Subsidized housing

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Tenants in subsidized housing must follow the program's rules and requirements to keep their subsidy, and also may file a grievance and ask for a hearing to dispute Housing Authority actions.

1. Fast facts

Subsidized housing includes many different programs where tenants receive rent assistance or pay a reduced amount of rent. Tenants in subsidized housing usually pay about 30 – 40% of their household income in rent.

Some rent assistance comes in the form of a portable voucher, like a Section 8 Housing Choice Voucher. Voucher holders rent from private landlords and pay only a portion of the rent, while the Housing Authority that issues the voucher pays the rest.

This guide is about project-based subsidized housing, where rent assistance is attached to the rental units or building and do not move with the tenant.

All tenants in subsidized housing programs are covered under Washington's Residential Landlord-Tenant Act (http://apps.leg.wa.gov/rcw/default.aspx?Cite=59.18). In general, tenants in subsidized housing have some additional protections that tenants who do not live in subsidized housing have. But tenants in subsidized housing may have additional requirements or rules to follow or they may lose their subsidy.

Many subsidized housing projects are administered through the U.S. Department of Housing and Urban Development, including:

- Public housing (https://www.hud.gov/helping-americans/public-housing) which is managed by a public Housing Authority

and

- Project-Based Section 8 Housing (https://www.hud.gov/helping-americans/housing-choice-vouchers-project) (sometimes called HUD Housing)

The U.S. Department of Agriculture also administers some subsidized housing projects through the Section 515 Rural Development Multi-Family Housing (https://rdmfhrentals.sc.egov.usda.gov/RDMFHRentals/select_county.jsp?st=WA&state_name=W program.

There are also Low-Income Housing Tax Credit (LIHTC) (https://www.google.com/maps/d/viewer?mid=144djh7B3aVb6HTN-RrwR7cE05UXa3qk&ll=47.31501030667521%2C-120.8236292&z=6) properties, which are privately owned but have more affordable rents.

Sometimes it can be difficult to understand which program administers the property where you live. You can ask your landlord and read your lease which

should say which program's rules apply to you.

2. Grievance procedure

Generally subsidized tenants have the right to appeal decisions or actions taken by the Housing Authority.

For example, you may file a grievance if the Housing Authority:

- doesn't make needed repairs
- raises how much you owe in rent
- charges you for maintenance or other fees
- denies your request to add someone to the lease
- denies your reasonable accommodation request
- claims you are violating the lease
- gives you an eviction notice

If you file a grievance, you should get a chance to meet with someone at the Housing Authority and resolve a dispute without having to go to court.

The grievance procedure is not meant to resolve disputes with other tenants.

Asking for a grievance hearing

If the Housing Authority gives you a rent increase notice or an eviction notice, it will usually have information about how to ask for a grievance hearing in the notice or along with it. It should list any deadlines for requesting a hearing, which may be 10 days from the time you received the notice.

You may ask for a grievance hearing verbally or in writing. If you file a grievance hearing request in writing, make a copy of your written request. Ask the Housing Authority employee who receives it to date-stamp your copy so you can show when you filed it.

If you are unsure about how to ask for a grievance hearing, try to get legal help.

Informal settlement conference

The Housing Authority may require you to attend an "informal settlement conference" which is a meeting that is less formal than a hearing.

You can ask to review and copy any documents in your tenant file that relate to the issue you're having with the Housing Authority.

At the informal settlement conference, you may meet with a Housing Authority employee, present your side of things, and possibly resolve the dispute.

After the informal settlement conference, the Housing Authority should give you a written summary about the meeting, including who attended, what the Housing Authority decided, and why. You should also get a notice stating how to request a formal grievance hearing with a deadline to request it.

Going to the hearing

Whether or not you have to go to an informal settlement conference, if you request a formal grievance hearing, you should get a notice stating when and where to attend the hearing.

The Housing Authority should assign someone neutral to conduct the hearing.

You can ask to review and copy any documents in your tenant file that relate to the issue you're having with the Housing Authority. These may include your lease, written complaints, eviction notices, payment reports, inspection reports, or witness statements.

At the hearing, you should be able to bring someone with you to help you if you need it.

You can also ask for an interpreter or a reasonable accommodation of your disability.

You can bring your own evidence and witnesses to help present your side of things. You can challenge the evidence that the other side offers.

After the hearing

The hearing officer should write their decision and give it to you within reasonable time, usually within 10 days. The written decision should state what facts and evidence they used to make it. The officer should not rely on any documents or other evidence that was not presented at the hearing.

If you disagree with the hearing officer's decision, try to get legal help.

3. Evictions

Subsidized housing programs have rules about when a tenant can be evicted in addition to the legal reasons that landlords can evict tenants in

Washington.

Generally, Housing Authorities must have a "good cause" to try to evict you, for example:

- not paying rent
- breaking a major rule in the lease
- repeatedly breaking rules in the lease
- making false statements to the Housing Authority
- allowing criminal or drug-related activity within your rental unit

If you get an eviction notice in subsidized housing, it may have information about asking for a grievance hearing.

If you're worried you may not be able to resolve things in a grievance hearing, try to get legal help.

Does the eviction notice have to be delivered in a certain way?

Yes. Your landlord must either (1) personally serve, or (2) post **and** send you a written eviction or termination notice by certified mail.

Your landlord (or their employee or agent) can **"personally serve"** you at your home by handing you the notice.

Your landlord can also hand it to another adult or older teenager living with you. If your landlord hands it to someone else who lives with you, they must also send you a copy of the notice by certified mail.

If your landlord repeatedly tries to give the notice to you or someone you live with but fails, then your landlord may post the notice on your door. If the notice is posted to the door or somewhere obvious (e.g., on the gate), your landlord must also send you a copy of the notice by certified mail.

Eviction notices do not have to be notarized or printed on special court papers. Your landlord may type or even hand write it.

Termination notices or eviction notices sent by text message, voicemail, email, or verbally are not proper notices under RCW 59.18.

If your landlord does not deliver the eviction notice to you properly, you may have a defense to an eviction case if your landlord files one against you.

If you are personally served, your landlord may file an eviction lawsuit on the day after the deadline on the notice. If your landlord delivers the notice by mail, then they must wait 5 additional days before starting an eviction lawsuit against you.

Try to talk to a lawyer right away if your landlord sends threats to evict you or gives you a termination notice.

Can my landlord force me out by giving me an eviction notice?

No. Washington law requires landlords to follow a court eviction process (called an "Unlawful Detainer Action") to evict a tenant (force a tenant to move). The first step in the process is delivering a termination or eviction notice. Your landlord also cannot lock you out or shut off your utilities to try to force you to move.

After the deadline on the notice expires, your landlord may then file an eviction lawsuit against you. You should then receive court eviction papers (called a Summons and Complaint), which you must respond by the deadline on the Summons.

> 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.

After you respond, you should have an opportunity to go to an eviction court hearing in front of a judge. Only if the judge signs an order to evict you and the sheriff posts the eviction order on your door can you be forced to move.

After the time period on the notice passes

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.