

What are Federal Housing Programs?

Federal Housing Programs are designed to create safe, sanitary, and affordable housing to lower income Americans. There are several types of Programs:

- ▲ HUD (Department of Housing and Urban Development Programs):
 - Section 8 vouchers
 - Section 8 Project Based
 - Supportive Housing Programs
 - Subsidized Public Housing
- ▲ Rural Housing (formerly Farm Home)
- ▲ Section 42 (low income tax credit)

Look at your lease to find out which program applies to you.

Under most Federal Housing Programs:

- ▲ Admission must not be **discriminatory**.
- ▲ Housing must meet **basic habitability** standards.
- ▲ Tenants can only be evicted for **good cause** and by certain rules.
- ▲ Tenants may have protections and rights that tenants in private housing may not have. For example, tenants may file grievances with the government agency.
- ▲ Housing is for **low income** tenants. Tenants must usually verify changes in income or resources in writing.
- ▲ The federal government finances the housing and subsidizes rent through a housing authority, agency, or the housing complex.
- ▲ **Government agencies set the rent**, and approve all rent increases and leases.

How much is Rent?

Federal Housing Programs charge **Fair Market Rent**. “Fair Market Rent” is set by the government as the maximum that a landlord or housing authority/agency can charge a tenant.

Can I get help paying my rent?

▲ Tenants in certain federal housing programs receive a **subsidy** to help pay Fair Market Rent. The government may pay all or part of the rent to the landlord.

▲ Rent **subsidies** are available in HUD housing, conventional housing programs, and in Rural Housing, but subsidies may not be available in all programs or projects.

▲ Usually, when there is a subsidy, a tenant pays for rent plus utilities, but **no more than the highest of:**

30% of the family's **adjusted monthly income** (annual income minus deductions)

OR

10% of the family's **gross monthly income**

OR

the amount the family receives from a **shelter & utility allowance** program like **TAFI** (Temporary Assistance to Families in Idaho)

In **voucher programs**, rent may be higher than these amounts, but usually not more than 40% of income.

If you think your rent was calculated incorrectly, talk to an attorney.

Can my landlord raise my rent?

Usually, tenants have a **right to be notified** in advance of a proposed rent increase and can **object or comment** about the increase through the local housing authority or agency (such as HUD or Rural Development).

▲ Rent increases are subject to approval by the government agency and must be **justified in writing by the landlord** or housing authority.

If you have questions about whether a rent increase is justified, talk to an attorney.

Can I complain if my housing needs repairs?

All tenants have rights granted under Idaho's Landlord/Tenant laws and can demand that a landlord make certain needed repairs.

See Idaho Legal Aid brochure: Repairs

▲ In addition, Federal Housing Program Tenants may have **grievance rights**: they can complain about needed repairs to the housing authority or government agency.

▲ Public Housing must also meet federal building standards, which may be more strict than under Idaho's law.

If you are unsuccessful in getting needed repairs done after notifying the landlord, talk to the housing authority/agency and an attorney.

What can I do if I'm denied admission to a Federal Housing Program or denied a subsidy?

If you are having trouble gaining admission to a Federal Housing Program or getting a rent subsidy, **you have a right to know the reason why in writing.**

If you have questions about why you were denied admission to a program or denied a rent subsidy, talk to an attorney.

Can my subsidy be terminated?

In some programs (especially the Section 8 voucher program), a tenant may have a right to contest the termination of a subsidy, in addition to the right to contest eviction.

Sometimes the tenant can simply transfer the subsidy to another landlord. If the housing authority gives notice to the tenant of its intent to terminate a subsidy, the tenant may have a **right to a hearing** before the housing authority.

If it seems like your subsidy may be terminated, talk to an attorney immediately.

Because the **Section 8 voucher** program channels government money to private landlords, many Section 8 voucher tenants do not live in government-run housing projects. If you have a Section 8 voucher, you may want to just transfer your subsidy to another landlord rather than continue renting from your current landlord.

Can I be evicted from a Federal Housing Program?

In most situations, tenants can only be evicted for “good cause.” Usually, that means a **major lease violation**, like **non-payment of rent**, or even repeated minor lease violations, such as many loud parties.

