How to Protect Your Section 8 Voucher

Introduction
Your section 8 voucher is a valuable benefit. It helps you and your family to have affordable and stable housing. It is important not to lose it.

The most important thing you can do to protect your voucher is to avoid violating any of your duties as a tenant or voucher holder.

Follow the lease and all landlord tenant rules, including paying your rent in a timely manner. If a problem comes up, try and deal with it before it puts your voucher at risk.

This publication explains in more detail:

- your responsibilities under the Section 8 Voucher program, and
- what rights you have if the Housing Authority (HA) tries to cut off your voucher.

Should I use this publication?
There are many different types of HUD programs. **Use this publication only if you have a Section 8 voucher.**

Do what you can to work out any problems with your landlord before you end up in court. If you cannot, and s/he does file an eviction lawsuit, it is important to challenge the eviction lawsuit. If you do not, you could lose your voucher. The law says the

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1. **when may the Housing Authority (HA) terminate me from the voucher program?**

   There is a long list of reasons. See Appendix A at the back of this publication for the full list.

   The Housing Authority **does not have to** cut off your voucher for any of the reasons listed in the appendix. It may decide to anyway.

   **The HA told me they have to proceed to cut off my voucher. Is that true?**

   There are four situations where the Housing Authority **must** proceed to cut off your voucher. **This does not mean they have the evidence to do so successfully or that you have no defenses.** It just means they must go ahead with the termination.

   1. if your landlord successfully evicts you in a lawsuit based on a serious lease violation;

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1 We have other publications at [www.washingtonlawhelp.org](http://www.washingtonlawhelp.org) on the rights tenants have in other kinds of housing, including Public Housing, Section 515 Housing, and HUD Housing (Substantial Rehab and New Construction).
2. if anyone in your household was convicted of the manufacture or production of meth on the premises of federally assisted housing;

3. if any household member does not sign the requested consent forms to allow the HA to verify your household’s continued voucher eligibility; and

4. if your household does not submit the required evidence of citizenship or eligible immigration status.

What are my family obligations under the voucher program?

“Family Obligations” is the term the housing authority uses for the rules you, and anyone living with you, must follow. They fall into three categories.

1. Rules that require you to be a good tenant, the same as any private landlord would require. This means you must obey landlord-tenant law, follow the requirements of the lease, not commit any criminal acts, and pay your portion of the rent on time. Other “Family Obligations” include:
   - not committing any serious or repeated violation of the lease;
   - not engaging in violent or drug-related criminal activity;
   - allowing the HA to inspect the premises at reasonable times, after reasonable notice;
   - promptly giving the HA a copy of any eviction notice you get from your landlord.

2. Rules that require you to give the Housing Authority accurate information, both in your application for public housing and when required to update your information, including:
   - supplying all the information the HA needs for the administration of the program and for re-certification;
   - letting the HA know whenever the number of people in your household changes;
   - giving the HA any verification that your household is living in the unit or that is related to your household’s absence from the unit; and
   - not committing fraud (knowingly giving false information) in the program.

3. Rules that require you to use the unit only for your own and primary housing under the terms the housing authority specifies, including:
   - using the unit only as your household’s main residence;
   - not subleasing, transferring or owning the unit;
   - not getting housing assistance from another program at the same time and;
   - notifying the HA before you move out.

Does being the victim of domestic violence put my voucher at risk?

Not for you. An incident of actual or threatened domestic violence, dating violence or stalking is not grounds for cutting off your voucher. The HA can use the incident as grounds to cut the perpetrator off the voucher, if the perpetrator lives with you. You may need to
take steps to legally remove a violent or disruptive person from your household, such as getting a Protection Order against a violent child or one that commits criminal acts.

**I owe the HA money. What can I do to keep my voucher?**

The Housing Authority may cut off your voucher at any time if you owe them - or another HA - any money. The HA may offer you an agreement to pay in installments what you owe. If you owe the Housing Authority money, do your best to negotiate a reasonable repayment agreement.

**I entered into an agreement with the HA to reimburse them for a damage or vacancy claim. I missed a payment. What can I do to keep my voucher?**

Breaking a repayment agreement with the Housing Authority is very serious. It is grounds to cut off your assistance. If you think you will miss a payment under an agreement, contact social service agencies or family for financial assistance, or try to make other arrangements with the HA. If an emergency, such as a documented need to visit an ailing relative or unexpected medical cost, comes up that prevents you from making a payment, contact the housing authority. Explain the situation before you miss the payment.

**I had a drinking problem in the past. I am in recovery now. Will the HA proceed to cut off my voucher?**

Maybe. The landlord may terminate the lease if you or member of your household has abused alcohol that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents. Under the Voucher program’s rules, you may be able to persuade the HA to let you keep your voucher if:

- the user is currently in recovery or treatment and
- you can show proof of participation in or completion of a treatment program.

![If a member of your household is abusing illegal drugs or alcohol, the HA may ask you to take that person off the lease as a condition of keeping your voucher.]

