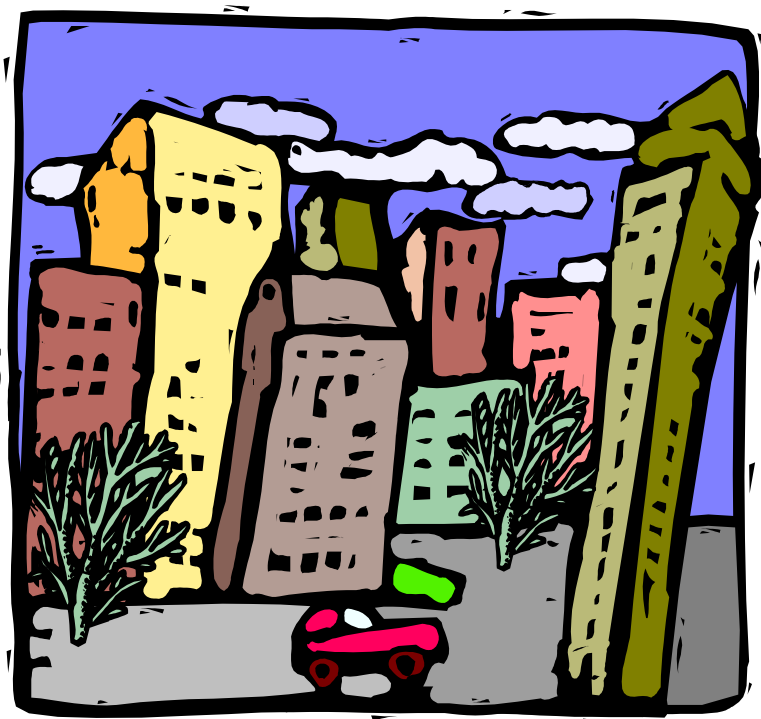


A Guide to Public Housing in Minnesota



Fifth Edition
2019

Preface

This booklet was written to help Public Housing applicants and tenants understand their legal rights. It gives general information about the Public Housing programs sponsored by HUD. It is not legal advice for your specific situation. For legal advice, contact a lawyer or call your local legal services office. The laws in this booklet change frequently, so be sure to check for changes.

If you are low-income you can get a free copy of this booklet from your local Legal Services office. You can also find it online at www.LawHelpMN.org to view or print out. Others can purchase the booklet for \$7.48 (which includes applicable sales tax, postage, and handling). Booklets are available for purchase from

Legal Services State Support
Midtown Commons, Suite 101B
2324 University Ave. W.
St. Paul, MN 55114

Discounts are available on bulk orders by calling the Legal Services State Support office at 651-228-9105, ext. 6911.

For free information about this and other civil legal topics, visit www.LawHelpMN.org.

You can also find fact sheets on different legal subjects online at the website listed above or from the Education for Justice Program of the Minnesota Legal Services Coalition. Please call (651) 842-6915 for a list.

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Introduction

How can this booklet help me?

If you do not live in public housing, but want to, this booklet can tell you

- What public housing is
- Who can live in public housing
- How to apply
- What to do if you are denied



If your application is accepted or you already live in Public Housing, this booklet has information about your basic legal rights. It will tell you about your rights in common situations like

- Income or rent changes
- Security deposits
- You are asked to pay extra charges
- Adding a person to your household
- Your home needs repairs
- Evictions
- Doing community service
- Resident Advisory Boards (RAB)

If You Live in Minneapolis, Look for the “**M**”

Some things about Minneapolis Public Housing are different. When you see an “**M**” in this booklet, it means that the rules are different in Minneapolis. If you live in Minneapolis, make sure you read the rules found next to the “**M**.”

What is the public housing program?

Public housing is a program that helps low income families rent a home at a price they can afford. The federal government and the U.S. Department of Housing and Urban Development, (HUD), give money to Public Housing Authorities (PHAs). PHAs run public housing programs. The money pays for some of the expenses of running the housing program so that the price of rent stays low.

HUD Programs that are NOT Public Housing

HUD and PHAs are involved in different types of housing programs, but not all of them are public housing. Some housing programs that are NOT public housing are

- Section 8 housing
- Rural Development (also known as “Farmers Home” housing)
- Section 236 housing
- Section 43 or Tax Credit Housing

Public housing is different from these other programs because the housing is **owned** by the local Public Housing Authority (PHA). Public housing is almost always managed by people who work for the PHA.

How do I know if I live in public housing?

Your legal rights can be different depending on if you live in public housing or some other kind of housing program. It is important to know if you live in public housing or not.

If you are not sure, you can find out.

- Read your lease
- Ask your apartment manager
- Call your local PHA
- Call your nearest HUD office



PHAs in Minnesota that have public housing programs can be found at the U.S. Department of Housing and Urban Development’s website:

https://www.hud.gov/sites/dfiles/PIH/documents/PHA>Contact_Report_MN.pdf

You can also find information about Minnesota PHA’s at HousingLink:

<https://www.housinglink.org/SubsidizedHousing/PublicHousing>

“Mixed Income” Developments

Sometimes public housing units are a part of a housing development or subdivision that has other types of housing. If your home was built recently, and you have neighbors of many different income levels, but you pay 30% of your income for rent, you may be in a public

housing “mixed income” development. Read your lease for more information or call your local PHA or HUD to find out if your unit is public housing.

I’m thinking about applying. What do I need to know?

How do I know if I’m eligible?

PHAs look at different things to see if you are eligible. Some of these are

- your income level
- citizenship status
- criminal background
- drug and alcohol use

If you are eligible that doesn’t mean you will automatically get into public housing. Most public housing programs have waiting lists, some very long. Sometimes a PHA will close its waiting list and won’t even take new applications. The PHA who runs the public housing in your community sets guidelines to decide how people are chosen from the waiting lists when new units open up.

Who can I live with in public housing?

The people you live with are your household. The PHA will look at the things listed above for everyone in your household. A household can mean many things

- It can be just you
- It can be a group of people
- The group does not have to be related by blood or marriage
- You don’t need to have children together
- There doesn’t have to be any children
- In some cases, if you are under 18 and living alone, you can be the head of your household even though you are a minor



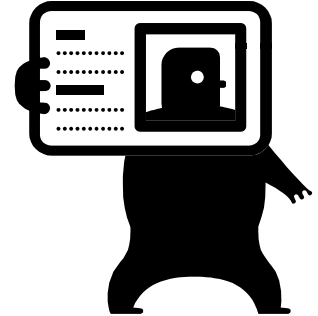
PHAs usually have units of different sizes. The PHA uses your household size to decide what unit to put you in. See the “Occupancy” section on page 5 for more information.

Immigration Status and Public Housing

You must be a citizen or have legal immigration status to qualify for public housing. You are a U.S. citizen if you were born in the United States or one of its territories or possessions, or you became a U.S. citizen through a naturalization process.

Other legal immigration statuses that qualify for public housing are

- Permanent resident
- If you entered before January 1, 1972 and were deemed lawfully admitted for permanent residence by the U.S. Attorney General
- Present in the U.S. as a refugee or an asylee
- Paroled into the U.S. as the result of an exercise of discretion by the U.S. Attorney General
- Lawfully present as the result of a withholding of deportation or withholding of removal
- Agricultural worker in the U.S. before January 1, 1982 and admitted for permanent or temporary residence under provisions for “amnesty.”
- Valid T visa applicant



The PHA will check the immigration status and social security numbers of everyone in your household. You have to show official documentation of the immigration status of all household members under the age of 62. Anyone 62 years or older, only has to show documents proving their age. PHA will check your documents using a computer system run by the United States Citizenship and Immigration Service (USCIS).

What if someone does NOT have legal immigration status?

If your household includes both qualified and unqualified individuals, this is referred to as a “Mixed Family.” Mixed families may still be able to live in public housing. If anyone in your household is undocumented, you should say they are not eligible for public housing.

You still have to tell the PHA that the undocumented person is living with you. They will be added to the lease. You can ask to have pro-rated housing assistance. Pro-rated housing assistance means that the amount of rent you pay for other family members will be subsidized, but the part of rent for anyone not eligible is not subsidized. The PHA calculates the rent using its flat rent figure for the unit. If you have problems with the rent calculation talk to your legal aid office.

Occupancy

Family Size

PHAs usually have units of different sizes. HUD allows PHAs to set their own occupancy rules. Occupancy rules are the rules that say how many people can live in a certain sized unit. The PHA uses your household size to decide what unit to put you in based on their rules.

Different cities and counties may have different occupancy rules. PHAs must follow the same local occupancy rules that apply to all rental housing in the area.



For example: Two people in one bedroom are generally fine. Some rooms that are not technically bedrooms, such as dens and living rooms, can be used as bedrooms to fit larger families. Other things can affect the number of people who can live in the apartment like

- the size of the bedrooms
- the square footage and layout of the apartment
- age of the children and
- in severe cases, the capacity of the building’s septic and sewer systems.

The rules apply to new applicants and to people already living there who want to add another household member. PHAs have not been very good about having housing for large families and most PHAs don’t have enough large apartments.

This does not mean if you have a large family you can’t get public housing. There are ways that large families can be put in smaller apartments. You can put several children in a single bedroom. Larger rooms can house more people. Babies can sleep in the same room as their parents. Brothers and sisters can share a room. Rooms that are not “bedrooms” can be used as sleeping areas.

Children and Seniors

The PHA may limit certain buildings by age, if those limits are approved by HUD. These limits have to be written in the PHAs policies.

For example, HUD rules say

- A building can be “55 plus.” This means at least one person in the household has to be 55 or older. If a building is designated as “55 plus” the PHA does not have to allow children in the building.

