

Section 8 and Subsidized Housing Part 05: Tenant Rights under Section 8

If you're receiving assistance through Section 8 of the Federal Housing Act, you have many protected rights. It's important that you know what those rights are so you can keep yourself and your family living in safe environment. You have the right to live in decent, safe, and sanitary housing that's free from environmental hazards such as asbestos insulation and lead-based paint. You have the right to have repairs performed in a timely manner, upon request, and to have a quality maintenance program run by management. You have the right to be given reasonable notice, in writing, of any non-emergency inspection or other entry into your apartment. You have the right to invite guests onto the premises.

You also have rights that specifically apply to organizing of tenants. Among these rights are: the right to organize as residents without obstruction, harassment, or retaliation from property owners or management; the right to post materials in common areas and provide leaflets informing other residents of their rights; the right to use appropriate common space or meeting facilities to organize; the right to meet without the owner or manager present; and the right to be recognized by property owners and managers as having a voice in residential community affairs.

What do you do if the property isn't decent, sanitary, or safe to live in? Notify the landlord of the issues in writing. You should also keep a copy of the notice you send to the landlord. (This may be useful if you have a dispute with the landlord later.) You can also file a complaint with the Housing Authority. Keep a copy of that, as well.

The law also states that a landlord cannot discriminate on the basis of race, color, religion, sex, national origin, disability, or familial status. Protections against discrimination based on sexual orientation or identity vary depending on jurisdiction; if you feel you're being discriminated against due to one of these characteristics, you should seek legal guidance.

If you feel you're being discriminated against in violation of the law or HUD regulations, you may notify the landlord, owner, or property management company in writing. This notice should include a detailed description of the facts that demonstrate discrimination. Be sure you only include relevant information. Keep a copy of this notice.

If you're in tenant-based housing, you may contact your case advisor, and if you're in project-based housing, you may contact the project manager (if that's not the same as the landlord, owner, or property management company).

You may also file a complaint with Housing and Urban Development, or HUD, using form 903.

Two very important resources that can help provide information about your rights include HUD Guidelines and the California Tenants Guide. You can find links to these documents and more online at www.courts.ca.gov/selfhelp-section8 or at your local court's self-help center.