

Protecting Your Section 8 Voucher

Intro

Your section 8 voucher helps you and your family have affordable, stable housing. **You must try not to violate any of your duties as a tenant or voucher holder.** Follow the lease and all landlord tenant rules, including paying your rent on time. If a problem comes up, try and deal with it before it puts your voucher at risk.

This explains in more detail:

- Your responsibilities under the Section 8 Voucher program.
- What rights you have if the Housing Authority (HA) tries to take away your voucher.

Should I read this?

There are many different types of HUD programs. **Read this only if you have a Section 8 voucher.**

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- ❖ Other publications at www.washingtonlawhelp.org explain your rights in other kinds of housing.
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I have been having problems with my landlord. Can I just use my voucher to move?

You should first try to work out any problems with your landlord before you end up in court.

The landlord just filed an eviction case against me in court. Do I have to fight the lawsuit?

If you do not, you could lose your voucher. The Housing Authority must take away your voucher if your landlord evicts you for breaking

serious lease rules. The HA might think any lease rule you break and get evicted for is serious.

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- ❖ If your landlord tries to evict you, see our Eviction resources on Washington LawHelp.
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Why would the Housing Authority take away my voucher?

There is a long list of reasons. See Appendix A at the end of this publication.

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

The HA told me they have to end my voucher. Is that true?

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- ❖ Even if true, the HA must have the evidence to take away your voucher.
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Only when:

1. Your landlord evicts you for breaking serious lease rules.
2. A court convicted someone in your household of making meth manufacture on the premises of federally assisted housing.
3. Someone in your household does not sign certain forms for or give evidence of citizenship or eligible immigration status to the HA.

What are my family obligations under the voucher program?

“Family Obligations” is the housing authority’s term for the rules your household must follow.

- You must obey landlord-tenant law, follow the lease, not commit crimes, and pay your share of the rent on time.
- Do not break serious lease rules.
- Do not break a lease rule repeatedly.
- Do not commit violent or drug-related crimes.
- Let the HA inspect the premises at reasonable times, after reasonable notice.
- Promptly giving the HA a copy of any eviction notice from your landlord.
- Give the HA info they need for program administration and for re-certification.
- Let them know if your household size changes.
- Give them proof that your household is living in the unit or related to your absence from it.
- Do not commit fraud (knowingly give false info).
- Do not sublease/transfer/own the place.
- Do not get housing assistance from another program at the same time.
- Tell the HA before you move out.

Can they end my voucher because I am a domestic violence victim?

Actual or threatened domestic violence, dating violence, or stalking is not grounds to take away your voucher.

The HA can take the **perpetrator** off the voucher, if s/he lives with you. You may need to take legal steps to remove a violent/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. Can I keep my voucher?

The Housing Authority may take away your voucher at any time if you owe any HA any money. The HA may offer you a payment plan. Try to negotiate something reasonable for yourself.

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- ❖ If a former landlord sued you over damages to your place and won, the Department of Commerce might be able to help you pay what you owe. More info here: <http://tinyurl.com/yauzj34r>.
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I have a repayment agreement with the HA. What happens if I miss a payment?

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- ❖ Breaking a repayment agreement with the Housing Authority may cause them to take away your voucher.
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Contact social service agencies or family for financial help, or try to make other arrangements with the HA. If an emergency, such as a documented need to visit a sick relative or an unexpected medical cost, is the cause, contact the HA. Explain the situation **before** you miss the payment.

I had a drinking problem. I am in recovery now. Will the HA take away my voucher?

Maybe. The landlord can end the lease if you or a household member has abused alcohol in a way that threatens other tenants' health, safety, or right of peaceful enjoyment. You may be able to keep your voucher if you can show the HA both of these:

- The user is currently in recovery or treatment.
- You can show proof you are in or have successfully finished treatment.

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- ❖ The HA may have you take a household member abusing illegal drugs or alcohol off the lease so you can keep your voucher.
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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 the eviction notice.

If your landlord gives you an eviction notice, you should immediately give the HA a copy. If you disagree with the eviction notice, tell the HA you plan to fight 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 files an eviction lawsuit (an unlawful detainer action), you can still defend yourself in court. See the eviction resources on Washington LawHelp for forms and instructions. **You should immediately call CLEAR 1.888.201.1014 if you get an eviction notice or court summons.**

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- ❖ The HA must keep paying your landlord until the eviction becomes final by court order or you decide to move.
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Will the HA try to take away my voucher if my landlord evicts me?

Probably. If the HA determines your landlord evicted you for breaking serious lease rules, the HA must take away your voucher.

The HA might believe that any lease violation leading to eviction was serious. You can ask for an informal hearing to try to keep your voucher. (See next section.)

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- ❖ Call CLEAR immediately to find out if you have a defense to an eviction. It is very hard to challenge an HA's decision that is based on a court-ordered eviction.
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How do I fight the HA's decision to take away my voucher?

The HA must promptly tell you in writing why they are taking away your voucher. You can ask for an informal hearing to fight the decision.

You must make your request by the deadline given by the HA.

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- ❖ The HA cannot stop paying your landlord before you have had an informal hearing, no matter why they are taking away your voucher.
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Who runs the hearing?

The HA appoints someone neutral to conduct the hearing. The hearing officer may not be the person who made/approved the decision or someone working for that person. If the hearing officer is not neutral, make your

objection for the record and ask for a new hearing officer.

How do I get ready for the hearing?

Before the hearing, you should 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.

Can someone represent me at the hearing?

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

What happens at the hearing?

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 are

- 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. See the section above on drug or alcohol abuse.

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- ❖ The info here is general only. For help with your own personal situation, get advice from a lawyer.
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How will I find out the HA's decision on the hearing?

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

What if I need legal help?

- **Apply online with [CLEAR*Online](https://nwjustice.org/get-legal-help)**
- <https://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, 9:15 a.m. - 12:15 p.m.
- **King County:** Call 211 for info and referral to an appropriate legal services provider Monday – Friday, 8:00 am – 6:00 pm. You may also call (206) 461-3200, or toll-free 1-877-211-WASH (9274). You can also get info on legal service providers in King County through 211's website, www.resourcehouse.com/win211/.

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

Deaf, hard of hearing or speech impaired callers can call CLEAR or 211 using the relay service of their choice.

211 and CLEAR will conference in interpreters when needed at no cost.

Free legal education publications, videos, and self-help packets covering many legal issues are available at www.washingtonlawhelp.org.

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 October 2017.

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

❖ “Family Obligations” applies to anyone in your household, even if they are not 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.”)
- A court has evicted a household member from federally assisted housing in the past five years.
- Any HA has ever ended assistance to a household member.
- A household member commits fraud, bribery, or any other corrupt/criminal act in connection with any federal program.
- Your household currently owes 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 you owed under the lease.
- Your household breaks a repayment agreement with any HA.
- Your household has engaged in or threatened abusive/violent behavior toward HA staff.
- Your household fails, on purpose and repeatedly, to meet any Move to Work obligations.
- A household member commits drug-related or violent criminal activity on or near the premises.
- A household member is fleeing to avoid prosecution, custody, or confinement after conviction, for a crime or an attempted felony.
- A household member is violating a condition of probation or parole.
- A household member has engaged in alcohol abuse that threatens other residents.
- Your household has been absent from the place more than 180 days.