- A building can be “62 plus.” This means ALL residents must be at least 62 years old.
Note: Live-in aides do not count as residents.

Overcrowding

Public housing leases say that if changes in your household affect the size of the unit you are in, you agree to a transfer when an appropriate-sized unit becomes available. Some PHAs may have a policy to speed up transfer to another unit when a household wants to add a member. The PHA may refuse to let you add adult family members or foster children if it means your unit will be overcrowded.

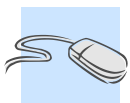
Income

To qualify for Public housing, your yearly household income has to be 80% or less of the median income of your area.



- Household income is when you add together the income of everyone over 18 who will be living with you in your public housing unit. Income includes earned income (from a job) and non-earned income like welfare assistance or SSI. Non-earned income for children under 18 is also counted.
- The median income, also called the Low-Income Standard, of your area is figured out by HUD.

Your household income is compared to the median income level of the area you live. The median income level is updated every year. It depends on where you live and how many people are in your household.



You can check median income amounts online at <http://www.huduser.org/portal/datasets/il.html>

Click on the current year. It should be at the top of the list. It says “FY (*the year*) Income Limits.”

- Click on the year link under “Access Individual Limits”
- Click on the button that says “click here”
- Select your state and county
- Click button that says “next screen”

The chart shows you the limits by number of people in your household. You must be 80% or under to qualify. Some PHAs use the other percentages to place people too.

You have to make less than a certain amount to qualify for public housing, but there is no minimum income requirement. Even if you have no income, you can still qualify, as long as you meet the other requirements.

PHAs can make rules about how many people of certain income levels it will take into public housing. This is called “Income Targeting.” For example, a PHA might decide that only 40% of all its public housing units can be households making less than 50% of the median income level.

Criminal Background

Convictions for Meth Production

If you were convicted for methamphetamine production on any federally subsidized housing property you can’t ever live in public housing.



Sex Offenders

If you have to register as a sex offender for the rest of your life you can’t live in public housing.

Other Criminal History

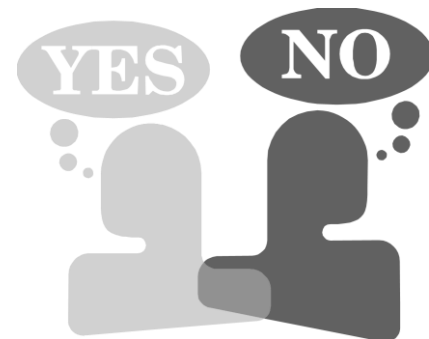
Each PHA has its own rules about admission and criminal history. Check the rules for the PHA you are applying to if you are worried about something in your criminal background. The fact that you have been arrested is **not** evidence that you engaged in criminal activity. The PHA must have more evidence to deny your application for criminal history. If you want copies of your criminal records, or think you need to fix mistakes, see page 16. If you think you might be able to expunge (erase) things from your record, read [Criminal Expungement in Minnesota: A Step-by-Step Guide for Pro Se Petitioners](#).

Drugs

Current users of illegal drugs can’t live in public housing.

If you had drug problems in the past but got treatment, you may be able to live in public housing.

Usually, the PHA can only ask you to sign a release to get information from drug abuse treatment centers if they ask everyone who applies to do the same. BUT, if you have a criminal record that shows arrests



related to drug activity or a rental history that shows property destruction, violence against another person, or other things of concern they can ask you to sign one even if they don't make everyone sign one.

The PHA may only ask the treatment centers "yes or no" questions. These questions **MUST** only be about if you are using drugs now. PHAs **CANNOT** get files, documents or other information from the treatment centers.

Anyone evicted from public housing for drug-related criminal activity will not be eligible for public housing for at least 3 years. This means everyone from the evicted household, not just the person responsible for the eviction.

PHAs set different time limits for how long you must wait after a drug-related eviction before becoming eligible again. Time limits can be found in their written policies.

M You are not eligible for Public Housing in Minneapolis for 5 years after an eviction for drug-related criminal activity.

The PHA may take certain things into account when someone has a drug-related eviction from public housing on their record.

- PHAs will look at any treatment or rehabilitation of the drug user. If you have gone through rehab or treatment, you do not need to provide the PHA with your file from the treatment center. You do need to provide them with other information, like a letter from the treatment facility, showing you successfully completed treatment.
- The PHA may also look at significant changes in household circumstances. You will need something that shows the circumstances leading to the eviction no longer exist and won't exist again in the future. **For example:** if the person from your household who was responsible for the criminal activity is in prison or dead, you may be able to qualify for public housing.

Alcohol

If the PHA has a "reasonable cause" to believe that you or anyone in your household is currently abusing alcohol, the PHA can deny your application if the PHA can show that the abuse threatens the health, safety or peaceful enjoyment of the property by other tenants.

If you had alcohol problems in the past but got treatment or help and you are now sober, you may be able to live in public housing. The PHA may want proof.



Applying for Public Housing

To find out if you are eligible for public housing, please refer back to the “I’m thinking about applying. What do I need to know?” section of this booklet starting on page 3.



Note: All PHAs have Policy Manuals. Many are online. You can ask a PHA for a copy. They are usually hard to read but have all the rules that the PHA follows and that residents have to follow. The policy will tell you what a PHA will ask for in interviews, grievance process etc. It might be worth getting a copy to look at.

Many public housing Authorities have very long waiting lists. They often have more than one waiting list depending on the type of person applying (families, seniors, disabled). The waiting lists are often closed and only open up to accept applicants for brief periods.

Application Process

Most PHAs have an application process that includes filling out an application and going to an interview. You can get an application from your PHA office. Some PHAs have online applications. Contact your local PHA for more information on their process. PHAs and their contact information are listed in the back of this book.

A typical application process will include these steps

1. Get the application from the PHA. You may be able to get the application in person, by mail or online. Contact your PHA to find out.
2. Fill out the application. It is sometimes combined with a Section 8 Voucher application. Make sure you fill out every part.
 - All adults in the household have to sign the application
 - The application is not complete without rental history and/or reference letters and other verification like employment, bank accounts, immigration status
3. Submit your application to the PHA. You can do this in person or by mail. The PHA may require on-line application. If you cannot do this due to a disability, request an accommodation to submit your application differently.
4. The PHA reviews your application to see if you seem eligible. They ask you for more information if needed.

5. You are put on the waiting list. You will probably get a letter telling you how long the waiting list is and when you might get your eligibility interview.
6. While you are on the waiting list, you **MUST** let the PHA know, in writing, if anything changes with your
 - Address
 - Who lives with you
7. The PHA usually contacts you every year to make sure that you are still interested in public housing. They also check your current contact information. If they can't find you, your name is taken off the waiting list.
8. As your name comes close to the end of the waiting list, the PHA will
 - Bring you in for an interview
 - Review the entire file
 - Contact old landlords
 - Ask for any more information that they may need and
 - Make their final decision
9. If they decide you are eligible, you might be brought in for a new tenant briefing. They will offer you a unit as one becomes available.



What if I need help with the application process?

- A friend or advocate can help you fill out the application paperwork and answer questions. This person can go to any interview or meeting you have during the application process.
- If you have trouble understanding English, the PHA **must** provide you with an interpreter. The PHA has to pay for the interpreter.
- If you have a communication disability, the PHA **must** provide you with an interpreter. The PHA has to pay for the interpreter.
- If you have a disability that makes it hard for you to do things in the application process, the PHA **must** make reasonable accommodations for you. A reasonable accommodation is when a PHA changes a rule or does something different because the way they usually do it doesn't work with your disability.

For example: if your disability makes it hard for you to go to the PHA office for interviews, the PHA could accommodate you by doing the interviews in your home.

Discrimination and Fair Housing

Federal law makes it illegal for anyone connected to your housing to treat you or your family differently based on

- race
- color
- religion
- sex
- familial status (having children under 18 in your household)
- national origin
- disability
- sexual orientation



Minnesota law follows federal law AND also makes it illegal to treat you or your family differently based on

- creed (beliefs)
- marital status
- getting public assistance (including MFIP, GA, SSI, SSDI, or EA)

If you think someone has discriminated against you and you have a low income, call your legal services office. See our fact sheet [H-6 Housing Discrimination](#).

You can also look for help from government agencies that enforce housing discrimination laws.

Housing and Urban Development

212 Third Avenue South, Suite 150

Minneapolis MN 55401

Phone: (612) 370-3000

TTY: (612) 370-3186

<https://www.hud.gov/states/minnesota/offices>

MN Department of Human Rights

540 Fairview Avenue North

St. Paul, MN 55104

Phone: (651) 539-1100 or 1 (800) 627-3704

TTY: 1 (800) 627-3529

www.humanrights.state.mn.us

Sexual harassment in housing is illegal too. If a housing provider or their employee makes unwelcome sexual advances, demands sex, often uses other words or acts of a sexual nature, rapes or sexually assaults you have the right to be protected. See our fact sheet [H-24 Sexual Harassment in Housing](#) and call your local legal services office. **If you are in danger call 911.**

What does the PHA *have to* ask me when I apply?

There are certain questions the PHA *has to* ask every applicant.

1. Your name, birth date and social security number
2. The name, birth date, and Social Security number for everyone in your household. If you do not have a Social Security number for a child younger than 6, the PHA must give you 90 days to get verification of the child's number.
3. Proof of income for everyone in your household
4. Proof of U.S. citizenship or legal immigration status of every person in your household under the age of 62. If you have household members who do not have legal status see “Immigration Status and Public Housing” on page 4.



You will have to sign releases so the PHA can check the information you give them.

