).
 - In some cases, the inspector will find “life-threatening” deficiencies which must be corrected within 24 hours, or assistance payments may be lowered. If the corrections are not made, a lower rent payment will occur on the first of the month following the failed inspection.
 - If the owner does not correct the deficiencies within the given time frame and the rent is lowered, payment by the Housing Authority will be ended after another 60 days. HACLA may then give the tenant a new voucher and terminate the Contract with the Owner.
 - If any of these deficiencies are the fault of the family living in the unit, then their voucher may be terminated for violating their rental obligations.
- In order to decide if housing is suitable, HACoLA will undertake an inspection of the property. An inspection is necessary not only when you move in to a new unit, but also when you renew your contract.
 - Inspections only happen Monday through Friday between 7 a.m. and 5 p.m. Also, an adult over the age of 18 must be there in order to let the inspector into the unit.
 - If the inspection is for a new contract, the inspections are conducted from 7 to 10 days after HACoLA receives your Request for Tenancy Approval.
 - If the unit fails because it is not up to the Housing Quality Standards, the unit will be re-inspected within 30 days to make sure the problems have been corrected.
 - If the unit fails three times, the family has to find another unit.
 - When units fail inspections, HACoLA’s inspector will determine who is at fault.
 - If the unit fails the first and the second inspection as a result of something the owner has done or not done, the owner’s rent (the money that HACoLA pays to the owners) will be abated, meaning HACoLA will not pay HAP payments to the owner.
 - If the owner makes the repairs during this abatement period, HACoLA will begin making HAP payments again on behalf of the tenant. If the owner fails to correct the problems during this period, the family is given a new voucher and must find a new unit.

COMMON PROBLEM: The Housing Authority did not show up for my inspection and now they have sent me a notice of termination.

To keep the Housing Authority from terminating your voucher, it is important to be able to prove that you were at your home waiting and that the Housing Authority was at fault.

1. Call the Housing Authority and ask when they are coming, or leave a message, with the date and time, to prove you were at home on the day of your inspection. Try to call every two hours so that they cannot claim that you left the unit.
2. Try to document all the calls you made, either on a cell phone or on your phone bill as another way to prove the date and time.
3. Write a letter to HACLA or HACoLA asking when they will be returning and explaining that they missed the appointment as another way to document what really happened.

HACLA/City

HACLA/County

Housing Quality Standards

These are the minimum standards on which inspections are based to make sure that units are decent, safe and sanitary

- **Sanitary Facilities:** The unit must include a bathroom that is private and in good working condition.
 - **Food Preparation and Refuse Disposal:** The unit must be equipped to store, prepare, and serve foods in a sanitary way. There must also be facilities for the sanitary disposal of food waste, including garbage cans.
 - **Space and security:** The unit must have a living room, bathroom, and kitchen area at minimum.
 - **Thermal environment:** There has to be a safe and functioning way to heat the unit.
 - **Illumination and electricity:** Every room must have enough natural or artificial light.
 - **Interior air quality:** The unit must be free of pollutants like carbon monoxide, sewer gas, fuel gas, or dust.
 - **Structure and materials:** The unit must be structurally sound and not present any threats to the residents. There cannot be any defects in the ceiling, walls, or floors (ex. holes, loose surfaces, bulging).
 - **Water supply:** The unit must be connected to a water supply that is clean and free from contamination.
 - **Lead-based paint:** There can be no lead-based paint where children are living.
 - **Access:** The unit must be able to be used without having to trespass on other private property and there must be alternate exits in case of a fire.
 - **Site and neighborhood:** The unit and its neighborhood must be quiet and free from other dangers to the health, safety, or welfare of its occupants.
 - **Sanitary condition:** The unit must be free of vermin.
 - **Smoke detectors:** There must be at least one, working, correctly-installed smoke detector on every level of the unit, including the basement.
- **Unit Space and Size:** At a minimum, the unit must have a living room, kitchen area and bathroom within the unit.
 - **Living Room/Sleeping Room:** There has to be at least one sleeping/living room or bedroom for every two people. Bedrooms must have a door that provides privacy and a built in closet or wardrobe.
 - **Sanitary Facilities:** The bathroom must be located in a separate, private room and have a working flush toilet.
 - **Food Preparation:** There must be space to store, prepare, serve, and throw away food in a sanitary way.
 - **Ceilings, Walls, Floors, Roof:** All must be structurally safe.
 - **Windows:** All windows must be in working condition.
 - **Doors and Unit Access:** Exterior doors must be solid, weather tight, have no holes, and have dead bolt locks.
 - **Thermal Environment:** There has to be a safe heating system in working condition that gets heat, either directly or indirectly, to all rooms.
 - **Smoke Detectors:** There must be at least one working smoke detector on every level of the unit.
 - **Site and Sanitation:** The unit cannot be surrounded by a dangerous environment.
 - **Appliances:** All appliances in the unit must be operable.
 - **Locks:** Any lock that requires special knowledge or other tools to open are not allowed. Double-keyed locks are not permitted.
 - **Hot Water Heater:** There must be a hot water heater, TPR and drainpipe six inches above the floor that is strapped at 1/3 intervals from the top to the bottom.
 - **Garages:** Must be accessible to inspectors and cannot be used as a living space.
 - **Lead Based Paint:** Units built before 1978 must tell their renters about the presence of lead based paint.

