

QUESTION #6: EVICTION AND GRIEVANCE RIGHTS

What are my rights under RAD and the project-based voucher program if I am threatened with eviction?

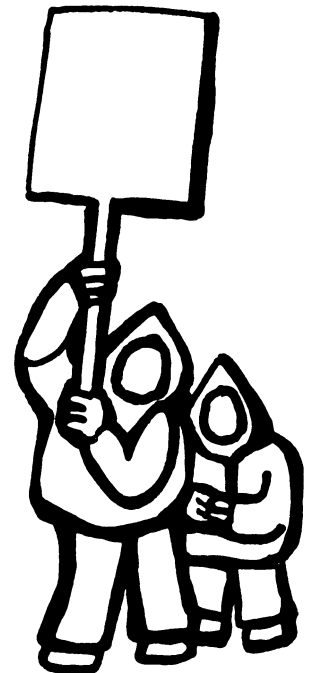
Importantly, if you are an existing public housing tenant, you cannot be evicted due solely to the RAD conversion.

In addition, SFHA policies require that “every reasonable and diligent . . . effort will be made . . . to avoid eviction.” The SFHA and the City have required the developers’ commitment that eviction should only be used as a last resort, that alternatives to eviction must be explored, and that the goal of the RAD program is to keep people in their housing.

Just as in your current public housing lease, under RAD, you can only be evicted for “good cause.” “Good cause” includes: 1) a serious or repeated violation of the lease, like habitual late payment of rent; 2) a violation of federal, state or local law; or 3) other good cause. After the conversion, *new* residents of family housing developments must participate in services and can risk eviction if they fail to do so. However, no *converting resident* can be evicted for not participating in the newly provided services. In senior/disabled housing developments, households may be subject to eviction if they become “ineligible,” which might happen, for example, if the head of household is no longer disabled or if the senior member passes away or moves out and the remaining head of household member is not a senior or disabled person.

What are my rights if I am served with an eviction?

If the owner proposes to evict you, you have a right to request a grievance hearing to show why you should be allowed to remain in your housing.



For more information and help, contact:

Housing Rights Committee of San Francisco, 415-703-8634 Ext. 111 or candy@hrssf.org
Bay Area Legal Aid, 415-982-1300

You have the right to make a case that your situation has changed, that there was a disability related reason why you should not be evicted, that the problem wasn't serious enough to cause eviction or to provide another good cause explanation. *See description of the two-step grievance procedure below.*

If an eviction is proposed, you must receive notice of the eviction specifying the grounds and providing the appropriate notice period of:

3 days, if the health and safety of other residents or staff or persons residing in immediate vicinity is threatened;

14 days for nonpayment of rent; or

30 days in any other case unless shorter period of time is provided for according to state or local law.

In addition, you must be informed of the opportunity to view any relevant documents, records, or regulations directly related to the eviction prior to any hearing or trial. The owner must provide a notice of a grievance hearing or an explanation as to why your request has been denied. There are certain limited cases where you do not have a right to the grievance procedure for an eviction, such as when the conduct complained of is an immediate and direct threat to the health and safety of other residents or employees of the SFHA or the owner of the converted property.

Can my project-based voucher be terminated?

In addition to being threatened with eviction, after conversion, your project-based voucher can be terminated by the SFHA for the same type of reasons that could now cause you to be evicted from your public housing unit.

The SFHA *must* terminate your project-based voucher: if your family is no longer eligible; for failure to provide income information or report changes to your family composition; for being in violation of the restrictions on assistance to students enrolled in a college or university; because you have been evicted from the unit for a *serious* violation of the lease. SFHA *may* also terminate for a variety of reasons, including engaging in drug-related criminal activity and/or fraud in connection with the program or for failing to perform on an agreement to pay or repay a debt owed to SFHA.

If the SFHA terminates your project-based voucher, your lease will automatically terminate. If your voucher is terminated and you do not move, the SFHA must stop providing the subsidy payments to the owner on your behalf. If the SFHA proposes to terminate your project-based voucher assistance, you are entitled to a 30-day notice of the proposed termination and to a two-step grievance hearing as described below.

For more information and help, contact:

Housing Rights Committee of San Francisco, 415-703-8634 Ext. 111 or candy@hrscsf.org

Bay Area Legal Aid, 415-982-1300

What rights will I have to a grievance hearing?

The public housing grievance procedure will continue to apply after the RAD conversion.

In addition to grievances related to evictions or terminations, residents generally can request a grievance when the SFHA or the owner takes certain actions against you or when the SFHA or owner fails to act, “inaction,” such as failure to respond to a request for a larger unit or failure to adjust your rent after you reported changes in your income. **You are not entitled to a grievance if the subject of the requested grievance is a policy affecting all tenants** rather than a dispute between you and the landlord.

The grievance procedure is a two-step process: an informal settlement meeting with a property manager and if needed, a formal hearing that has certain procedures to ensure that it is fair. The formal hearing is conducted by an impartial hearing officer. Prior to the hearing, you have the right to inspect files, and at the hearing, you have the right to be represented, to present evidence, and to question any witnesses. There are specific timeframes for action to be taken and you must be given a written decision.

Finally, you have the right to appeal the hearing officer’s decision if you do not think it is fair.

For more information and help, contact:

Housing Rights Committee of San Francisco, 415-703-8634 Ext. 111 or candy@hrssf.org
Bay Area Legal Aid, 415-982-1300