Note: HUD has direct access to information about any money your household has earned. They give this information to the PHA each year. The PHA compares the information with what you put in your application, so be complete and honest in your answers.

The PHA may also have you sign a release so they can talk to your employer or the public assistance agency you get benefits from.

If you are an immigrant under the age of 62, with legal immigration status, your immigration status will be checked with the U.S. Citizenship and Immigration Service (USCIS).

IMPORTANT:

Be honest! There is a chance you will be denied because of bad information in your records, but there is a bigger chance you will be denied if you lie about it.

What other questions could the PHA ask me?

The PHA may ask for other information. Different PHAs might ask different things. You can find details about what the PHA you are applying to will ask in its written policies.

Some things the PHA may ask for are

- A list of past addresses and/or landlord references for all household members
- If anyone has ever been evicted
- Permission to get copies of your credit history reports
- Tenant screening information
- Fingerprints
- The criminal records for every adult in your household

Past Addresses and References

Each PHA has written policies that say how much rental history it can ask for. The PHA will contact your previous landlords to check on the dates you lived there and to ask what kind of tenant you were.



The PHA can't use past or current homelessness as a reason to deny your application. But it can ask for references from any shelters you stayed at.

The PHA can only ask you for reference letters if it is in their written policy. Tell anyone writing you a reference letter to write things about you like: you follow lease rules, keep your apartment clean, and get along well with your neighbors.

Evictions

The PHA can check court records to see if you have evictions on your record. Be honest when answering these questions on your application! If you can't remember dates or addresses, go to the courthouse and get the information so you can answer questions completely. If you can't get a hold of your records, answer the best you can and state that you are not sure about the details.

Credit History

The PHA may ask you to sign a release so it can get a copy of your credit history report. If you don't know what is on your credit history report, you should get a copy. It's a good idea to get a copy every year to check for mistakes.

Credit reports list all your addresses for the last 7 years. PHAs sometimes use the credit reports to check if you have written down all your addresses on your application. Sometimes the credit report will get an address wrong or list the wrong date for an address. Make sure to get these mistakes fixed on your credit report. Be ready to explain the mistakes to the PHA.

You can get a free copy of your credit report once a year, either online at www.annualcreditreport.com or by calling 1-877-322-8228. Do **NOT** get your free annual credit report from anywhere else! There are many scams out there.

For more on credit reports, see our booklet [Dealing with Debt](#) and fact sheet [C-6 Credit Reports](#).



[Click here to create a Credit Report Request letter online.](#)

Or go to <https://www.lawhelpmn.org/forms>

→ Scroll down to “Debts, Fees and Deposits”

→ Click on “Credit Report Request”



Tenant Screening Reports

The PHA may also buy a “Tenant Screening Report” for you. They can’t ask you to pay for it. This report has information about your eviction history. It may also have information from your credit report, debt history, or landlord references. If the PHA uses the Tenant Screening Report to deny your application, you have the right to get a free copy from the company providing the report. The report has the tenant screening company’s name and address. Make sure to get a copy of this report and get any mistakes fixed. There is a sample letter you can use to get your report on page 72.

What if I find mistakes on the report?

You have the right to correct any mistakes.

1. Write a letter to the screening agency saying what facts are wrong. The more detail you give, the better. For example, if an eviction in the report does not belong to you, tell them where you lived when the eviction was filed. Keep a copy of your letter.
2. The agency must check every fact you say is wrong. They cannot charge you for doing this. They must fix your report and take out facts they cannot prove within 30 days of getting your letter.
3. The agency can refuse to check if you do not give them enough information. They have to tell you if they refuse to check. Then send another letter giving them more details.

4. When the agency is done checking, they have to give you a copy of your new report or tell you they did not find any mistakes.
5. You can have the tenant screening agency send the fixed report to all landlords who got the one with mistakes in it in the last 6 months.
6. If you disagree with the investigation, you can add a “dispute statement” to your report. In the statement, you say why you disagree with facts in the report. The agency has to send this statement to new landlords. If you ask, they also have to send it to any landlords who got your report in the last 6 months.

For more information see our booklet [Tenant’s Rights in Minnesota](#) and fact sheet [H-4 Tenant Screening](#).

Fingerprints and Criminal Records

Some PHAs require fingerprints. It has to be written in their policy if they do. You **cannot** be charged for the fingerprinting or for the cost of records the PHA gathers for your application.



You must sign a release **before** the PHA can get your criminal records from the FBI and other agencies anywhere in the U.S. The PHA may also ask for a release from every adult member of your household to get their criminal records. The PHA **CANNOT** charge you for the cost of getting your criminal records. It **CANNOT** tell you to get your own record from a police station.

You have the right to see your FBI and other criminal records the PHA uses. If the PHA is going to deny your application based on your criminal records, the PHA must send you a copy and give you the chance to fix any mistakes or argue anything you think is wrong or not important. You have the right to fix any mistakes in your record or dispute its importance **BEFORE** the PHA makes its final decision on your application.

Getting Your Criminal Records

You can get some of your criminal records at <http://www.mncourts.gov/publicaccess>, but only for cases that resulted in some kind of conviction. For other cases, get the records through the public access terminals at the courthouse. These show other cases that did not result in conviction.

If you need to see arrest records, go to the police department where the arrest happened. You can only get these records if the case is closed.

If your criminal records are from out-of-state you have to contact the agencies in the state where it happened.

You can also access all your criminal records, including out-of- state records through the Bureau of Criminal Apprehension (BCA) at <https://dps.mn.gov/divisions/bca/Pages/default.aspx>. Online records will only show convictions. In order to get a copy of your complete records, go to their office in St. Paul or ask for a copy to be sent to you by mail.

If there are mistakes on your record that you want to fix call the BCA at (651) 793-2400 and ask how to fix them and what forms you need. You can also go to the BCA office.

The BCA St. Paul office is at

BCA Headquarters - St. Paul
1430 Maryland Avenue East
St. Paul, Minnesota 55106-2802



Fixing Mistakes on Your Criminal Records

Criminal records can be unclear or wrong. For example:

- a printout from a tenant screening agency shows a conviction for a misdemeanor, but it was really a petty misdemeanor
- a charge that should have been dismissed after you did a rehab program or some other condition of the sentence is not showing up as dismissed.
- records you got expunged still appear on your record.

If you find out about things that are showing up wrong, go to the court where the case was and talk to the clerk. Tell them you want to reverse it. Try to get it fixed there first.

If you do not have time to get it resolved at the court, bring documents to the PHA from your case. You can also get a statement from your lawyer showing that the report is wrong.

Mistaken or stolen identity can make things show up on your criminal record that you had nothing to do with. Try to show the PHA that it was not possible for you to have committed the crimes. Can you prove you were living in a different place when the person arrested or jailed was in custody? Leases, utility bills, or work history papers can show that you were not in the place where the criminal activity happened.

The PHA may ask you about arrests and the reasons for the arrest. However, your application can not be denied just because you were arrested. The PHA must have more evidence of criminal activity or some other negative information that makes you ineligible. Answer the

questions about your criminal history completely and honestly. If you have trouble remembering exact dates, say so on your application. You may also want to go to the courthouse or police station and get a copy of your criminal history to use when answering these questions.

Are there things the PHA can't ask me?

There are things that the PHA can't ask or do. It is illegal. If the PHA does any of these things contact Legal Services and get advice right away. There is a list of Legal Services offices in the back of this booklet.

It is illegal for the PHA to ask you

- if there are things you can't do because of your disability
- if you are able to "live independently"
- if you have ever been hospitalized and why
- to have a drug test to see if you are using illegal drugs
- if you have ever been to chemical dependency treatment and/or detox
- to sign releases to get chemical dependency treatment and detox records
- what medications you are taking

Disabilities

If you are applying for housing built for people with a specific disability, the PHA can ask you if you have that disability, but it can't ask you anything about the cause or nature of your disability. For example, if you are applying for housing only for people in wheelchairs, the PHA may ask you **if** you use a wheelchair, but the PHA cannot ask you **why** you use a wheelchair.



Drug Use

The PHA may ask for a limited release so they can ask drug treatment facilities if you are using drugs now. The PHA must choose to ask every applicant to sign this kind of release OR to only ask those with a criminal record that shows arrests related to drug activity or a rental history of property damage, violence against someone, or other actions interfering with the neighbors' peace. The release only allows the PHA to ask if the treatment center thinks you are using drugs now. The PHA **cannot** ask for your records or any other information about your treatment or diagnosis.

Medications

The PHA may ask you how much money you spend on medications each month. This information is used when your rent is calculated. BUT the PHA **cannot** make you list the medications you are taking. If you want to give the PHA a list from your pharmacy showing the prices of your medications, you can black out the names of the medications.

Application Withdrawn



If your paperwork is incomplete or if the PHA asks you for information and you don't get back to them, they treat your application as withdrawn. They stop reviewing it. **Tell the PHA if you move!** If they send something and you have a new address and don't get it, you might lose out.

If your application is withdrawn, but you want to continue to apply, call the PHA right away and ask them to restore your application to its original date, or "reinstate" it. Ask in writing and keep a copy for yourself. Each PHA will have rules in their policies about time limits or how many times an application can be reinstated.

M In Minneapolis, you can only reinstate your application once and it must be within one year after the application was withdrawn.

I am done with the Application Process. What happens next?

A Decision

The PHA makes a decision about your application. Sometimes it takes a long time. But, if your application is denied, the PHA has to let you know in a "reasonable" amount of time.

Some PHA's have written policies that give a time limit for making a decision. If there is a time limit, and it has passed, and you still haven't gotten a decision, contact Legal Services for advice. A list of Legal Services offices can be found in the back of this booklet.