How to Get Section 8

HACLA/City

HACLA/County

Voucher Payment Standards

Voucher Payment Standards (VPS): are standard amounts that the Housing Authority uses to determine the most that they will pay to help a tenant with rent. The payment standard is based on Fair Market Rents (FMR). FMR are rent estimates set by HUD annually for each county that include: shelter rent plus the cost of all utilities, except telephones, and are determined by the number of bedrooms in a unit.

- VPS's are updated yearly during your annual review.
 - **Rents can only be increased during your annual review.** Rents may be increased during a tenant's annual review depending on:
 - Increase in income
 - Lowered voucher payment standards
 - An increase in the owner's rent
 - Change of utility allowance
 - You can request an informal hearing in writing if you believe that your rent is inaccurate.
 - An increased VPS is applied at the first annual re-examination, but a decreased VPS (which means a higher rent payment) requires a year's notice and so cannot happen until the second annual re-examination.
- The Housing Authority decides annually on whether to change the existing voucher payment standards. The things they consider are:
 - If people are paying more than 50% of their income on rent
 - If new admissions or families trying to move are unable to use vouchers because of the rental rates
 - If the Housing Authority would have to reduce new admission in order to pay for new standards
 - Rent can be changed based on:
 - Changes in income
 - New voucher payment standards
 - An increase in the owner's rent (as long as it is still considered reasonable)
 - Changes in family composition

How the Housing Authority Determines Your Rent Portion

- The most that the Housing Authority can pay toward a Section 8 tenant's rent is the smaller of:
 - The gross rent for the unit (the contract rent + utility allowance)
 - Or the Voucher Payment Standard (VPS)
 - From the Maximum Subsidy, the Housing Authority then subtracts 30% of your Monthly Adjusted Income. This is the most they will pay the owner/landlord.
 - Monthly Adjusted Income is your total income for a year, minus \$480 for each dependent and/or \$400 if the family has elderly status, divided by 12 months.
 - The tenant is then responsible for the difference between the contract rent and the Housing Authority's contribution.
- The most that the Housing Authority will pay is the payment standard that is listed on your voucher minus the minimum contribution.
 - The family's minimum contribution is the largest of:
 - 30% of your family's monthly adjusted income
 - 10% of your family's gross income
 - The maximum that a family can pay during the **initial term** of the lease is 40% of their monthly adjusted income.
 - Monthly Adjusted Income is your annual income minus \$480 for each family member who is under 18, a full time student, or disabled and minus \$400 for families whose head or spouse is over 62 or disabled. Other expenses may also reduce your monthly adjusted income.

HACLA/City

HACLA/County

How the Housing Authority Determines Your Rent Portion, Cont.

An Example of How Rent is Determined

- HACLA's VPS for a 2-bedroom apartment is \$1,021.
- Let's say you find an apartment that rents for \$1,100 a month and your utility allowance is \$57.
- $\$1,100$ (actual rent) + $\$57$ (utility allowance) = $\$1,157$ (gross rent).
- In this case, the VPS is that lower amount, so $\$1,021$ is used to calculate how much the housing authority will pay toward rent.
- The family's Monthly Adjusted Income is $\$597$.
 - Thirty-percent of the amount is $\$179$.
- The Housing Authority will pay:
 - $\$1,021 - \$179 = \$842$.
- You will pay the difference between the actual rent and what the housing authority pays:
 - $\$1,100 - \$842 = \$258$.

An Example of How Rent is Determined

- HACoLA's payment standard for a 2-bedroom apartment is $\$1,395$.
- Let's say you find an apartment that rents for $\$1,100$ a month
- Because the rent is below the payment standard, the family will pay the minimum family contribution
- The maximum subsidy is the Payment Standard minus the Minimum Contribution (30% AMI)
- So the Housing Authority will pay:
 - $\$1,395 - \$179 = \$1,216$
- The family's Monthly Adjusted Income is $\$597$.
 - Thirty-percent of the amount is $\$179$.

Occupancy Standards

Number of Bedrooms	Number of Family Members
1 Bedroom	1-2
2 Bedroom	3-4
3 Bedroom	5-6
4 Bedroom	7-8
5 Bedroom	9-10
6 Bedroom	11-12

Number of Bedrooms	Number of Family Members
1 Bedroom	1-2
2 Bedroom	3-4
3 Bedroom	5-6
4 Bedroom	7-8
5 Bedroom	9-10
6 Bedroom	11-12

- Each family's voucher will show the number of bedrooms authorized by the Housing Authority.
- You can choose to rent a larger or smaller unit than the one that is determined by the Housing Authority as long as there are no more than 2 persons per bedroom.
- If you choose a larger unit, you must pay the difference in cost. For instance if you have been issued a 2-bedroom voucher, but choose to rent a 3-bedroom apartment, the Maximum Subsidy provided by the Housing Authority will be based on the 2-bedroom VPS.

- Each family's voucher will show the number of bedrooms authorized by the Housing Authority.
- You can choose to rent a larger or smaller unit than the one that is determined by the Housing Authority as long as there are no more than 2 persons per bedroom.
- If you choose a larger unit, you must pay the difference in cost. For instance if you have been issued a 2-bedroom voucher, but choose to rent a 3-bedroom apartment, the Maximum Subsidy provided by the Housing Authority will be based on the 2-bedroom Payment Standard. If you choose to a unit larger than the voucher you have been issued, you may not pay more than 40% of your income.

