

## **Section 8 and Subsidized Housing Part 03: Evictions and Terminations**

Sometimes things go wrong in Subsidized Housing, and the tenant, landlord, and Housing Authority can't correct the issue. In these cases, the tenant may face eviction from a property or termination from the program. What can you, the tenant, do, in these situations?

Eviction and Termination are two different processes. Eviction is removal from the property, whereas termination is removal from the subsidy program. Let's first look at the process for an eviction. An "eviction" is when a tenant is required to move out of housing for any number of reasons. The eviction process for Section 8 tenants is the same as it is for any other tenants. Sometimes the eviction is because of something the tenant did, and sometimes it's for other reasons, and the tenant's rights vary, depending on the circumstances of the eviction.

There are certain requirements that recipients of housing assistance under section 8, as well as landlords who provide section 8 units, must meet that go beyond typical requirements of a lease. These requirements are spelled out in the rules of Section 8 Housing. For instance, a tenant of Section 8 housing can be evicted if the unit isn't safe. If Housing and Urban Development representatives inspect the unit and it fails to meet health and safety standards, the Housing Authority will try to get the landlord to bring the unit into compliance. But if the landlord is unable or unwilling to bring the unit up to code, the Housing Authority will terminate the contract with the landlord, and the tenant will then need to move. This is one reason it's important that tenants give landlords reasonable access to the unit for inspections and repair.

A landlord can't just force you to move out without giving you proper notice. If the landlord wants you to move, he must give you notice telling you what to do — or what not to do — and a certain number of days to comply. If you don't do what the notice says, the landlord must file legal papers called "unlawful detainer," to start the eviction process, and must also serve you with a copy of the papers filed in the court. The landlord can't just tell you to move out and throw your things out the window.

Depending on the circumstances surrounding the eviction, the tenant may or may not be terminated from the Section 8 program. What is termination from the program? A "termination" is when a recipient of housing subsidy is removed from the program because he or she broke the rules and is no longer eligible to participate in the program.

What can cause termination from Section 8 housing? Some common reasons include the tenant (or their guests) engaging in drug-related activity, not paying rent,

engaging in criminal activity, or violation of terms of the lease, to name a few. Fraud is another reason a recipient may be terminated from the program. Examples of fraudulent behavior include having a job on the side that you haven't reported, or allowing an unauthorized occupant to live in the unit without informing the landlord about it.

Termination means that the renter is no longer part of the Section 8 housing assistance program and will be required to pay the full rent for the unit. If the tenant is unable to pay the full rent required by the landlord, the landlord may start the eviction process.

It's important that you comply with all the rules and regulations of Section 8 Housing so you don't jeopardize your benefits. You can find helpful links to detailed information about your rights and responsibilities by visiting [www.courts.ca.gov/selfhelp-section8](http://www.courts.ca.gov/selfhelp-section8).