The PHA must let you know about its decision in writing. They can't just call you on the phone. The letter will tell you what the next steps are and what happens next.

If you are denied, the letter must give you the reasons why you were denied and tell you how to appeal that decision if you want to.

- **If your public housing application is accepted, go to page 25.**
- **If your public housing application is denied, continue reading on this page.**

What if my public housing application is denied?

If your application for public housing is denied, the PHA must tell you in writing. They must tell you the reasons you were denied and what to do if you want the denial decision reconsidered.

If you want to appeal the denial of your application you have to send a written request for an appeal hearing (often called a grievance hearing). The denial letter will tell you how much time you have to ask for a hearing. The letter should also come with a form you can fill out to ask for a hearing. If you did not get a form, you can either request a form from your eligibility worker or simply write a letter stating that you contest the denial and would like to have a hearing.



Common reasons for denial from MPHA include

- currently or previously being trespassed from any MPHA property for the last 3 years
- head of household can't get utilities in her/his name
- having an active bench warrant
- recent criminal history
- poor rental history
- providing incorrect information on your application

Negative Information

Negative information in your application or something bad the PHA found out about you during the application process does not mean you are automatically denied. The PHA must look at the

“mitigating circumstances” for each applicant. “Mitigating circumstances” are reasons or new information about you or the situation that make the negative information less bad.

For example: a former landlord complained about the behavior of your son in his reference letter. The PHA *could* use this as a reason to deny your application. But if your son doesn’t live with you anymore, you can tell the PHA to consider that as a “mitigating circumstance.” Based on this new information, your application should be approved.



If the negative information is criminal activity, you can still present “mitigating circumstances” and show why the PHA should not deny you. Mitigating circumstances are things that show the criminal activity is not likely to happen again. And that you would not pose a threat to the safety or right to peaceful enjoyment of other residents and staff. If you can show these things, the PHA may still approve your application.

If you did treatment, counseling, or community support programs or groups, like being in religious or cultural groups or activities, you may have a better chance of approval by the PHA.

If the negative information has to do with illegal drug or alcohol use, the PHA may still consider you if you completed a treatment program. The PHA may need proof that you have completed this treatment, but it can’t make you show them your records. A letter from the treatment center should be good enough proof that you completed the program.

If the negative information is a drug-related eviction from public housing, you will be denied if the eviction happened within the time period set by the PHA. If you had the drug issue, the PHA **might** consider you if you have gone through treatment. If it was someone else in your household, the PHA **might** consider you if you can show that the person went through treatment or is completely gone from your life. For example, if they are in prison or dead. You will have to show proof. Every PHA will has their own rules about this.

M You are not eligible for Public Housing in Minneapolis for 5 years after an eviction from Public Housing for drug-related criminal activity.

What if I am denied because of something related to my disability?

If the reason you are denied is related to your disability, you have the right to ask for a change in the policies or process. This is called a reasonable accommodation. You must be told how to ask for this in the notice of your denial. Ask for a reasonable accommodation in writing and keep a copy for your own records.

In order to get a reasonable accommodation, you must show the PHA how the negative information that caused the denial was related to your disability. You need to show

- what the disability is
- how it is connected to the problem
- what you will do to make sure the same problem does not happen again.



For example: the PHA finds out you were evicted in the past because you didn't pay rent on time. They deny your application. If your rent was late because you were in the hospital because of your disability or your income went down because your disability kept you from working, then you could ask for a reasonable accommodation. You must show that you will be able to pay your rent on time in the future. See our fact sheet [H-9 Do You Need Your Landlord to Make a Change Because of Your Disability? \(Reasonable Accommodations\)](#).

What if I am denied because of something related to being a victim of domestic violence or sexual assault?

The federal Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, stalking and sexual assault. It is illegal for a PHA to deny you because of things related to you or anyone in your household being a victim of domestic violence or sexual assault.

Tell the PHA that the reason for your denial was because of domestic violence or sexual assault. You may have to give them written proof that you or a household member were a victim at the time. The PHA can't make you have or get an Order for Protection (OFP) from the court.

For example: the PHA denies your application because of property damage done where you used to live. If the damage was the result of domestic violence, explain the connection and provide evidence, like a police report, that you were a victim of domestic violence or sexual assault.

See our fact sheet [H-22 Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

Do I have the right to a hearing about the denial of my application?

Yes, you have a right to a PHA hearing. Your denial letter has to tell you about your right to an informal hearing at the PHA. It has to also tell you the rules of the hearing, the deadline to ask for a hearing and how to ask for a hearing. You have to ask for a hearing in writing. Keep a copy for yourself.



Act quickly when you find out you have been denied. The time frame to ask for a hearing is very short.

Contact a lawyer quickly! A lawyer can talk to you about your rights and your options. A lawyer can help you decide what gives you the best chance of having the denial reversed. Any delays or missed deadlines can weaken or ruin your chances to challenge the denial.

There is a list of Legal Services offices in the back of this booklet.

What are my rights in the hearing?

Your rights before the hearing

- Make sure you have a written notice from the PHA saying why you were denied. The reasons have to be specific enough for you to be able to prepare an adequate response. If you do not understand the stated reason, call your legal services office.
- You have the right to a copy of the rules for the hearing so you know in advance what the process will be, and so you can prepare.
- **Look at your application file** and all of the information the PHA used in making its decision. You have the right to copies of the information in the file. The PHA might charge you a reasonable fee for the copies. Any information that the PHA does not show you can't be used in the hearing.
- If you have a disability you have the right to ask for a reasonable accommodation if you need it to be able to fully participate in the hearing. For example: a non-verbal interpreter or an accessible place. The PHA must pay for the interpreter if you have a disability that affects your ability to communicate.



- If you do not read or speak English well, tell the PHA you need an interpreter. The PHA must pay for the interpreter.

Your rights at the hearing

- **You can have an advocate with you.** Your advocate can make statements to help you present your case. Your advocate can be a friend, a lawyer etc.
- **You can question the PHA employee** who made the decision to deny your application about that decision.
- **You can question the PHA about the information used** to review your application and the way the denial decision was made.
- **You can present documents** that show you are eligible for public housing and documents that correct any information about you in your application file that is wrong. You may have to submit these documents before the hearing. Review the hearing rules ahead of time to make sure you submit these documents in time to be used at the hearing.
- **You can have witnesses speak in your favor.** You may be required to show a witness list prior to the hearing. You should review the hearing rules ahead of time to make sure you submit your witness list in time for them to be heard at the hearing.
- **An objective hearing officer or hearing panel.** The hearing officer or panel members cannot be the same person or people who made the original decision to deny your application. It can't be someone directly supervised by the person who denied your application.

Your rights after the hearing

- **You have the right to a decision based only on information presented at the hearing.** The hearing officer or panel may not do any investigation on their own before making their decision.
- **You have a right to a written decision** by the hearing officer or panel. The PHA's written policies will tell you how long the hearing officer or panel can take to make their decision.



- **You have a right to a decision that states the reasons for the decision and the specific evidence** presented in the hearing that the hearing officer or panel used to decide whether you were eligible or not. The decision must be more than a simple “yes” or “no.”

What information has to be in a hearing decision?

The PHA **must** give you a written decision after the hearing. The time it has to give you a decision is in its policies and is different for different PHAs. The decision can’t just be “yes” or “no.” It has to tell you the reasons the hearing officer or panel made their decision. These reasons must be based only on what was presented in the hearing. The written decision must also state the evidence presented at the hearing that was used to make the decision.

If you asked for reasonable accommodations, the written decision has to talk about the hearing officer’s decision about that request. A reasonable accommodation may be denied if

- It would mean the PHA would have to make too big a change to its program
- It would be too much of an unnecessary burden on the PHA
- The change is not needed for you to have an equal chance to use and enjoy their home
- It doesn’t do away with or lower any risk that you may pose to other residents.

Again, the PHA’s written decision about a reasonable accommodation request, must give you the reasons for that decision and state the evidence presented at the hearing they used to make that decision.

Can I ask a court to review the PHA’s decision?

Yes, in some cases. But you need help from a lawyer to create the legal documents to file in state or federal court. If you would like a court to review the PHA’s hearing decision, contact Legal Services immediately and get help from a lawyer. You can find a list of Legal Services offices in the back of this booklet. You should act quickly because the deadline for any appeal is usually very short. If you miss the deadline you may miss the chance to do anything about the hearing decision.



IMPORTANT: Even if you plan to talk to a lawyer about going to court, you should still ask for a hearing at the PHA. This will make sure you don’t miss the PHA deadline, and will keep your options open. The PHA deadline may be sooner than you can get into court. Your lawyer can always cancel the PHA hearing if you get into court.

Can I reapply?

Yes, you can reapply. Many PHAs have policies about how long you must wait before you can reapply after you have been denied. If you plan to reapply, try to address some of the reasons you were previously denied. For instance, if you had poor rental history in the past you should try to establish good rental history now. If you had problems with drugs or alcohol or criminal history you should try to seek out support systems in the community to show that you are unlikely to reoffend or fall back into substance abuse.

M In Minneapolis, you can apply again 6 months after the date on your denial letter.

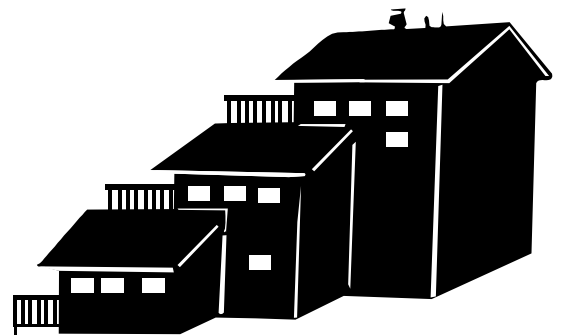
I have been accepted into public housing

It's possible that after you have been accepted for public housing you will be shown a unit. It is more likely you will be put on a waiting list. The PHA's written policies explain how the waiting list is arranged, whether by date of application or by preference points or both.