HOW TO KEEP SECTION 8 HOUSING

This Section will outline the legal rights and obligations that a tenant has when dealing with the Housing Authority and their landlord. It will also outline some of the steps that must be taken in order to keep your voucher after you have been accepted to the program. There will be common problems and some simple solutions to these problems scattered throughout the section.

HACLA/City

HACLA/County

Legal Rights and Obligations

The Statement of Family Obligations outlines what the family must do to stay in the good favor of HACLA and HACoLA in order to keep their voucher. Families must get a copy and sign it in order to get their voucher. **It outlines what the tenant must do in relation to the Housing Authority.**

The terms of the Statement of Family Obligations include:

- Reporting all income, changes in income, changes in family composition and other necessary information;
- Maintaining the unit according to the Housing Quality Standards;
- Allowing the Housing Authority to inspect the unit;
- Complying with the terms of the lease;
- Making sure to notify the owner and the Housing Authority 30 days before leaving;
- Making no side payments to the owner when receiving assistance (ex. extra rent or utility payments);
- Ensuring that the unit is the primary residence of the family;
- Notifying the Housing Authority of a long absence from the unit;
- Generally cooperating with the Housing Authority and upholding its rules; and
- Not receiving any assistance under the Section 8 Program while receiving another housing subsidy for the same or any other unit.

COMMON PROBLEM: The Housing Authority lost my paperwork.

The best thing to do is make sure that you have a personal record of everything you send to HACLA/HACoLA and they send to you.

1. Make copies of all papers sent to the Housing Authority.
2. When sending something to HACLA/HACoLA through the mail, send it by certified mail so that you can provide proof of when you sent it and that HACLA/HACoLA received it.
3. When having phone conversations, record the name of the person you spoke with, the date and time of the call, and also a brief overview of what was said.

HACLA/City

HACLA/County

Annual Re-Examinations

- Every year, a family is subject to a re-examination if they decide that they want to continue in the program. It is done to make sure that the family is still eligible for the program and to make sure that they are paying the correct rent amount.
 - The majority of these examinations are done through the mail, with only a sample having to do in-office examinations (this policy may change soon!).
 - The family is sent a review notice or a review appointment notice that requires them to fill out documents by a specified date.
 - If the family does not comply within this time period, they are given a second notice which gives 14 more days (from the date of the second notice).
 - If the family fails to comply again they are terminated from the program.
 - If there has been a substantial change in income or family composition, the family must be given 30 days notice of the change in their rent.
 - In addition to the re-examination of income, the family is also subject to another inspection to make sure that their unit still meets the Housing Quality Standards.
- If a family is going to continue in the Section 8 Program, they are subject to a re-examination on their anniversary date, to make sure that they are still eligible.
 - Re-examinations will be conducted either by mail or in person. Most people will do their re-examination by mail.
 - If it is conducted by mail, the family will be sent a packet of forms they need to fill out to verify their eligibility. **All family members over 18 must sign the forms.**
 - If the family is asked to do an in-person re-examination, **all family members over the age of 18 must attend.**
 - If a family misses an appointment or does not return the forms within the time frame given by HACoLA they will be scheduled for a mandatory meeting. **If the family misses this meeting they will be terminated. The family may request an informal hearing if the Housing Authority has proposed termination.**
 - The Documents needed for a re-examination are:
 - Income for all family members
 - Documentation of assets
 - Documentation of medical or childcare expenses
 - Certified Statement of Family Obligations
 - Consent for Release of Information
 - After the examination, the tenant rent portion can change. If it increases, the family is sent a 30 day notice. If it decreases, it will do so on their anniversary date.
 - In addition to the re-examination of income, the family is also subject to another inspection to make sure that their unit still meets the Housing Quality Standards.

Tips for Completing the Re-Examination

1. Make sure to keep track and make copies of all of the information sent to you by the Housing Authority and the information that you send to them.
2. If you send things by mail, make sure that you send them by registered mail and get a receipt so that you can prove that you did indeed send the information.
3. Make sure the Housing Authority has a valid address so you will receive notices quickly.
4. Disabled people can get more time to finish the examination if they ask the Housing Authority for a Reasonable Accommodation.

How to Keep Section 8

HACLA/City

HACLA/County

Contract Renewal

- Before your anniversary date of your HAP contract, you must go through the re-examination and re-inspection process and must secure a unit for the upcoming lease period in order to retain your voucher.
- After the first year, a landlord may choose to renew the lease or allow the family to remain in the unit on a month to month basis. The owner may also decide that he or she no longer wants to participate in the Section 8 program and not re-sign the HAP Contract.

Moving with Your Voucher

- You can move to another unit with your voucher as long as the new unit meets the Housing Authority's standards, and you notify the Housing Authority ahead of time and cancel your lease within the lease conditions.
- You can only move if you are a tenant in good standing and have lived in your unit for the initial term (1 year).
- You can only move one time in any 12 month period.
- During the first year in the Section 8 voucher program, a tenant must lease a unit in the city where he or she originally applied for assistance. Those who wish to move to another area must consult with the Housing Authority that currently administers their voucher to get more information on portability.
- The family will still retain their original voucher, but they must find another unit and have it approved by the Housing Authority.
- In general, a family can move from the jurisdiction of one Housing Authority to another through a process called portability.
- In Los Angeles County, there are few times when the portability program is suspended. A family may be denied permission to move if:
 - There is not enough funding for the family to receive continued assistance (this will only happen if the family requests to move to a more expensive area.)
 - The family has violated one of their legal obligations.
 - The family is in the initial term (1st year) of the lease when they request their move.

