Education for Justice Fact Sheets
By Mid-Minnesota Legal Aid and Legal Services State Support

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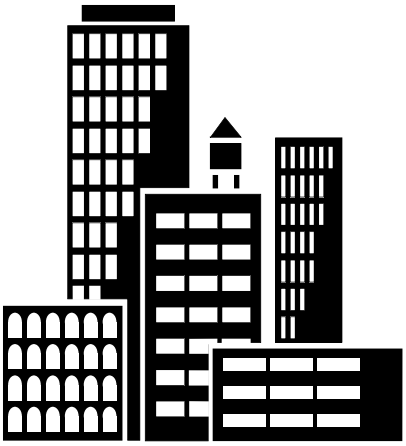
Public Housing Evictions

This fact sheet is for **public housing tenants** who get a Lease Termination Notice. "Public housing" means rental housing operated by or paid for by a Public Housing Authority. This is not a private landlord or Section 8 housing.

Public housing evictions follow State court procedures for evictions BUT also have some of their own special steps. Read this fact sheet **and** our fact sheet *H-26 Evictions*.

If you get a Lease Termination Notice, it is a good idea to call your legal aid office for help.



Lease Violation

The Housing Authority will send you a written lease termination notice telling you what parts of the lease they think you violated. The notice will also tell you the date they want you to leave.

If you did not do what the Housing Authority claims or if you do not think it was serious enough for an eviction, you can appeal termination of your lease.

You must send the Housing Authority a written note asking for an appeal.

There are usually 2 stages to an appeal. The first stage is the Informal Conference. If the problem is not resolved there, you can ask for a Formal Hearing. Some Housing Authorities do not offer appeals in some cases. See the section "Safety Risk and Criminal Activity" below for more information.

Informal Conference:

- You can bring an advocate or attorney to help you state your case.
- If you did not violate your lease, try to bring evidence to the conference. Evidence can be things like documents, letters or statements from witnesses who will support you.

- If you did violate the lease, try to present a clear plan to keep problems from happening again. This could be an agreement that you will not let someone who makes trouble visit you any more, or a plan to get help for a problem that caused the lease violation.

- If you think you have a losing case, you can agree to move out, but ask for the time you need to move out and a good tenant reference from the Housing Authority. This is a serious decision. Think about it carefully before agreeing to move out.

- Ask the Housing Authority to put any agreement you make into writing. If the agreement does NOT include everything you agreed to, write to the Housing Authority again and ask them to make the changes. **Do not agree to anything you do not want, or cannot do.**

If you cannot work out a solution at the Informal Conference you can ask for a Formal Hearing.

Formal Hearing:

- A Formal Hearing is like a mini-trial. You must do the work of preparing your own case.

- You can bring an advocate or attorney.

- You can ask for your case to be heard by a hearing officer, or by a hearing panel of 3 people. The people on the hearing panel may be other public housing tenants and public housing staff.

- You have a right to an interpreter at the hearing. Ask the Housing Authority to hire an interpreter for you.

- At the hearing, you and the Housing Authority will take turns telling what happened. You have the right to be treated with respect at a hearing. You must also treat others with respect.

- Bring evidence and witnesses to prove that you are a good tenant. Bring copies of your evidence to show everyone. Make copies for your own records.

- If there are respected people in the community or neighbors who will support you, ask them to come to the hearing.

- You will get a written decision from the Formal Hearing. The decision will tell you if you won or lost. The decision must be based on evidence from the hearing and it will give the reasons for the decision.

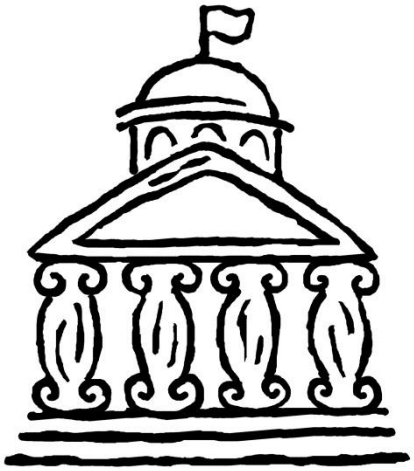
If you lose the Formal Hearing, the Housing Authority will send you a notice with a final move-out date. If you do not move by that date, the Housing Authority can file an eviction case against you in State court. You can ask for a new trial in eviction court. Call your legal aid office right away for help. You can also ask the Housing Authority for more time to move out, and for a good reference, in exchange for moving out and not fighting it in court.

Get any agreement you make with the Housing Authority in writing. Once you make an agreement, you have to keep it.

Safety Risk and Criminal Activity

If there was drug use or other criminal activity in your home, or if you are a risk to the safety of other tenants or staff, the Housing Authority can cancel the Informal Conference and Formal Hearing. Your termination notice will tell you if the Housing Authority is canceling these procedures. If procedures are cancelled and you do not move out, the Housing Authority will file an eviction case in court.