Preferences

Your PHA may have adopted "preferences" which affect how quickly you can get through the waiting list. If you qualify for certain preference points, you will likely have a shorter time on the waiting list and will be housed sooner. Each PHA may use different preferences, so you need to look at the PHA's written policies. Some common preferences adopted by PHA's include

- being a resident in the same area of the PHA
- being in a working, disabled or elderly family
- being forced from your unit because of disaster, government action, landlord action (like a rent increase) or domestic violence
- currently living in substandard housing or being homeless and
- currently paying too much of your income (for instance, more than 50%) in rent



The PHA will tell you which preference points you qualify for. If you are denied preference points you feel that you are entitled to, you can file a grievance with the PHA about this denial. Read about the grievance process starting on page 58.

As your situation changes while you are on the waiting list, your preference points might change. Be sure you know how the PHA wants you to update your application. Keep copies of all updates for your own records.

The PHA offers you a unit

Once you reach the top of the waiting list and the PHA has the right sized unit available you get a written notice from them. The notice may ask for updated info about your family, your income, and any application preferences that you have now. The notice will offer you the housing. There is a deadline for you to answer yes or no. Don't miss the deadline! Remember to let the PHA know if you move or change your address so you don't miss out.

Depending on the PHA, you will be shown one unit or a few units. If you turn down what they show you, the PHA policies determine where on the waiting list you will go. You may stay at the top of the list or you may go all the way to the bottom. Some PHAs will take you off the waiting list if you refuse all of the units they offer you. Check the PHA's written policies to see what will happen if you turn down offered units.

If you think your situation was not handled the way the policies say it should be, contact Legal Services for advice. There is a list of Legal Services offices in the back of this booklet.

Some PHAs use site-based waiting lists. This means that you are on a waiting list for a specific site. You will only be offered units that open up on that site. If a PHA uses these lists, it must tell every applicant that they have the option to be on a site-based waiting list. It must also tell about how long the wait is for a unit. But PHAs can't let site-based waiting lists cause segregation of residents. **For example:** creating one race sites.

How does the PHA decide what my rent will be?

Unlike private housing, public housing units do not have set rates for everyone. There are different types of rent also- income based, minimum and flat rent. The most common is income based rent. Income based rent in public housing is set at **around** 30% of the household's annual income. Income based rent keeps housing affordable and allows low-income families to pay a fairer portion of their income to rent.



The following sections give information on income based rent. Minimum and flat rent information starts on page 33.

PHAs look at other things along with your income when figuring out rent. These usually have a goal to help residents get off public assistance, do job training programs and keep their jobs.

If you think that the PHA is wrong about the amount it has set for your rent, ask to see how the rent was calculated. If you still think the PHA is wrong, you can file a grievance with the PHA. Ask to see their grievance process and follow the instructions. You may also want to contact Legal Services for additional help. There is a list of Legal Services offices in the back of this booklet.

There is a rent calculation worksheet on page 84. It might be helpful to look at it as you read the following section.

Household Income

Your household income is the income of all of the people you live with. There can be adjustments like deductions or exclusions made to your income amount. Because of this, your income as seen by your PHA will probably be different. Your household income is figured out at move in and usually at least once a year after that. PHAs may choose to recalculate income and rent every 3 years for tenants on fixed incomes like annuities, SSI, SSDI, RSDI, Social Security, or from federal or state pension plans. The PHA must show its policy in writing.

M If you live in Minneapolis and are on a fixed income, usually SSI or SSDI benefits or are paying “flat rent,” your household income is re-evaluated every 3 years instead of every year.

The PHA counts the following types of income

- Wages and salaries
- Public assistance (including MFIP)
- Social Security benefits
- Unemployment insurance
- Disability payments
- Child support payments and alimony payments
- Interest income from bank accounts
- Retirement benefits



Deductions

The PHA will figure in some deductions to your family income. A deduction is an amount that is subtracted from your annual family income so that your rent amount will be lower. These include

- A deduction of \$480 for each dependent in the household
- A deduction of \$400 for each elderly or disabled person in the household

- Reasonable child care costs so that a household member can go to work or school
- Medical expenses for an elderly or disabled household member that exceed 3% of the household annual income
- Attendant care or apparatus expenses paid so that a disabled household member can work that exceed 3% of the household annual income

Exclusions

Some **income** is not counted as household income. This is called “excluded income” or “exclusion” and are things like

- Earned Income Tax Credit (EITC) and Minnesota Working Family Tax Credit benefits
- Some types of lump sum payments like inheritances or insurance payments
- Wages of children under 18
- Wages of more than \$480 per year of full-time students over 18 (except the head of household or spouse)
- Income of live-in aide, but be sure to check the PHA policy definition for live-in aide
- Food stamps (Supplemental Nutrition Assistance Program - SNAP)
- Some student financial aid benefits
- Relocation assistance provided under the Uniform Relocation Act
- Adoption assistance payments

Check the PHAs written policies to see what other income exclusions your PHA may have chosen to use.

M Minneapolis has a working family incentive that allows you to exclude 15% of any earned income. Minneapolis PHA also excludes – from annual income – child support payments you make through payroll deduction.

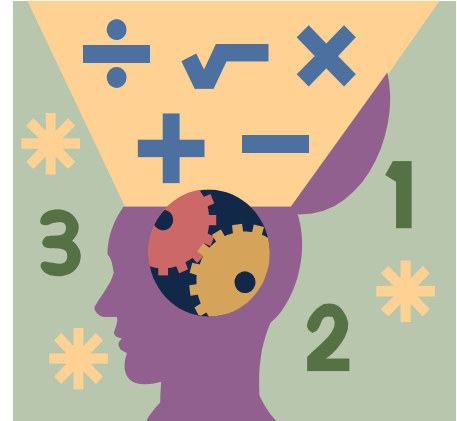
There are some other income adjustments that can save you money if you or someone you live with is working while living in public housing. These exclusions are talked about more in the sections below.

Earned Income Disallowance

Earned income disallowance (or disregard) means that the PHA cannot increase your rent because of the new job income right away. If you or someone in your household gets a new job

- after being on welfare for at least 6 months
- while taking part in a job training or economic self-sufficiency program, which may include

- employment counseling
- work placement
- basic skills training
- education
- english proficiency
- workfare, financial or household management
- apprenticeship
- any program necessary to ready a participant for work



- after being unemployed or underemployed for the previous year.

To figure out if you (or someone in your household) were underemployed, follow these steps

- Figure out if the federal minimum wage or Minnesota’s minimum wage is higher. Find the federal minimum wage at www.dol.gov/dol/topic/wages/minimumwage.htm. Find Minnesota’s current minimum wage at <https://www.dol.gov/whd/minwage/america.htm#stateDetails>
- Write down the **higher amount**.
- Multiply that amount by 500. For example: if the higher minimum wage is \$7.87 (which it is, as of Jan. 1, 2018), your math would be **\$7.87 x 500 = \$3,935**.
- During the year before you got the new job, did you make less than the amount you got in the step above? If so, you were underemployed and you qualify.

If you qualify for an earned income disallowance the PHA **cannot** increase your rent right away. PHAs must adjust your rent for 2 years after the date you are hired. For almost all PHAs the disallowance works like this

- The first year your new income doesn’t count. This means your rent is based on the old amount.
- For the second year the PHA counts only half of your income.

This 2-year period only applies to increases in income. Your rent can still be lowered if your income goes down.



For the disallowance, “welfare” means any public assistance of \$500 or more in cash from MFIP. It can include more than monthly financial benefits such as one-time payments, wage subsidies and transportation assistance.

M Income disallowances work differently if you live in Minneapolis Public Housing. In Minneapolis, the 100% income disallowance lasts for 24 months.

Are there any other income adjustments?

Incentive Programs

Federal law allows each PHA some flexibility to set deductions or exclusions for calculating rent and income. These rules usually help residents keep more household income and encourage and reward employment.

These are sometimes called incentive programs and may let you to deduct certain expenses from your family income. For example, if you have to pay travel costs to get to work (like bus fare) some PHAs will let you subtract that money from your income so it doesn't count when figuring out rent.

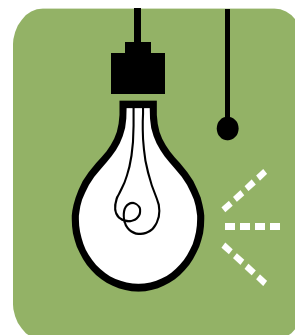
If you have other costs or expenses because of your job, it might be a good idea to ask your PHA if they have an incentive program that applies to you.

These programs may only affect the amount of your rent for a limited period of time. Make sure to tell the PHA about any changes in household income in writing.

M Minneapolis has a working family incentive that allows you to exclude 15% of any earned income.

Utility Allowance

If your lease says that you must pay for some or all of your utilities, a “utility allowance” will be taken out when the PHA calculates your rent. Only certain utilities are covered by the utility allowance. These utilities include electricity, water, and gas. There is no utility allowance for telephone, cable, or internet services.



The PHA sets the amount of the utility allowance that will be taken off of your rent calculation. The utility allowance is supposed to be the monthly cost of utilities based on reasonable use in a particular sized apartment. In reality, the amount you actually pay towards utilities each month will very rarely be the same amount as the utility allowance.