COMMON PROBLEM: No one answers the phone.

While it may be hard to do, try to make a relationship with someone at the Housing Authority who is willing to answer your phone calls. Knowing people on the inside can make dealing with the Housing Authority much easier. Also, if you cannot make this type of relationship, contact an advocacy group who may have a contact inside the Housing Authority who can give you advice or can help you get in touch with an employee.

COMMON PROBLEM: The Housing Authority increased my rent.

If the Housing Authority sends you a notice saying that they are increasing your rent, and you do not think they should be (your income has not gone up, your family size has not changed), do not try to defend yourself in their appeals process without assistance.

1. Contact an advocacy group to represent you in the appeals process (see a list of groups on pages 26 and 27).
2. Be aware that the Housing Authority employees oversee the appeals process.

HACLA/City

HACLA/County

Portability

Portability is the transfer process that enables Section 8 vouchers holders to relocate to other places in the United States. The Housing Authority works with other housing authorities to facilitate the portability process.

To be Eligible:

- You must have a tenant-based voucher.
- You must have been a resident of the City of Los Angeles when you filled out your application or must have lived in the city for the first year of your assistance.
- You cannot owe any money to HACLA or any other Housing Authority.
- You may only move once in any 12 month period unless:
 - It is a life-threatening situation
 - It is for a Reasonable Accommodation
 - The owner and tenant mutually end their lease

Once you decide to move, within Los Angeles or outside, you must:

1. Give your advisor a written request to move
2. Update your application and income
3. Attend a voucher issuance orientation

If eligible, HACLA will issue a voucher valid for 120 days.

Process:

1. Inform your advisor that you would like to “port-out.”
2. Discuss the advantages and disadvantages of moving with your advisor.
3. You will receive a list of Housing Authorities (with addresses and phone numbers) in another area.
4. Contact the HA in the area you would like to move.
5. Follow all of the new Authority’s rules; they may be different than HACLA’s.
6. The new HA will give you the remaining time on the 120 day voucher to find a new unit.
7. You must have enough time left on the voucher to process all of the paperwork.
8. Follow HACLA’s rules for leaving your Los Angeles unit: give the owner 30 days written notice, give a copy of the notice to your advisor, pay the rent, leave the unit in good condition, return the keys to the owner, and notify your advisor when you finally move.
9. Failure to follow this process can result in termination of your voucher.

To be Eligible:

- You must have a tenant-based voucher.
- You must have lived or been employed in Los Angeles County when you signed up for the Section 8 Program.
- Or you must have lived in HACoLA’s jurisdiction for one year.
- Families are only allowed to move once within any 12 month period unless:
 - They are in a life-threatening situation
 - It is for a reasonable accommodation
 - The owner and the tenant mutually end their lease
- Once you do decide to move, whether it is within HACoLA’s jurisdiction or if you decide to “port” out to another Housing Authority, you must go through the same process of inspection and determination of eligibility.

Process:

1. Tell HACoLA where you have decided you want to move.
2. Meet with HACoLA to discuss what the differences will be like. In this meeting you will discuss the difference in payment standards, subsidy standards, and income limits in the new area.
3. Once you decide you want to move, HACoLA will help you to contact and request assistance from the new housing authority.
4. At this point, you must follow the rules of the new Housing Authority regarding finding a unit, search time, inspections, and other relevant regulations.
5. You also have to make sure that you do not leave without having paid your rent, made any repairs to damage in the unit that was caused by your family, and also make sure that you give your landlord at least 30 days notice of your intention to move. HACoLA recommends you give a 60-day notice.

How to Keep Section 8

HACLA/City

HACLA/County

Reasonable Accommodation

- Reasonable Accommodation applies to those people who are otherwise eligible for Section 8 Assistance, but need extra accommodations made because they have a disability. These disabilities need to be verified by your doctor.
 - You can apply for a Reasonable Accommodation if your disability, causes a barrier to accessing or using Section 8, a healthcare provider verifies your need for this accommodation, and the accommodation is reasonable as defined by law.
 - You can apply for a Reasonable Accommodation by completing and returning a “Special Needs Questionnaire” that is included in the Section 8 application. You can also at any time fill out a “Special Requirements Questionnaire” that you can get from your advisor in order to obtain Reasonable Accommodation.
 - Specifically, Reasonable Accommodation includes assistance like: home visits from people with a disability, providing a list of units accessible to the disabled, rescheduling appointments, providing assistance in finding a unit, allowing a larger unit for a live-in aide or medical equipment, extending the period of the Voucher, and allowing an “exception rent” to make the unit more affordable.
 - If a person with a disability locates a unit with needed features, but the unit is too expensive because the VPS is too low or the rent has increased, he/she can request an “exception rent.” This is when the Housing Authority will give up to 110% of the published Fair Market Rent. The need for the unit must be verified in writing by your doctor and it is up to the discretion of the Housing Authority as to how much they will pay.
- Reasonable accommodation applies to those people who are otherwise eligible for Section 8 Assistance, but need extra accommodations made for them because they have a disability.
 - In order to get a reasonable accommodation, you must request one from the Housing Authority.
 - Some of the things that can be reasonably accommodated are: home visits instead of coming in to the HACoLA office, rescheduling appointments, and providing assistance in finding a unit.
 - In order to be allowed to have a reasonable accommodation, requests must be sent to HACoLA.
 - The accommodations will only be allowed if a knowledgeable professional states in writing that they are reasonable and meet the need required by the disability
 - Someone other than the disabled person may make this request on their behalf, but they must have the permission of the disabled person.

