

# **Section 8 Housing Choice Vouchers**

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Learn about your responsibilities under the Section 8 Voucher program, and what rights you have if the Housing Authority (HA) tries to take your voucher away.

## **1. Fast facts**

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If you have a “[Housing Choice Voucher \(https://www.hud.gov/helping-americans/housing-choice-vouchers-tenants\)](https://www.hud.gov/helping-americans/housing-choice-vouchers-tenants),” also known as a “Section 8 voucher,” you can use the voucher to pay all or part of your rent. Section 8 vouchers are “portable” which means you can move to a different place and take your voucher with you.

Subsidized housing programs, including the Section 8 Voucher program, provide additional protections, but also additional requirements.

If you have a Section 8 voucher, you will need to work with the Housing Authority (HA) that manages the program to make sure that you understand the rules. Understanding the rules of the program, along with your rights and duties, will help prevent losing this valuable resource.

If you have a Section 8 voucher, you may lose your voucher if you do not follow the program obligations or terms of your rental agreement.

## **2. Finding housing**

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## I just got my voucher. What do I need to do?

After getting a Section 8 voucher, you should get a verbal briefing from someone at the Housing Authority about the program rules. You should also receive a briefing packet (written documents) that explain the terms of the voucher and how to request extensions.

Once you get a voucher, you should get at least 60 days voucher to find rental housing. You can read this in the federal law at 24 CFR § 982.303(a) (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-G/section-982.303>). Some housing authorities will give you 90 or 120 days to find housing. Make sure you know when the term to find housing ends.

If you can't find a unit within that time (called a “voucher term”), you can **request an extension in writing** from the Housing Authority **before the voucher term expires**.

You will need to show the Housing Authority how you have tried to find a new place and explain why you need more time. You may need to share a list of places you visited and applied for and when you applied. If your rental applications are denied, you may need to share the reasons you were given with the Housing Authority.

If you or a member of your household needs more time to find housing because of a disability, you can request an extension of the initial voucher term as a reasonable accommodation. Federal law (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-G/section-982.303>) requires that Housing Authorities make the program accessible to people with disabilities, by extending the voucher term when needed because of a disability. The federal law regarding allowing extensions to the housing search can be found at 24 CFR 982.303(b) (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-G/section-982.303>).

It is the Housing Authority's choice to decide if they will give you an extension. The Housing Authority must tell you in writing if your extension request has been approved or denied. Your voucher term is on “pause” (suspended) until you get a decision in writing from the Housing Authority. You can read this at 24 CFR § 982.303(c) (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-G/section-982.303>).

If the Housing Authority takes your voucher away before you could find housing, try to get legal help right away.

### **A landlord said they don't accept Section 8 Vouchers. Is that legal?**

No. It is illegal for landlords in Washington state to discriminate against tenants and potential tenants based on their source of income. That includes if a tenant has a Section 8 voucher.

It is illegal for a landlord to deny your tenant application because you have a Section 8 voucher or for a landlord to say that you don't make enough income to qualify for the rental unit even though the voucher covers the rent amount. It is illegal for a landlord to treat you differently than other tenants without a Section 8 Voucher, such as charging more for a security deposit.

Make sure to write down the place you applied to and the name of the person you spoke with, including dates and times. Try to get proof that the landlord does not accept Section 8, such as an email or a screenshot of their posted listing. You may be able to sue the landlord for source of income discrimination.

If you have been denied housing because you have a Section 8 voucher, try to get legal help right away.

## **3. Leasing up**

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Before your voucher term expires, you will need to go through the "lease up process" with the Housing Authority and the potential landlord.

After your application is accepted by a landlord, you and the landlord must sign a **Request for Tenancy Approval (RTA)** form and submit it to the Housing Authority.

After receiving your Request for Tenancy Approval, the Housing Authority should set a time and date for an **inspection of the rental unit**. The rental unit must pass a **Housing Quality Standards Inspection** or you cannot use your voucher there.

After the rental unit passes the inspection and the Housing Authority approves you to use your voucher there, you must **sign a 1 year lease term** with the landlord.

## 4. Voucher holder obligations

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### What are my duties as a tenant with a Section 8 Voucher?

The Housing Authority's term for the rules your household must follow are called your obligations (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-L/section-982.551>).