PHAs must review the amount set for the utility allowance every year and make adjustments for changing costs in utility service. If the rate for any utility raises more than 10%, then the PHA has to adjust the utility allowance, even if it is not time for the yearly review.

When figuring out your rent, the PHA subtracts the utility allowance from the rent amount. If the utility allowance for your apartment is more than your entire rent, the result is a credit, called a “utility reimbursement.”

Sometimes the PHA pays this reimbursement to you. Sometimes the reimbursement goes to the utility company for your bill. This is in the PHA’s written policies. If the PHA pays the utility company, it must send you a notice telling you the amount it paid on which bill. If the reimbursement is paid to you, the PHA may choose to pay you quarterly (every 3 months) rather than every month. The PHA must have a written policy about how it pays reimbursements.

Ask for an increase of your utility allowance if you have reasonable grounds to need one. Usually a utility allowance increase will be allowed for the special needs of the elderly, disabled, or ill residents. You may also get an increase if there are other factors that affect your utility usage which are not within your control.

The PHA must have a way for you to ask for an increase. You should get this information when you move into your apartment or when you get a written notice of a change in your utility allowance. If you don’t have instructions or a form, ask your PHA. The instructions have to tell you how to ask for an increase and who you need to contact.

The PHA has rules about who can get a utility allowance increase. The process and instructions can be found in the PHA’s written policies.

What happens to my rent if my income changes?

Most PHAs review your household income once a year. But there are times when your income will change before it is time for your annual review. **If this happens, report any changes in writing to the PHA right away.**

If your income goes down, your rent will go down. Rent reductions apply the 1st day of the month after you reported your income change.



If your income goes up, your rent might go up. Rent increases do not apply until the 1st day of the second month after your income changed. See “Earned Income Disallowance” on page 28.

Different PHAs have different rules about when you must report income changes. Be sure to pay careful attention to these rules found either in your lease or the PHA’s written policies.

Examples of changes you may have to report (for all household members) include

- Getting welfare benefits or having changes in the amount of welfare benefits
- Changes in who lives in your household, including new babies
- Increases or decreases in wages or salaries
- Getting a new job

Remember, always report your household income changes in writing and make sure to date it. Keep a copy for your own records.

M The Minneapolis PHA reviews income for households on a fixed income, usually SSI or SSDI benefits, and households paying “flat rent” once every 3 years. Even though income reviews happen less often, these households are still responsible for reporting changes in income whenever they happen.

Will my rent change if I lose some welfare benefits?

Even though your income goes down when you lose welfare benefits, your rent might not go down. It depends on **why** you lost the benefits.

If you lost benefits because

- you did not follow some of the agency’s important rules
- you committed fraud or
- you did not follow the agency’s “economic self-sufficiency” requirements

Then your rent will probably not go down even though your income has. This rule must be written in your lease if the PHA wishes to use it against you.

If you lose benefits because you got a job or a child moved out, your income may go up, but you don’t have to pay a rent increase for a while. See “Earned Income Disallowance” on page 28.

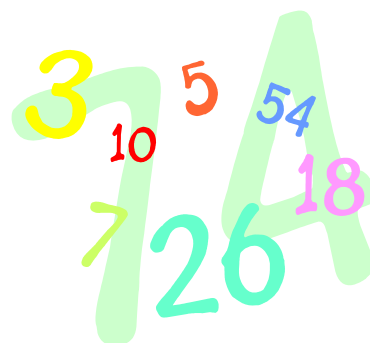
If you have more questions, you should contact your local Legal Services office. You can find a list of Legal Services offices in the back of this booklet.

Other Ways Your Rent Might Be Calculated

Minimum Rent

Some PHAs set a “minimum rent.” This means that everyone has to pay at least that amount no matter what their income is.

Minimum rent is set by the PHA and the amount can be found in its written policies. The average minimum rent for the state is \$50 per month. There can be a utility allowance with minimum rent.



M In Minneapolis, minimum rent is currently set at \$75 per month, but it may increase in the future. Check the PHA policies to see what the current minimum rent is.

What if I can't afford the minimum rent?

If the PHA has a minimum rent, they must also offer a “hardship exemption.” The PHA should tell you about this option. If you can't afford to pay the minimum rent, ask for a hardship exemption from the PHA right away. You want to get the hardship exemption before rent is due or an eviction complaint for nonpayment is filed. It's always best to ask in writing and keep a copy for your records. If you ask for a hardship exemption, the PHA will still bill you for your month's rent, but you will not be evicted if you don't pay.

You may be able to get a hardship exemption if

- you lost benefits or are waiting for public benefits
- your family would be evicted because you can't pay the minimum rent
- your family's circumstances changed, like someone lost a job or someone died

Ask your PHA. Each PHA may have other reasons that they will give hardship exemptions for.

A hardship exemption can be temporary or permanent. A hardship is considered temporary if it is expected to last for less than 90 days.



If the hardship is temporary, your family will be charged the minimum rent for the time period of the exemption and the PHA will set up a payment plan for you to repay the minimum rent after the hardship has passed.

If the hardship is permanent, the exemption will last until the hardship has passed and you will not be charged the minimum rent. You will still be responsible for paying rent based on your income.

Contact Legal Services if you have any troubles with the PHA, your hardship exemption is denied, or you are being evicted for nonpayment of minimum rent. You can find a list of Legal Services offices in the back of this booklet.

Flat Rent

You can choose to pay a flat rent instead of an income based rent. When you choose this option, you will pay a flat amount of rent for the year that will not change if your income changes. You may be able to get a utility allowance with flat rent.

If you choose to pay flat rent, the PHA must still let you switch to income based rent if you have a big drop in your income, or some other hardship. Look carefully at the PHA's rules about what counts as a "hardship" and what you need to do to switch to income based rent.

Contact Legal Services if the PHA will not let you switch to income based rent and you can't afford to pay the flat rent. There is a list of Legal Services offices in the back of this booklet.



Do I have to pay a security deposit in public housing?

The PHA can collect a security deposit from you when you move in. This money is held to cover any damages beyond "normal wear and tear" and any unpaid rent when you move out. The PHA's written policies say how much the security deposit is. Usually, it is 1 month's rent or a set amount, like \$150. The PHA might let you pay the security deposit over time in monthly payments. Check the PHA policy manual or ask.

Security Deposit Tips

There are steps you can take to protect yourself and make sure that you get back as much of your security deposit as possible. When you first move into the apartment, go through it very carefully and make a list of everything that is wrong with it. If you can, have someone from the PHA sign off on this list. Keep a copy for your own records. See our fact sheet [H-3 Looking for](#)

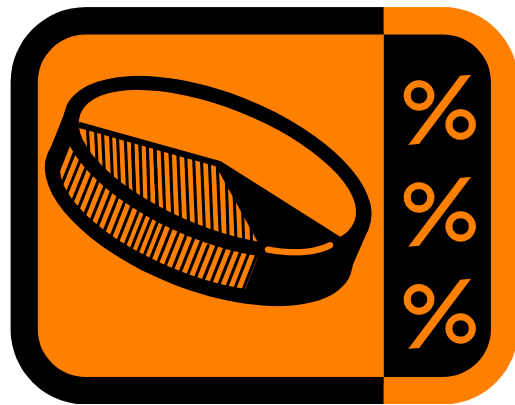
[an Apartment](#). There is also a checklist (Move-In Inspection and Lease Addendum) you can use at the back of this booklet on page 77.

After making this list, send a written request to the PHA to fix everything that is wrong. Again, keep a copy for your records.

Before you move out of the apartment, go back through the apartment and make a new list of everything that is wrong with it. Have the landlord or manager sign this list and keep a copy for your records. If you can, have someone else go through the apartment with you. Make sure this person is willing to go to Conciliation Court if necessary. You can use your lists as evidence in court to dispute any damages you don't think you are responsible for.

The PHA must follow Minnesota's laws about returning your security deposit after you move out. You **cannot** use your deposit to pay your last month's rent. You must pay your last month's rent as normal, and then wait for the PHA to return your deposit. For this reason it is important to let the PHA know your current address. If you don't give them your new address you won't get your money back.

When the PHA returns your deposit, they have to add on the annual interest that has been earned on it while you were living in public housing. The annual interest rate is set by the state legislature. More information about this can be found in our booklet [Tenant's Rights in Minnesota](#) or our fact sheet [H-29 Security Deposits](#). Your deposit starts to earn interest the month after you make your final deposit payment. So, if you made your final payment toward the security deposit in March, the deposit will begin earning interest in April.



How long does the PHA have to return my deposit when I move?

The PHA has 21 days, or 3 weeks, after you move out and you give them your new mailing address. You have to give the written delivery instructions to start the 21-day countdown. They have to return your deposit or to send you a written explanation of why they are keeping all or part of your deposit. The PHA may keep some or all of your security deposit to cover any unpaid rent and/or to cover the expense of repairing the apartment to the condition it was in when you moved in.

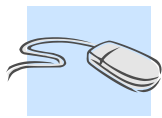
The PHA can keep your deposit to make repairs but not to make repairs for “normal wear and tear” on the apartment. “Normal wear and tear” can be different depending on the condition of the apartment when you moved in and the length of time you lived there.

For example: if you lived in an apartment for 3 years and when you move out it needs repainting, you could probably argue that this is “normal wear and tear” and you are not responsible for the cost. But if you only lived in the apartment for 6 months and it was freshly painted when you moved in, this is probably not considered “normal wear and tear” and you will have to pay for the repainting.



What if the PHA does not return my deposit?

If the PHA does not return your deposit or send you a notice explaining why it is keeping it within 21 days, send them a demand letter. Make sure you put down the address you want the deposit sent to. Explain why you deserve the deposit back. Keep a copy of your letter.