COMMON PROBLEM: The Housing Authority is not giving me a reasonable accommodation.

People with disabilities are entitled to certain reasonable accommodations that allows him or her equal access to and benefits from Section 8. To make the process of getting these accommodations easier, get extra help.

1. Before requesting a specific reasonable accommodation, contact an advocacy organization to help you. An advocate can help you through the process and help you show how your request is clearly related to your disability.
2. Make sure your healthcare provider can and will truthfully verify your disability-related need **IN WRITING**.
3. If denied, request a review.
4. If you can, include additional written verification from your healthcare provider for the reviewer to consider.

HACLA/City

HACLA/County

Termination of Vouchers

Assistance is terminated if:

- The family is evicted due to drug related criminal activity or a family member is convicted for a drug-related offense;
- The family is evicted due to violent criminal activity or if any family member is convicted for violent criminal activity;
- The family's eviction is caused by alcohol abuse;
- The family is evicted due to violation of the lease;
- The family leaves behind over \$1,000 worth of damages;
- Any member of the family has committed or commits fraud, bribery, or any other corrupt criminal act in connection with any federal housing program;
- Any adult family member fails to sign consent forms;
- Any of the family obligations or responsibilities is violated;
- The family fails to prove citizenship or immigration status;
- The family does not give and verify Social Security numbers;
- Any adult family member refuses to sign a consent form or submit fingerprints for a criminal record check;
- The family has been re-admitted after a termination "for cause" and is evicted or terminated again;
- Any member of the family is abusive or threatening toward HACLA employees;
- Any member of the family owes money to HACLA or any other PHA for rent or does not make or violates an agreement to repay this money to a PHA;
- The family does not give HACLA a copy of any letter or notice from HUD that gives information about the family's income.

Assistance may be terminated if:

- The family violates any of the obligations listed in the Statement of Family Obligations;
- Any member of the family has engaged or engages in serious lease violations while a resident of federally assisted housing;
- Any family member engages in drug-related or violent criminal activity;
- The family owes rent or any other money to HACoLA or any other Housing Authority;
- A family in the FSS program fails to comply with the FSS Contract of Participation;
- Any member of the family is threatening or abusive toward a HACoLA employee;
- Any family member fails to sign the necessary forms;
- 180 days have gone by since HACoLA last made a rent payment on behalf of the family;
- The family misses appointments with HACoLA. This is considered "not providing all necessary information." Appointments that have rules about how often they can be missed concern:
 - Eligibility for Admissions
 - Verification Procedures
 - Voucher Issuance and Briefings
 - Inspections
 - Re-examinations
 - Appeals (Informal Hearings/Reviews)

How to Keep Section 8

HACLA/City

HACLA/County

Termination Procedures

- When a contract is terminated, HACLA provides 30 days notice to the owner and the family of their upcoming termination.
- If the contract is being terminated for something a family did or failed to do in a previous residence, the family and owner are given 60 days notice.
- In all of these cases, where possible, the owner is told that the family has a right to appeal HACLA's decision.

- When they do decide to terminate assistance, HACoLA must send the family a written notice stating:
 - The reason(s) for the termination
 - The date the termination will go into effect
 - Information about the family's right to request a hearing before the termination is made final
 - The date by which a request for a hearing must be made.
- If no hearing is requested, the family will be sent a final notice of the decision to terminate and the date on which termination begins.

Tips for Success:

Whenever you are appealing a decision made by the Housing Authority, you will be more successful if you have a lawyer or advocacy group represent you in the appeals process. A list of groups that can help is on pages 26 and 27.

Hearings, Reviews, and Complaints

If a tenant requests a hearing, the tenant's voucher cannot be terminated until after a decision is made at the hearing.

Informal Complaint:

- In this process, complaints are brought to the staff member responsible for making the action that caused the complaint. The staff member does an initial review of the action he or she took. If that does not resolve the complaint, it is sent up the chain of supervisors until the problem is resolved.

Possible complaints:

- Extension of Certificates or Vouchers
- Housing Quality Standards and Abatements
- Unauthorized Residents
- Family Composition/Members
- Owner Complaint Regarding Damage
- Unpaid Rent and Vacancy Loss
- Approved Side Payments
- Contract Termination due to owner's non-compliance with Section 8 Rules

Informal Review:

- Applicants can request an informal review if they are told that they do not meet Section 8 program qualifications. Make the request in writing, through certified mail to be sure it was received by HACLA.

Informal Review:

- **Applicants can request an informal review if they are denied admission to the Section 8 Program.**
- When HACoLA denies admittance, the family is notified in writing. The notice contains the reason for the decision, the procedure for requesting an informal review, and the time limit for requesting an informal review.
- To obtain the informal review, the applicant must request a review in writing **no later than 15 days after receiving the notification.**
- At the review, the applicant can offer objections to the decision and may present evidence and witnesses.
- A "Notice of the Review Decision" will be given, in writing, to the applicant within 30 days of the review. It will include the decision and an explanation of the decision.

HACLA/City

HACLA/County

Hearings, Reviews, and Complaints, Cont.

- When they are denied admittance, applicants are told why they were denied and that they have the right to an informal review.
- They have 30 days from this point to request a review.
- The request is then given to the appropriate manager or management level employee.
- Then, the applicant can give written or oral objections to the ruling and provide documents and records to help defend their case.
- The reviewer then makes a decision based on the facts of the case, HUD regulations, and HACLA policies and procedures.
- The reviewer notifies the applicant of the determination in writing and offers a statement on why the decision was made.