While you are in the voucher program, you must do the following to stay in the program:

- You and your family must be the only ones living in the unit. Only approved family members can live with you. The Housing Authority will probably have a limit on how long guests may stay with you per **calendar year**. It may be 14 days or fewer. The guest stay limit may depend on your local Housing Authority and/or your lease. You must request written permission for guests to stay beyond this limit **before** they stay with you.
- You must pay your tenant share (called "Total Tenant Payment" or "TTP") of the rent on time each month.
- You must follow the terms of your lease.
- You must keep your place clean.
- You must allow the landlord and the HA to inspect the unit at reasonable times and after reasonable notice.
- You must attend all of your scheduled appointments with the HA. If you cannot make an appointment, write to request rescheduling **before** the date of the appointment.
- You must cooperate with the annual HA's recertification (review of income) process
- You must notify the Housing Authority if the income of anyone in your household changes, either goes up or down
- You must notify the Housing Authority about any changes to your household: if anyone moves out, or wants to move in.
- You must give your landlord and the HA written notice when you plan to move from the unit.
- You must not participate in any illegal or criminal activity.

The regulations that cover these tenant obligations are found at 24 CFR § 982.551 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-L>).

## 5. Landlord problems

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### **My landlord asked me to pay more money than my tenant portion of rent. Should I pay it?**

No. Paying more than your tenant portion or making "side payments" to a landlord when using a Section 8 Voucher is illegal and considered a violation of the program rules. You should not pay any additional rent beyond the amount the Housing Authority said you should. If you do, you can lose your voucher and may even face criminal charges if you knew you were not supposed to make the "side payments."

If your landlord asks for additional payments, you should report it to your Housing Authority right away.

If you have been paying your landlord more than you were told by the Housing Authority to pay, you should try to get legal help right away.

### **My landlord gave me an eviction notice. Will the HA stop paying their share of the rent?**

No, not yet. The HA cannot stop paying your landlord simply because of an eviction notice.

Under the Section 8 Voucher program, landlords must provide the Housing Authority a copy of any eviction notice or notice to vacate.

An eviction notice, termination notice, or a notice to vacate is a warning from your landlord. If you are still living in the place past the last day of the time period on the notice, your landlord may start the court eviction process (called an "Unlawful Detainer Action") and serve you with court papers called a Summons and Complaint. Landlords cannot remove you from the rental or lock you out without a court order signed by a judge. Try to get legal help if you get eviction court papers.

Renters with low incomes may be appointed a free lawyer before a court may proceed with an eviction. If you receive a Summons and Complaint, call our **Eviction Defense Screening line** at **1-855-657-8387** or apply online (<https://nwjustice.org/apply-online>) to find out if you qualify.

If you are evicted, the Housing Authority may send you a Pre-Termination Notice stating they are terminating your voucher.

## 6. Voucher termination

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### I got a Pre-Termination Notice. What does that mean?

The Housing Authority must tell you in writing if they plan to take away your voucher, with a Pre-Termination Notice. If you get a Pre-Termination Notice, this is your warning letter from the Housing Authority before they decide to take away your voucher.

The Housing Authority must give you an opportunity to fight the decision, called an “informal hearing.” You must request an informal hearing in writing before the deadline given.

Keep a copy of your hearing request, including proof you sent the request on time.

You may request a copy of your housing file from the Housing Authority to prepare for the informal hearing.

The Housing Authority should write to you, telling you the date and time of the hearing, including where the hearing will be held (in person or online). If the hearing date does not work for you because of a conflict, you must write to reschedule the hearing before the hearing. You must get confirmation in writing that the hearing was changed. Otherwise, if you do not show up to the hearing, you may lose your case and the decision to take away your voucher will be upheld.

## **I got a letter saying the HA is terminating my voucher. How do I fight the HA's decision to take away my voucher?**

The Housing Authority must promptly tell you in writing why they are taking away your voucher. The HA must tell you that you have the right to ask for an informal hearing to fight the decision. You must make your request by the deadline given by the Housing Authority. You should make the request in writing and keep a copy for yourself, including proof you requested the hearing before the deadline.

If you already requested an informal hearing after receiving a Pre-Termination Notice, you may still ask for another informal hearing if you receive a Termination Notice to take away your voucher.