**I got an eviction notice from my landlord. Will the HA stop paying their share of the rent to my landlord?**

**NO, not yet.** The HA cannot stop making payments to your landlord simply because the landlord sent you an eviction notice. If you receive an eviction notice from your landlord, you should immediately provide the HA with a copy of it. If you disagree with the allegations in the eviction notice, tell the HA you plan to contest the eviction so they do not stop paying your landlord.

Try to work out any problems with your landlord. If you cannot, and your landlord brings an eviction lawsuit (also called an unlawful detainer action), you can defend yourself in the eviction action. Our packet called *Eviction and Your Defense* has more information about your rights, as well as forms and instructions. You should immediately call CLEAR 1.888.201.1014 if...
you get an eviction notice or court summons.

- The HA must continue paying your landlord until the eviction becomes final by court order or you voluntarily move.

Will the HA proceed to cut off my voucher if my landlord succeeds in evicting me?

It depends, but probably. If the HA determines that you have been evicted for a serious lease violation, then the law says the HA must cut off your voucher.

The HA could determine that any lease violation that results in a court-ordered eviction is a serious lease violation. You still have the right to ask for an informal hearing to contest the HA's decision to terminate your voucher. (See next section.) It will be very hard to challenge the HA's decision if it is based on a court-ordered eviction. Call CLEAR immediately to find out whether you have a defense to an eviction.

How do I challenge the HA's decision to cut off my voucher? How do I prepare for the hearing challenging the HA's decision to cut off my voucher?

The HA must promptly tell you in writing of the reason for their decision to cut off your voucher. You have the right to ask for an informal hearing to contest the decision. You must make your request by the deadline given by the HA. Otherwise, you lose your right to contest the termination.

The hearing must be conducted by a neutral party appointed by the HA. The hearing officer may not be the person who made or approved the decision, or someone who works for that person. If the hearing officer is not neutral, make your objection for the record and ask for a new hearing officer.

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

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

Ask the HA to tell you which documents it plans to rely on at the hearing so you can prepare to challenge their evidence. The HA may not use any documents at the hearing it did not make available to you before the hearing.

You may have a lawyer or other representative at the hearing. (You do not need to have someone represent you.) You can present evidence and question
witnesses. The hearing officer will issue a written decision stating the reasons for the decision and send you a copy.

How does the HA decide whether to cut off a voucher?
The HA may consider all of the circumstances in each case, including:

- the seriousness of the case;
- the extent of participation of individual household members; and
- the effects of termination on other household members who were not involved.

The HA may impose, as a condition for continued assistance, that household members who participated in the violation move out. See the section above on drug or alcohol abuse if that is the issue.

The information here is general information only. For help with your own personal situation, get advice from a lawyer.

How can I get legal help?

- Apply online with CLEAR*Online - http://nwjustice.org/get-legal-help or
- Call CLEAR at 1-888-201-1014

CLEAR is Washington’s toll-free, centralized intake, advice and referral service for low-income people seeking free legal assistance with civil legal problems.

- **Outside King County:** Call 1-888-201-1014 weekdays from 9:10 a.m. until 12:25 p.m. CLEAR works with a language line to provide interpreters as needed at no cost to callers. If you are deaf or hard of hearing, please call 1-888-201-1014 using your preferred TTY or Video relay service.

- **King County:** Call 211 for information and referral to an appropriate legal services provider Monday through Friday from 8:00 am – 6:00 pm. You may also call (206) 461-3200, or the toll-free number, which may be useful when calling from a pay phone, 1-877-211-WASH (9274). 211 works with a language line to provide interpreters as needed at no cost to callers. Deaf and hearing-impaired callers can call 1-800-833-6384 or 711 to be connected to a relay operator at no cost, who will then connect them with 211. Information on legal service providers in King County may also be accessed through 211’s website at www.resourcehouse.com/win211.

- **Persons 60 and Over:** Persons 60 or over may call CLEAR*Sr at 1-888-387-7111, regardless of income.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of May 2013.

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APPENDIX A: REASONS A HOUSING AUTHORITY MAY CUT OFF YOUR VOUCHER

“Family Obligations” applies to anyone in your household, whether or not they are your blood relative.

- Your household violates any family obligations under the program (see the section called “What are my family obligations under the voucher program”);
- Any member of your household has been evicted from federally assisted housing in the past five years;
- Any HA has ever cut off assistance to a member of your household;
- Anyone in your household commits fraud, bribery or any other corrupt or criminal act in connection with any federal program;
- Your household currently owes money to your current HA or another HA in connection with the Voucher program or a public housing program;
- Your household has not reimbursed any HA for, damages to the unit, or anything else your household owed under the lease;
- Your household breaches a repayment agreement with any HA;
- Your household has engaged in or threatened abusive or violent behavior toward HA employee/s;
- Your household fails, on purpose and again and again, to meet your obligations under the Move to Work program;
- Anyone in your household commits drug-related criminal activity or violent criminal activity on or near the rental premises;
- Anyone in your household is fleeing to avoid prosecution, custody, or confinement after conviction, for a crime or an attempt to commit a felony;
- Any household member is violating a condition of probation or parole;
- Any household member has engaged in abuse of alcohol that threatens the other residents;
- Your household has been absent from the unit more than 180 days.