Informal Hearing:

The subjects of these hearings are:

- Family's share of rent
- Denial or termination of assistance
- Assignment of specific bedroom size appropriate to the family
- Damages, unpaid rent or vacancy loss claims
- Denial of Certificate or Voucher issuance or re-issuance
- Denial on the basis of citizenship status

Process of the Hearing:

- Affected families are sent written notice 30 days prior to when this action will take place to notify them of:
 - The action HACLA will take
 - The reason for taking this action (including a citation of relevant regulations).
 - Their right to request an informal hearing, and how to go about requesting the hearing
 - The deadline for requesting a hearing

Informal Hearing:

- An informal hearing is used to decide whether decisions made by HACoLA are in keeping with the law, HUD regulations, and HACoLA policies. **It must be offered to the family before HACoLA terminates their assistance.**

Possible Complaints:

- A determination of the family's income and the use of the income to determine the housing assistance payment.
- A determination of the appropriate utility allowance.
- A determination of the family unit size.
- A determination that a certificate program family is living in a unit with a larger number of bedrooms or a determination to deny the family request for a waiver from the HACoLA standards.
- A determination to terminate assistance for a family based on their action or inaction or on their having been absent from the unit for longer than the maximum period allowed.
- A decision to deny a voucher re-issuance, to refuse to agree to a new Contract with the participant, or to terminate assistance.

Process of the Hearing:

- When the matter in question is the determination of the family's income, appropriate utility allowance, or family unit size, HACoLA will notify the family that they can ask for an explanation of the determination and will be told that if they disagree with the explanation they can request, in writing, an informal hearing.
- When the matter in question is a certificate family living in too large of a unit, termination due to family's actions, or too long of an absence from the unit, HACoLA must give the family prompt written notice that they can request, in writing, an informal hearing.

How to Keep Section 8

HACLA/City

HACLA/County

Hearings, Reviews, and Complaints, Cont.

- Once a request for an informal hearing is received, the supervising manager has a pre-hearing conference with the family to try to solve the problem. If this does not work, the hearing request is given to the appropriate Assistant Section 8 Director (depending on the complaint). Also an evidence packet is created which has all the papers, records, requests, and exhibits which will be used by HACLA in the hearing.
- A hearing officer is selected who is not in any way involved in the case. He or she receives all of the relevant documents, and along with the manager who issued the decisions, schedules a hearing time and date “convenient to all parties” and gives the participant **at least 10 days notice of the action.**

The family has a right to:

- Receive one extension (of up to 20 days) to give them more time to prepare
 - Be represented by an attorney or other person (at the family’s expense)
 - Provide an interpreter or other aid to lessen a communication problem
 - Object to any evidence or testimony
 - Bring and examine witnesses
 - Submit evidence and offer explanations and arguments
 - Call, confront, and cross-examine HACLA’s witnesses
 - Receive one copy of all the evidence in the evidence packet
- **If any of these rights are violated, the hearing officer may not terminate or deny assistance.**

Making a Decision:

- The hearing officer makes a written decision based on this evidence which summarizes the facts of the case and if the decision is against the family, informs them of the effective date of this change, and also of their right to contest the decision in court within one year of the date of the decisions.

- When HACoLA has decided to terminate a HAP Contract of behalf of a participant in an active contract, refuse to re-issue a voucher, or refuse to execute a new contract, the family must be given written notice of their right to an informal hearing before the housing assistance payments end.
- Before the hearing, the family can request an appointment to see any documents in their file that are relevant to the hearing. The family must also be allowed to make copies of these documents at the families’ expense. If the document was not available at this point, the Housing Authority cannot use it in the hearing.
- The family must also make all of their documents available to HACoLA or they may not be used during the hearing.
- Timeline: Once the family has requested a hearing, HACoLA will get back to them within 15 days with the date, time and location of the hearing. The family may request to postpone the hearing one time, but the request will only be granted for good cause, and the request to reschedule must be given before the scheduled date and cannot extend beyond the proposed termination date.
- Hearing Officer: The hearing officer may be a HACoLA employee or a third party contracted by HACoLA. He or she cannot be someone involved in making the decision under review or their subordinate.
- Presentations: Each side will be given the opportunity to present its case and present witnesses and evidence as determined by the Hearing Officer. Any witness may be cross-examined by the opposing party.
- Rebuttals/Final Summary: Each side will be able to present a rebuttal to the evidence and a chance to summarize its argument before the hearing ends.
- Conclusion of Hearing: Once the Hearing Officer has heard all of the evidence and testimony, he or she will issue a decision. The decision will be given in writing within 10 days along with an explanation for the decision. Whenever possible, the Hearing Officer will try to get the two parties to mutually agree as long as the agreement is legal and in accordance with HACoLA’s policies.

HOW TO DEAL WITH LANDLORDS AND TENANCY

HACLA/City

HACLA/County

Housing Assistance Payment Contract (HAP)

The **Housing Assistance Payment Contract** or HAP, is the contract signed by the owner and the Housing Authority to outline the rights and responsibilities of the owner. It also has what they call a tenant addendum, which is signed by the tenant and outlines what he or she agrees to do in deciding to live in their unit. In addition, it is a binding document that the tenant can enforce against the owner to which all parties must adhere.