You can create a demand letter online with a quick interview process. Click [here](#) or go to LawHelpMN.org and look for “[Security Deposit Demand Letter – Do It Yourself.](#)”

If you still don’t get your deposit back you can sue. You can sue in conciliation court for the deposit amount PLUS a penalty equal to the deposit plus interest.

If the PHA keeps your deposit in “bad faith” you can also ask for up to \$500 in punitive damages. “Bad faith” means that the PHA knew it was wrong to keep your deposit, but did anyway.

If you disagree with the PHA’s reasons for keeping your deposit, you can sue in Conciliation Court. At court, the PHA will have to prove that it used your deposit to pay for repairs. See our fact sheet [C-1 Conciliation Court.](#)

Do I have to pay any extra charges?

The PHA **can’t** charge you extra for services like

- Utilities
- Garbage collection
- Furnished appliances
- Pest control
- Regular maintenance and repairs



You also **can’t** be charged for

- “Fines” for violating the lease or rules.
- Legal fees or court costs the PHA pays to enforce the lease whether you win or lose. **If** your lease says that you must pay these costs if you lose, and the court orders you to pay, then you can be charged.

- The cost of an interpreter at meetings with the PHA if you do not speak English or need an interpreter because of your disability.
- Property damage resulting from domestic violence or sexual assault. The federal Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, stalking, and sexual assault. See our fact sheet [H-22 Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

The PHA **can** make you pay extra for the following items, but only if it says so in your lease. The PHA must give you a list of its charges if you request it.

- A security deposit equal to your monthly rent
- A late fee of 8% or less of the unpaid rent if you do not pay your rent on time. The amount of the late fee must be in your lease.
- Excess use of utilities (when your rent includes the costs of utilities)
- A pet deposit
- Garages
- Cable TV
- Lost keys
- Reasonable costs to repair damage to your apartment that is not “normal wear and tear.” You must get a list of what the cost of these charges will be and the list must be posted in the building. It does not matter if the damage was caused by you, someone in your household, or an invited guest.

The PHA can't make you pay for damages caused by vandals or by someone you did not invite into your home.



There are legal differences between rent and extra charges. The PHA can evict you for not paying extra charges, but only if your lease says that failure to pay these charges is a violation of the lease. Failing to pay the extra charges is not the same as failing to pay your rent. The PHA **can't** use your rent payment to pay for extra charges and then say that you owe more rent.

Extra charges must be reasonable. They must be set up in a way that lets tenants have a chance to give input about them when a list is created. When a PHA wants to **change** the list of charges in its policies, it must give a 30-day written notice of the proposed changes to tenants, and consider written comments from them **before** any changes are made effective.

Tenants can also have input through a Resident Advisory Board. For more on Resident Advisory Boards, see page 65.

Life in public housing

Household Changes

Who is part of a household can change for a number of reasons: children, marriage, divorce, death or other ways. The general rule is that you need to report changes to the PHA as soon as you can.

In some cases, you need the PHA's approval before adding a family member. In other cases, you do not. But you still have to tell them about any changes.

Adding Children

When a child is added to a household because of birth, adoption, court-awarded custody, or through a Delegation of Parental Authority (DOPA) signed by the child's parent, you do NOT need to get PHA approval beforehand. But you have to let the PHA know the child is being added. It is a good idea to tell the PHA in writing with a date and your signature on the letter. Keep a copy for your records.



If you want to add a foster child to your household, you must get PHA approval first.

If you have problems adding children to your lease, talk to your legal aid office.

Adding Adults

Each PHA has its own policies about adding adults to a household. The policies are there to accurately calculate household income for rent, and to screen out people who may cause problems to the health and safety of other tenants and PHA staff. The screening policies should be the same screening policies used when you first apply to public housing, unless the law has changed since then.

The PHA should not turn down anyone because of bad credit or problems with paying rent in their past. The things they should be looking at are things like criminal history, can the person follow the law and rules of the lease, and will they be a good neighbor.

A live-in aide or attendant can be added for an elderly, near-elderly or disabled tenant who needs help for their care and well-being. The live-in aide does not usually have to sign a lease, but you must get permission from the PHA before they move in. If the person they care for leaves the unit, the aide must also leave.

A PHA might set up rules in their policies for screening live-in aides. These screening rules will be different from the rules for other tenants since an aide does not pay rent and isn't on the lease.

Can I have a pet?

A tenant in public housing can own pets, but the PHA can make rules about pet ownership. The PHA can make rules like

- Making you pay a pet deposit in case your pet does any damage. If no damage is done you get this money back.
- Limits on what size and weight your pet can be
- What kind of pet you can have. Animals classified as dangerous can be banned
- Saying you have to get a license for your pet if local laws require it
- Saying you have to prove the pet has been vaccinated and/or neutered
- Setting rules about where on the property you can take the pet

Any rules the PHA has about pets must be in its written policies and the PHA's Annual Plan.



Service Animals

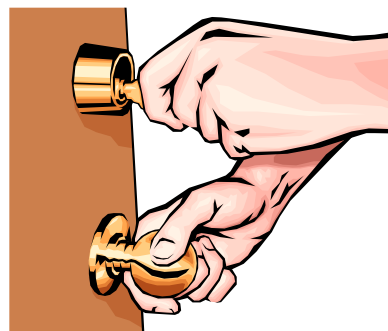
A "service animal" is an animal that helps a person with a disability. Dogs used by the visually impaired are service animals. But service animals can also be a variety of animals that help people with a wide range of disabilities. For example: companion animals for people with mental health disabilities are service animals.

The PHA's rules about pets do not apply to service animals. You have to care for the animal and control its behavior, but you are not required to pay a pet deposit for your service animal. You will probably have to give the PHA proof that your animal is a service animal and not a pet. See our fact sheet [H-7 Can I Keep a Pet?](#)

Security and Safety

Federal law says that PHAs **must** make sure that public housing is “decent, safe and sanitary.” If you think there are security problems or safety issues, **tell the PHA in writing and keep a copy for your records.**

If the problems are in your home, like your smoke detectors don’t work, or your locks are broken, see the section “Maintenance and Repairs” on page 41. Or read our fact sheet [H-11 Getting Your Landlord to Make Repairs](#).



Public housing residents have a right to the same public services as everyone else. These services are things like garbage removal, police and fire protection. If you think you are not getting the same services as people who don’t live in public housing, **tell the PHA in writing and keep a copy for yourself.**

What else can I do?

You and your public housing neighbors can form a formal tenant organization to work with the building manager, the PHA and the police to make your building safer. Some examples of programs you can participate in to make your building safer include

- Crime prevention education
- Neighborhood watches
- Security patrols
- Meetings with the local police

The PHA can be sued in court if it fails to provide enough security. The PHA also has a duty to prevent or eliminate illegal drugs from the premises.

If the PHA still does not provide enough security, there are some other steps you can take to get repairs and maintenance to your home. These steps include

- Rent Escrow Action
- Tenant’s Remedies Action
- Court-ordered rent abatement
- Contacting your city inspections office or housing code enforcement office



- Administrative remedies through HUD (contact the Minnesota HUD office – contact information is at the end of this Booklet)
- Complaining to city or county government representatives

If you do not know which option is the best in your situation, it is a good idea to contact Legal Services and get advice. There is a list of Legal Services offices in the back of this booklet.

Can I break my lease if I need to get away from my abuser?

If you are a victim of domestic violence or sexual assault, the Violence Against Women Act (VAWA) allows you to end your lease and immediately move out without any penalty. If you don't want to leave public housing for your safety, but want to move to a different, safer public housing unit, you need to check the PHA policies about transfers for VAWA survivors.

In 2013, Congress required HUD to create transfer policies for VAWA survivors in public housing. HUD has not finished those rules but some PHAs have created their own transfer policies.

There is a Minnesota law about breaking your lease in domestic violence or sexual assault situations, but it does NOT apply to public housing because VAWA provides better protection. Your PHA may be confused about this and ask you to follow Minnesota law. Before you do, you should talk to a domestic violence advocate or a legal services advocate. The notice to use to get your VAWA protections is from our fact sheet [H-22 Subsidized Housing Rights for Victims of Domestic Violence](#). You can also find the VAWA Notice to break lease on page 79.

Maintenance and Repairs

Federal law and HUD require that PHAs

- Follow all building and housing codes and HUD regulations that affect the health or safety of tenants. Check to see if a local housing code exists in your area.
- Follow all lease provisions dealing with maintenance and repair.
- Keep all electrical wiring, plumbing, heating, ventilation, sanitation and elevators in safe working order.



- Make sure there is running water and a reasonable amount of heat and hot water to the rental units. The only exception is when the tenant is responsible for paying all utility costs directly to the utility company.
- Make sure there are enough containers for garbage for the whole building. Tenants must have their own garbage containers inside of their own apartments. Tenants must bring their own garbage to the building garbage disposal area.
- Make all necessary repairs.
- Keep the common areas clean and safe. Common areas are places like hallways, community rooms, laundry facilities, sidewalks and playgrounds.
- Follow state law requiring weatherization and insulation.

Some examples of ways the PHA can make public housing safer include

- Screening its employees for criminal behavior
- Hiring security personnel
- Re-renting vacant units as soon as possible
- Installing deadbolt locks, window locks, better lighting, fences, and a security system

What can I do if my home needs repairs?

If your rental unit or building needs repairs you can

- Tell the PHA in writing. Keep a copy of your letter for your own records.
- Ask the city housing inspector to inspect the problem
- Take pictures of the problem
- File a grievance if the PHA does not make repairs

To file a grievance (complaint) you need to follow certain steps. You can find more information about the grievance process starting on page 58 of this booklet.