- If you are being evicted for drugs or other criminal activity do not make any statements about the matter to anyone. Do not admit to a drug-related or criminal act in an agreement with the Housing Authority. If you are evicted for drug use or crime, you will not be able to get public or subsidized housing for 3 years or more.



- If you think the Housing Authority is wrong, you need to explain why. Bring proof that they are wrong to court.

- If you think you will lose in court, you can sometimes work out an agreement for more time to move.

Rules If You Are the Victim of Domestic Violence

The Housing Authority cannot evict you if problems happened because of domestic violence, stalking, or dating violence. In Minnesota, domestic violence may include violence or threats by children, relatives or other family members. Tell the Housing Authority if you think the lease violation happened for one of these reasons. See our fact sheet, *H-22 Subsidized Housing Rights for Victims of Domestic Violence*.

The Housing Authority can ask you to show evidence of an incident of domestic violence within 14 days. Sometimes getting a court order is a good way to prove the domestic violence. But the Housing Authority cannot **make** you get a court order. There are also other ways to prove it. Get help from legal aid or a domestic violence advocate if you need help to prove your case.

Non-Payment of Rent

If you do not pay your rent on time, the Housing Authority will send you a notice saying you have to pay in 14 days or move.

- If you do not have the money, call the Housing Authority right away to see if you can work out a payment plan. Keep track of who you talk to and what you are told to do. Also, talk to the county welfare department about getting Emergency Assistance.

- If you do not owe rent, talk to the Housing Authority about why they think you do. Keep track of who you talk to and what they tell you. If you still disagree, call your manager and ask for an Informal Conference. Write a letter so you have a record that you asked.

- You have the right to an Informal Conference with the manager. If that does not solve the problem, you can ask for a Formal Hearing. You may need to pay all the rent into an escrow account before the Formal Hearing.

- If you did not pay the rent because of repair problems, ask for an Informal Conference or Formal Hearing to talk about the repairs needed. You may need to pay all the rent into an escrow account before the Formal Hearing.

If you do not pay the rent, work out an agreement, or ask for a hearing within 14 days, the Housing Authority can file an eviction case. You will be served with court papers telling you when to go to court. **Be on the lookout for these papers.**

You have the right under Minnesota State law to pay the rent at court, plus court costs, and keep your home.

Minimum Rent

Many housing authorities have a "minimum rent" that tenants have to pay even if their income is very, very low. If you can't pay the minimum rent, you may be able to get a temporary or permanent "hardship exemption." Ask the manager for an exemption right away. Keep track of who you talk to and what you are told to do. You should get an exemption if the reason you cannot pay is because:

- you lost your job
- you are waiting for public benefits, or you lost public benefits (but not if you lost them because you violated the rules)
- there was a recent death in the family or
- you would be evicted if the Housing Authority insists on the rent, or you have another financial problem.

An exemption is effective right away. If the exemption reason is temporary (lasts 90 days or less) the Housing Authority will put off eviction proceedings but bill you for the minimum rent and ask you to pay at some time in the future. You can ask for a repayment plan and pay the rent over time. If the reason you cannot pay the rent is permanent (lasts longer than 90 days), you should be exempt from paying minimum rent until your financial circumstances change. If the Housing Authority will not do these things, or if you are already being evicted, call your legal aid office for help.

Job Income and Rent

When you live in public housing, your rent is set at 30% of your counted income. But there are important exceptions to this rule. *Sometimes* changes in household income do not *immediately* affect the amount of rent. These situations are called **earned income disallowances.** Some of these are:

- Money you earned from a job that you got within 6 months of being on MFIP or DWP.

- If you are unemployed or underemployed for a year. Underemployed means you earn less than $3,075 a year.
- If you are in a job training program.

Tell the Housing Authority or judge if any of these situations apply to you. For some Housing Authorities, the disallowance is 100% of the income for 12 months and 50% for the next 12 months. For other Housing Authorities, it can be 100% disallowance for a full 24 months. If you have problems, contact your legal aid office.

Welfare and Rent

The Housing Authority must lower your rent if you lost welfare income because you used up your 60 months of MFIP. But they will not lower your rent if you lost welfare benefits because of fraud or violation of welfare rules (sanction). Sometimes, the Housing Authority can be wrong about reasons for a sanction. Not all sanctions count for this purpose. Call your legal aid office if you have this problem.

Try to Avoid Eviction

It is always good to avoid eviction. An eviction case is a public record that other landlords can check. It will make it harder to find a new place. So if you think you would lose in court, try to move out before the Housing Authority files an eviction case. Tell the Housing Authority if you are moving so that they do not file an eviction against you before or after you leave. See our fact sheet *H-26 Evictions*.

To find other fact sheets, including any mentioned above, go to
www.lawhelpmn.org/LASMfactsheets

To find your local legal aid office by county go to www.lawhelpmn.org/resource/legal-aid-offices

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Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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