The most important points of the tenancy addendum are:

- The unit must be used as a residence, and only used by the family that was approved by the Housing Authority. There can be no subleasing of the unit or addition of family members without notice.
- The initial rent paid to the owner cannot exceed the amount approved by HACoLA, it cannot be raised in the initial period (1st year), and the rent must be reasonable.
- Each month, the PHA will pay only the amount they determined. The family must pay any portion not covered by the Housing Authority.
- **A failure on the part of the PHA to pay their portion of the rent is not a violation of the lease, and the owner may not terminate the tenancy due to the PHA's non-payment. If you are given a notice of eviction, seek legal assistance and assistance from the Housing Authority immediately.**
- The owner may neither accept nor ask for any payment over and above the rent and utility payments.
- The owner cannot charge the tenant for any supportive services like meals or furniture and cannot charge extra for things that are usually included in the rent to unassisted tenants.
- The owner must maintain the units according to the HQS and must provide all utilities to comply with the HQS, but is not responsible for tenant-caused damages.
- If the HAP Contract terminates for any reason, the lease also terminates.
- The owner may ask for a security deposit, but it must be comparable to security deposits for unassisted units, and the balance must be returned at the end of the tenancy.
- The tenant and owner can make no changes to the guidelines of the tenancy addendum, and any changes in the lease must be in line with the addendum and notice of changes must be given to the PHA.

HACLA/City

HACLA/County

Owner Opt-Outs

Within the first year of tenancy:

- The owner of the unit can only get out of the HAP Contract if the tenant's assistance is terminated or if the tenant does something worthy of a court enforced eviction.
- Examples of this level of behavior are:
 - Disturbing neighbors
 - Destroying property
 - Having living or housekeeping habits that damage the unit or premises

After the initial term:

The owner may terminate the HAP contract if:

- The tenant does not accept the owner's offer of a new lease or a revision of the old lease.
- The owner needs the unit for personal or family use or for something other than a residential unit.
- There is a business or economic reason for the termination of the tenancy.
- The owner may also decide (at the end of a year) that he or she no longer wants to renew the HAP Contract and have a Section 8 tenant.
 - In this case the tenant must find a new residence, but the tenant does not lose his or her voucher, he or she just has to use it on a different residence.

Within the first year of tenancy:

- The owner can only end the HAP contract if the tenant does something which is considered "good cause" for termination.
- Examples of this behavior are:
 - Serious or repeated violation of the lease
 - Violations of federal, state or local law
 - Criminal activity by the tenant or guest of the family
 - Drug-related criminal activity on, or near the premises
 - Disturbance of neighbors, destruction of property, or behavior that damages then unit.
- The owner must provide the tenant and HACoLA with a copy of any notice to move or eviction proceedings. These notices must specify why the action is being taken.

After the first year of tenancy:

- The owner may terminate the contract for any of the reasons listed above, and for:
 - Business or economic reasons,
 - The owner's desire to use the unit for personal, family, or non-residential reasons (the owner must give 90 days notice to both HACoLA and the family).

COMMON PROBLEM: My landlord will not pay for necessary corrections that need to be made to my unit.

Try to work this out with your landlord first. Then instead of deducting the cost of these alterations from your rent payments, and giving the landlord a possible way to evict you, go on the offensive.

1. Correct the problem with your own money, but also continue to pay your full rent portion.
2. Take your landlord to small claims court to have the money you spent fixing up the unit paid back.
3. This way, the correction will be made, you will get your money back, and the landlord will have no grounds for eviction.
4. Seek the legal assistance of one of the agencies on pages 26 and 27 for help in doing this and alert the Housing Authority immediately.

HACLA/City

HACLA/County

Evictions

Grounds for Eviction:

There are two different forms of eviction: tenant-caused evictions, which can occur at any time during a tenancy, or no-fault evictions which can only be employed after the tenant has been living in a unit for one year.

Tenant-Caused Evictions

- Requires a 3-day notice before filing in Court, in which, a tenant can repay the landlord or rectify another form of lease violation
- Grounds for this form of eviction are:
 - Non-payment of rent
 - Lease violation
 - Tenant-caused nuisance or property damage
 - Illegal use of the unit
 - Failure to renew a lease with similar terms to the previous lease
 - Refusal to allow reasonable access to the unit
 - A subtenant, not approved by the landlord, in possession of the unit at the end of the lease term

No-fault evictions (termination of lease)

- Section 8 tenants can be evicted for these reasons only if they have lived at the residence for over 1 year.
- Landlords must give a 90 day notice to Section 8 tenants.
- Grounds for this form of eviction are:
 - Landlord needs to use the unit for himself or a family member; or for a resident manager (if no other unit is available)
 - Landlord plans to demolish or rehab the building
 - Landlord plans to remove the unit permanently from the rental market
 - Landlord plans to put the unit on the private market for economic reasons
 - HUD's repossession of the building

COMMON PROBLEM: The Housing Authority did not pay their portion of the rent/the housing authority abated my rent payment and my landlord is going to evict me.

The Landlord CANNOT evict you if the Housing Authority does not pay their portion!

1. You do not have to pay the rent that the Housing Authority does not pay, but you MUST pay the tenant's portion of the rent, even if the Housing Authority is abating (or lowering) their payments to your landlord.
2. If the Landlord tries to make you pay all of the rent, seek legal assistance from one of the groups listed on pages 26 and 27.

COMMON PROBLEM: I am being evicted illegally or without cause.

If you feel you are being evicted without cause or illegally, contact an advocacy agency listed on pages 26 and 27 for assistance.

