Major Federal Affordable Housing Programs

• Public Housing
• Section 8 Project-Based (HUD)
• Section 8 Housing Choice Voucher (HCV)
• Low Income Housing Tax Credit (LIHTC)
Public Housing

• Publicly owned (but can be privately owned, e.g. HOPE 6, Choice Neighborhoods, RAD)
• Project-based (subsidy is attached to unit)
• Deep subsidy (tenant rent + utilities are 30% of tenant’s household income)
• Good cause required for eviction or non-renewal of lease
• Housing quality standards enforced by HUD
• HUD provides capital funds and operating funds
Section 8 Project-Based (HUD)

• Privately owned
• Project-based
• Deep subsidy (tenant rent + utility allowance is 30% of tenant’s household income)
• Good cause required for eviction or non-renewal of lease
• Housing quality standards enforced by HUD
• HUD provides rent subsidy
• HUD can reduce subsidy or owner can opt-out at the end of the mortgage period
Section 8 Housing Choice Voucher

- Tenantlocates housing in private market
- Tenant-based (subsidy travels with tenant)
- Deep subsidy (tenant rent + utility allowance is 30%-50% of tenant’s household income)
- Rent can not exceed voucher payment standard (set by housing authority and HUD)
- Good cause required for eviction only, NOT non-renewal of lease
- Housing quality standards enforced by housing authority
- Housing assistance payments contract between housing authority and landlord
Grievance Hearings in Public Housing

• Governed by US Housing Act; 24 CFR 966.50, et seq.; lease agreement; ACOP
• Provides informal process to dispute:
  ▪ any PHA failure to action or failure to act within a reasonable time
  ▪ Dispute any PHA regulation which adversely affects tenant or household
  ▪ Ex.: lease terminations, repairs, abatements, rent calculations
• Generally cannot be used to dispute evictions based on allegations of drugs and criminal activity, tort claims, or non-tenant claims
• Can be enforced through 1983 actions; final order appealable as administrative order
Permissible Grounds for Eviction

Defined differently in each program, but generally:

• Serious or repeated violations of the lease
• Violation of federal, state or local landlord tenant law
• Criminal activity on the part of the tenant, household members or guests
• “Other good cause” (such as refusing a reasonable modification of the lease)

Tenants can only be evicted through court action. HUD programs usually give tenants the right to a grievance hearing before a court action can be filed.
Issue Spotting

• Is the rent calculated correctly?
• Has the tenant missed a recertification?
• Is the Voucher landlord claiming the subsidy portion of the rent?
• Did the housing authority stop subsidy payments on a voucher due to termination of the tenant or due to abatement of the subsidy to the owner for failed inspection?
• Are the allegations in the complaint permissible grounds for eviction under the applicable regulations?
Low Income Housing Tax Credit

- Privately owned
- Project-based
- Shallow subsidy (rent + utility allowance set at 30% of the maximum household income for that unit)
- Good cause required for eviction or non-renewal of lease
- Property condition may be enforced by PHFA
- Owner can’t refuse to rent to voucher holders
- PHFA restrictive covenant requires affordable rents for 35 years
Legal Authorities

**Housing Choice Voucher**
42 U.S.C. 1437f
24 CFR Part 982
HUD Guidebook 7420.10G
PHA administrative plan
HAP contract

**Public Housing**
42 U.S.C. 1437a, 1437d
24 CFR Parts 960, 966
PHA occupancy plan
PHA administrative plan
Legal Authorities Cont.

**Project-based Section 8**
42 U.S.C. 1437f
HUD Handbook 4350.3

- New construction 24 CFR Part 880
- Substantial rehabilitation 24 CFR Part 881
- State agency financed projects w/Section 8 assistance 24 CFR Part 883
- Loan management/property disposition set-aside 24 CFR Parts 886 and 247
- Supportive housing for elderly and persons with disabilities 24 CFR Parts 891 and 247

**Project-Based Voucher Program**
24 CFR Parts 983 and 247
PHA administrative plan
Legal Authorities Cont.

**Low-Income Housing Tax Credit (LIHTC)**
26 U.S.C. 42
PHFA restrictive covenant

**Home Investment Partnership (HOME)**
42 U.S.C. 201, et seq.
24 CFR Part 92, Subpart F

**Rural Housing Service Programs**
7 CFR Part 1944, Subpart L

- Rural housing Section 515 projects w/ Section 8 assistance 24 CFR Part 884
Legal Authorities Cont.

HUD Homeless Programs
42 U.S.C. 11361, et seq.

- Supportive Housing Program (SHP) 24 CFR Part 583
- Shelter Plus Care 24 CFR Part 582
- Emergency Solutions Grant (ESG) 24 CFR Part 576

Housing Opportunities for People with Aids (HOPWA)
42 U.S.C. 12901, et seq.
24 CFR Part 574
Helpful Resources

HUD: www.hud.gov

Pennsylvania Housing Finance Agency: www.phfa.org

National Housing Law Project: www.nhlp.org

National Low Income Housing Coalition: www.nlihc.org

National Alliance of HUD Tenants: www.saveourhomes.org

NLIHC Preservation Database: www.nhpd.preservationdatabase.org

PHFA housing inventory: www.phfa.org/mhp