The Housing Authority should not stop paying your landlord before you have had an informal hearing.

If you get a Pre-Termination Notice or Termination Notice, try to get legal help right way.

## **Voucher termination reasons**

Housing Authorities may use a long list of reasons to take away vouchers. Violation of any of the above duties (breaking the program rules) may result in termination from the Housing Choice Voucher program.

The Housing Authority may take away your voucher for:

- Breaking any of the program's obligations. For example, providing false information, or not providing required information about income or household changes to the Housing Authority on time
- Criminal activity that threatens the health and safety of others or repeatedly disturbs them
- Violent criminal activity
- Drug-related criminal activity, including cannabis
- Allowing a guest to engage in criminal or drug-related activity
- Not paying rent on time
- Not paying utilities if you are responsible for them under the lease
- Missing recertification appointments
- Missing inspections or not allowing inspections
- Allowing an unapproved person to live in the unit or stay too many nights
- Not living in the unit
- Getting evicted by the landlord

There are situations where the Housing Authority is required by law to take away a Section 8 voucher:

- Your landlord evicts you for breaking serious lease rules.
- A court convicted someone in your household of making methamphetamine on the premises
- Someone in your household is engaging in illegal drug use that affects the health and safety of other residents
- Someone in your household does not sign consent forms to verify income or household information
- If you don't give the HA evidence of citizenship or eligible immigration status

However, the HA must have sufficient evidence to support taking away your voucher in these situations.

You can read about this in the law at 24 CFR § 982.552 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-L/section-982.552>) and 982.553 (<https://www.ecfr.gov/current/title-24/subtitle-B/chapter-IX/part-982/subpart-L/section-982.553>).

The Housing Authority should have a document called an “Administrative Plan” that lays out the required reasons to take away a voucher (“mandatory grounds for termination”).

## **Can they take away my voucher because I am a domestic violence victim?**

If you are an applicant for a Section 8 voucher program or have a Section 8 voucher, you are protected by the **Violence Against Women Act (VAWA)**. Under VAWA, if you are a victim of domestic violence, dating violence, sexual assault or stalking:

- You can't be denied admission to the Section 8 Voucher program just because you are or have been a victim of violence or threats of violence
- You can't be evicted or lose your voucher just because you are or have been a victim of violence or threats of violence
- You can't be denied admission or lose your subsidy for reasons related to the abuse, such as bad credit history and criminal history.

If you are being denied a voucher or you feel the Housing Authority wants to take away your voucher for this reason, try to get legal help right away.



Housing Authorities are also required under VAWA to assist victims with taking the abuser off the voucher and/or providing a victim with an emergency transfer voucher. You may fill out HUD Form 5382 (<https://www.hud.gov/vawa#openModal>) or submit a written request in writing for help.

Tenants or household members who are survivors of domestic violence, sexual assault, stalking or unlawful harassment also have protections under Washington's Residential Landlord-Tenant Act and may be able to move out or change the locks to prevent violence.

However, a survivor of domestic violence, dating violence, sexual assault, or stalking can still lose their voucher for serious or repeated lease violations that aren't related to the abuse. For example, if you don't report an income change to the HA, the HA may use this reason to take away your voucher.

## 7. Housing Authority hearings

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### **What happens at the hearing and how do I prepare for it?**

The Housing Authority appoints someone neutral as a Hearing Officer to conduct the hearing.

If the hearing officer is not neutral, you can make an objection for the record and ask for a new hearing officer.

Before the hearing, you should ask to inspect your tenant file and copy all documents related to the termination of your voucher. These may include:

- your lease
- the Voucher Contract
- written complaints
- repayment agreements
- witness statements
- damage claims
- police reports

Ask the HA which documents they plan to use at the hearing. The HA may not use any documents at the hearing it did not let you see beforehand.

You can have a lawyer or other representative at the hearing. You can also represent yourself.

You can present evidence and question witnesses.

### **How does the HA decide to take away a voucher?**

The HA can consider all circumstances, including:

- the seriousness of the case
- how involved individual household members were
- how taking away the voucher will affect household members who were not involved

The HA might let you keep your voucher if you agree that certain household members move out.

### **How will I find out the HA's decision on the hearing?**

The hearing officer sends you a written decision, including their reasons.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.