HACLA/City

HACLA/County

Resources

<p>Housing Authority of the City of Los Angeles 2600 Wilshire Blvd. Los Angeles, CA. 90057 (213) 252-2500 www.hacla.org</p>	<p>Housing Authority of the County of Los Angeles 2 Coral Circle Monterey Park, CA 91755 (562) 347-4663 http://www.hacola.org</p>
<p>HACLA Property Listings http://www.hacla.org/section 8/home.htm</p>	

Legal Resources

<p>Asian Pacific American Legal Center of Southern California 1145 Wilshire Blvd, 2nd Floor, Los Angeles, CA 90017 213-977-7500</p>	<p>Coalition for Economic Survival 1296 North Fairfax Ave. Los Angeles, CA 90046 (323) 656-4410</p>
<p>Public Counsel Law Center Section 8 Housing Advocacy/Eviction Defense Project 610 S. Ardmore Ave. Los Angeles, CA 90005 (213) 385-2977 x149</p>	<p>Eviction Defense Network 1605 W. Olympic Blvd., Suite 502 Los Angeles, CA 90015 (213) 385-8112</p>
<p>HIV & AIDS Legal Services Alliance, Inc. (HALSA) 3550 Wilshire Boulevard, Suite 750 Los Angeles CA 90010 213.637.1690 http://www.halsaservices.org</p>	<p>Western Center on Law and Poverty 3701 Wilshire Boulevard, Suite 208 Los Angeles, CA 90010-2809 (213) 487-7211 http://www.wclp.org info@wclp.org</p>
<p>Disability Rights Legal Center 919 Albany Street Los Angeles, CA 90015 (213) 736-1334 (voice) (213) 736-8310 (TDD) http://www.disabilityrightslegalcenter.org</p>	<p>Los Angeles Center for Law and Justice 1241 S. Soto Street, Suite 102 Los Angeles, CA 90023 (323) 980-3500 Housing Rights Clinic to provide free and low cost legal assistance every Monday and Wednesday from 4:00 p.m. to 7:00 p.m. (last intake at 6:30 p.m.). http://www.laclj.org</p>
<p>Mental Health Advocacy Services, Inc. 3255 Wilshire Blvd. #902 Los Angeles, California 90010 (213) 389-2077 http://www.mhas-la.org/ info@mhas-la.org</p>	<p>Protection and Advocacy, Inc. 3580 Wilshire Blvd., Suite 902 Los Angeles, CA 90010 (213) 427-8747 TTY: 1-800-781-4546 Toll Free: 1-800-776-5746</p>
<p>Los Angeles Housing Law Project 1125 West 6th St., Suite 300 Los Angeles, CA 90017 (213) 481-0134</p>	<p>Housing Rights Center 520 South Virgil Ave., Suite 400 Los Angeles, CA 90020 (213) 387-8400 (800) 477-5977</p>

HACLA/City

HACLA/County

Resources

<p>Neighborhood Legal Services of Los Angeles County (800) 433-6251 http://www.nls-la.org/</p> <p>Pacoima 13327 Van Nuys Boulevard Pacoima, CA 91331</p> <p>El Monte 9354 Telstar Avenue El Monte, CA 91731</p> <p>Glendale 1102 E. Chevy Chase Drive Glendale, CA 91205</p> <p>Antelope Valley Self-Help Legal Access Center Michael D. Antonovich Courthouse 42011 4th Street West, 3rd Floor - Room 3920 Lancaster, CA 93534</p> <p>Inglewood Self-Help Legal Access Center Inglewood Courthouse 1 Regent Street, 1st Floor, Room 107 Inglewood, CA 90301</p> <p>Long Beach Self-Help Legal Access Center Long Beach Courthouse 415 West Ocean Boulevard 5th Floor, Room 50 Long Beach, CA 90802</p> <p>Pomona Self-Help Legal Access Center Pomona Courthouse 400 Civic Center Plaza 7th Floor, Room 702 Pomona, CA 91766</p> <p>Van Nuys Self-Help Legal Access Center 14400 Delano Street Van Nuys, CA 91401</p>	<p>Legal Aid Foundation of Los Angeles 1-800-399-4529 http://www.lafla.org</p> <p>Central Office 1550 W. 8th St. Los Angeles, CA 90017 Tel: (213) 640-3881</p> <p>South Central Office 8601 S. Broadway Ave. Los Angeles, CA 90003 Tel: (213) 640-3884</p> <p>Long Beach Office 110 Pine Ave., Suite 420 Long Beach, CA 90802 Tel: (562) 435-3501</p> <p>East LA Office 5228 Whittier Blvd. Los Angeles, CA 90022 Tel: (213) 640-3883</p> <p>Santa Monica Office 1640 5th St., Suite 124 Santa Monica, CA 90401 Tel: (310) 899-6200</p> <p>West Office 1102 Crenshaw Blvd. Los Angeles, CA 90019 Tel: (323) 801-7989</p> <p>Housing/Eviction Defense Unit 1550 W. 8th St. Los Angeles, CA 90022 Tel: (213) 640-3881 Fax: (213) 640-3850 Emergency Line: (213) 487-7609</p>
<p>Bet Tzedek Legal Services 145 S. Fairfax Ave., #200 Los Angeles, CA 90036 (323) 939-0506</p>	<p>Inner City Law Center 1325 E. 7th St. Los Angeles, CA 90021 (213) 891-2880</p>

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