Illegal drug use is not tolerated in federal housing and is grounds for eviction and termination of a rent subsidy. **Criminal behavior** that threatens others’ safety will also lead to eviction and loss of subsidy.

If you are threatened with eviction from a Federal Housing Program, talk to an attorney.

What is the eviction process like? Do I have any protections?

At the very least, the landlord or housing authority must comply with **Idaho’s Landlord/Tenant laws**. For example:

- ▲ Eviction notices must be in writing.
- ▲ Usually, landlords must give 30 days written notice.
- ▲ Landlords can give three days written notice if the tenant has not paid rent.
- ▲ After the 30 days (or three days) notice, the landlord can start a legal process called “unlawful detainer” to evict the tenant and get possession of the premises.
- ▲ Usually, the landlord will have to prove “good cause” at court.

See Idaho Legal Aid brochure: Landlord & Tenant Rights and Responsibilities

Every Federal Housing Program also has its own **procedural rights** for tenants facing eviction. In some programs, tenants have additional rights, such as:

- ▲ More time in an eviction notice.
- ▲ Right to comment or have a grievance hearing before an eviction suit.

Talk to an attorney about your particular program’s protections.

*If you are served with an eviction notice, complaint, summons, or other court document, **talk to attorney immediately.***

What if my landlord’s property is sold in a foreclosure sale?

▲ **You have rights under the Protecting Tenants at Foreclosure Act (“PTFA”).** Until December 31, 2013, this federal law gives you certain rights as a tenant if your rental property is foreclosed upon. If your landlord defaults on a home loan, the house may be sold to a new owner. The new owner may try to evict you or tell you that you have to leave.

▲ **If you are in the Section 8 Housing Choice Voucher Program**, the new owner must keep your rental assistance through the program and cannot terminate your lease just because of the foreclosure.

▲ **Make sure that the new owner knows your rights under the PTFA.** As soon as you know who the new owner is (the County Recorder can help you find the new owner’s name after the Trustee’s Sale), send the new owner a letter (you can use a “**Notice of Tenancy**”^{*} form) informing them that you know your rights under the PTFA.

^{}See Idaho Legal Aid brochure: Advice for Idaho Renters in Foreclosure
If you get a notice asking you to leave your house, **talk to an attorney immediately.***

Idaho Legal Aid Services

Local Offices

- Boise**345-0106
310 N. 5th St.
- Caldwell** 454-2591
1104 Blaine St.
- Coeur d’Alene** 667-9559
410 Sherman Ave., #303
- Idaho Falls** 524-3660
482 Constitution Way, # 101
- Lewiston**743-1556
633 Main St., # 103
- Pocatello** 233-0079
150 S. Arthur Ave., # 203
- Twin Falls**734-7024
475 Polk St., # 4

Statewide Hotlines

- Idaho Senior Legal Hotline**
1-866-345-0106
(en español 1-866-954-2591)
- Idaho Domestic Violence Legal Hotline**
1-877-500-2980
- TTY (Deaf and Hearing Impaired)**
1-800-245-7573

Idaho Rental Assistance & Properties:

1-877-428-8844
www.housingidaho.com

Looking for more information?

Visit www.idaholegalaid.org to find more free forms and information for renters. Find the Idaho Attorney General’s manual, **Landlord and Tenant Guidelines**, at <http://www.ag.idaho.gov>

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Advice for Idaho Renters:

Federal Housing Programs

Read this handout to understand:

- ▲ **What are a tenant’s rights and duties in Federal Housing Programs?**
- ▲ **Can I get help to pay my rent?**
- ▲ **What if my landlord is trying to evict me or I might lose my subsidy?**
- ▲ **What are my rights as a tenant?**

Tenants in Federal Housing Programs have special rights and responsibilities under Idaho and Federal law. The laws affecting Federal Housing Programs change very frequently and it’s important to talk to an attorney if you have a housing problem.

*The advice in this handout is very general and there might be special factors in your case. If you have legal questions, contact an attorney. If you cannot afford an attorney, contact the **Idaho Legal Aid Services** office nearest you using one of the phone numbers on the back of this handout. Also, visit us on the web at: www.idaholegalaid.org*