Legal Action to get repairs

You have the right to take legal action if the PHA does not make the needed repairs in a reasonable amount of time. You may be able to get a court-ordered refund or rent abatement in addition to a court order to get the repairs made.



You can force the PHA to make the necessary repairs by filing a

- Tenants' Remedies Action

OR

- A Rent Escrow Action. When you file a Rent Escrow Action, you pay your rent to the court clerk, not to the PHA. The judge will decide what should be done next.

Before you file a Rent Escrow Action you must

- Have proof of the repair problem and
 - Send the PHA a letter demanding repairs at least 14 days before you file the Rent Escrow Action
- OR
- Have proof that a housing inspector ordered repairs but they have not been made by the deadline
 - Have proof that all rent due is currently paid or have the money due to give to the court clerk.

As part of your Tenants' Remedies Action or Rent Escrow Action you can ask the court to give you a rent abatement (reduction). The amount given is calculated by how much you couldn't use or enjoy the property because of the repair issues.

Contact Legal Services if you need help filing either of these actions or if you don't know what to do to get the repairs you need. You can find a list of Legal Services offices in the back of this booklet.

More information about the Tenants' Remedies Action and Rent Escrow Actions can be found in the booklet [Tenants' Rights in Minnesota](#) and these fact sheets: [H-11 Getting Your Landlord to Make Repairs](#) and [H-12 Emergency Repair Problems](#).

Can the PHA charge me for repairs?

The PHA **cannot** charge you for ordinary repairs and maintenance. The PHA **can** make you pay for damages caused by you, your household, and any invited guests. For more information about what the PHA can charge you for and how, see "Do I have to pay any extra charges?" on page 36.



The Federal Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, stalking, and sexual assault. If the damage to your apartment was the result of domestic violence or sexual assault, the PHA **cannot** force you pay for the repairs or evict you for failing to pay for the repairs. You may need to provide written documentation showing you

were a victim of domestic violence or sexual assault at the time of the incident. See our fact sheet [H-22 Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

Your lease may say that you have to do some reasonable upkeep. This might be jobs like shoveling snow from a sidewalk that leads only to your apartment. Any upkeep you have to do must be reasonable and not just a way for the PHA to avoid its responsibilities.

The PHA can't require this of any tenant who can't do it because of age or disability. If you cannot do these things because of a disability, you should ask the PHA for a reasonable accommodation. See our fact sheet [H-9 Reasonable Accommodations: Do You Need Your Landlord to Make a Change Because of Your Disability?](#)

The Community Service / Economic Self-Sufficiency Requirement

All PHAs have a rule that every adult in your household who is not working, has to do at least 8 hours of community service or participate in an economic self-sufficiency program every month. Sometimes you can be excused, this is called being exempt. There is more about being exempt on page 45.

What does “community service” mean?

“Community service” is any work that

- Is voluntary
- Benefits the public
- Adds to the quality of life in your community
- Adds to your self-sufficiency in your community
- Increases your self-responsibility in your community

“Community service” is not

- Work for which you are paid
- Political activity



What does “economic self-sufficiency program” mean?

An “economic self-sufficiency program” is any program that encourages, helps or trains you to be more financially independent. Examples of these programs are

- Job training
- Employment counseling
- Work placement
- Basic skills training
- English as a Second Language (ESL) or English proficiency classes
- GED classes
- Financial management classes
- Alcohol or drug abuse counseling
- Mental health treatment
- College classes
- MFIP work activities

The PHA’s written policy and Annual Plan will talk about the community service requirements. The requirements for community service should also be in your lease. Some PHAs will give you a list of volunteer opportunities and time sheets if you need to do community service. If they don’t give you these, ask how you find approved community service and how to keep track. Be sure that you keep a copy of any paperwork you turn in to the PHA showing you have met the requirements.

If every adult in your household doesn't do the full amount of community service, the PHA will not renew your lease unless you make up the missing hours and sign an agreement about the make-up plan.

Does everyone have to do this?

EVERY adult member of your household who is not working must do at least 8 hours of these activities every month unless he or she is exempt. Exempt means there are reasons that you don’t have to do it.

A public housing resident is exempt if they are

- 62 years old or older
- Blind or disabled and has papers showing why they can’t do community service or economic self-sufficiency
- The primary caretaker of a person 62 or older or a person who is disabled
- Exempt (excused) from work under the rules of MFIP
- Exempt from work under the rules of MN General Assistance
- Engaged in work activities



PHA's can set their own minimum hours of work activity required to make you exempt from community service, but HUD has suggested a minimum of 30 hours per week. You need to find out how many hours your PHA has decided to require.

What are “work activities” that will make a person exempt?

- Working
- Getting work experience – volunteer work that gives you experience in a certain field if you can't find a job
- On-the-job-training
- Job-search and job-readiness assistance
- Community service programs
- Vocational educational training (not more than 12 months)
- Job-skills training directly related to employment
- Classes to help you get or do a job if you don't have high school diploma or a GED
- Working towards a GED if you never finished high school



The PHA has responsibilities too.

The PHA has to do the following things

- **Write a policy about how community service requirements will be enforced.** This policy should be in the PHA's written policies and Annual Plan. It should say how the PHA decides if someone is exempt or not. It should also say how it will handle changes in a person's exemption status.
- **Give tenants a written description of the community service requirement.** This should also tell you how to claim an exemption status and how the PHA will decide if you can get an exemption or not.
- **Give written notice about its decision about exemption status.** The PHA should do this for each adult member of your household.
- **Give you written notice of your right to use the Grievance Process** to fix any mistakes you think they made in figuring out your exemption status. Also mistakes about your household's completion of the service requirements. See “Housing Authority Grievance Process” starting on page 58.

Review and check if your household completed its service requirement at least 30 days before the end of your 12-month lease. If your service was done through another organization and not the PHA, then the proof that you completed your service must come from that organization.

- **Keep proof** of your exemption status or your completion of the service requirement in your file.
- **Give you notice that**
 - You didn't do the 8 hours per month
 - The PHA is not renewing your lease
 - You have a chance to fix the problem by making up the work so your lease can be renewed
 - The PHA will sign an agreement with you, or the person who didn't do the required hours that says how the problem can be fixed so your lease can be renewed.

What if adults in my household do not complete the requirement?

At least 30 days before the end of your 12-month lease, the PHA will ask for

- 1) proof that each adult has done the 8 hours a month of community service or economic self-sufficiency program activities, or
- 2) proof that the person is exempt.

If you did your community service or activity with an organization other than the PHA, you need signed proof from that organization saying what you did and how many hours. Some PHA policies allow you to sign a certification that you did the community service and will randomly check if you are truthful. If you think you or one of your household members is exempt, you must provide proof that shows why. See the section called "Does everyone have to do this?" on page 47.



If you or anyone in your household does not do the required service hours, you will get a notice of noncompliance. The PHA will **not** renew your lease. Because of that, it is very important that you let the PHA know right away if someone in your household moves out. Let them know in writing. If you don't, it may cause serious problems and the PHA may not be willing to renew your lease.

If you are short some or all of your hours, the PHA will still renew your lease **IF** you sign a written agreement promising to do the needed hours. You still need to also do the amount for the new year. Make sure you can follow through on your make-up schedule. A broken agreement can lead to eviction.

Evictions from Public Housing

In Minnesota, you can only be evicted if there is a legal case started against you in court. In Minnesota, the local courts where evictions are filed are called the District Courts. The legal case is called an “eviction action.” It used to be called an “unlawful detainer” or UD. If you think you have a good defense (reason that you shouldn’t be evicted), make sure you respond to the PHA’s court papers. This is called an “Answer.” There is more information on Answers on page 52.



The PHA can only evict you for “good cause.” “Good cause” can mean many different things. It can mean

- that you broke an important part of the lease or
- that you did something less important a number of times or
- you didn’t pay your rent after being given a chance to pay

Your lease will tell you what you have promised to do and not do in your public housing unit.

Before the PHA can file an eviction action against you in court, the PHA must

1. Send you a Notice of Lease Termination
2. Let you know how to argue the lease termination through their **grievance process** or explain why you are not entitled to the grievance process.

If you want to go through the grievance process, the PHA **can’t file an eviction action in District Court** until the grievance process is done. Even if you are unsuccessful in the grievance process, the PHA still must win the case in District Court in order to have you removed from the property.

Violence Against Women Act (VAWA)

The federal Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, stalking and sexual assault. If the lease violations the PHA is trying to evict you for were the result of domestic or dating violence, stalking or sexual assault against anyone in your household, the PHA cannot use that incident against you. The PHA can ask you to prove that the incident is “domestic violence, dating violence, sexual assault or stalking.” But, if there are other lease violations the PHA could use those to evict you.

If the abuser or attacker is a member of your household the PHA can evict the abuser/attacker and do a new lease for just you and the remaining members of your household. You may also ask the PHA to transfer you to a different unit if you fear for your safety. The transfer may depend on what else is vacant but you should ask about the PHA’s emergency transfer policy for VAWA protections if you are not safe.

Be prepared to show the court how the violations were the result of domestic violence or sexual assault and ask the case to be dismissed. You may also have to give proof that you or the household member was a victim at the time of the incident. See our fact sheet [H-22 Subsidized Housing Rights – Victims of Domestic Violence](#).

If you have problems getting your VAWA rights enforced, talk to a DV services provider and your legal aid office.

Notice of Lease Termination

The PHA has to send you a written notice explaining the reasons why it wants to evict you. The Notice must

- Be translated if you do not understand English. **Note:** If you have a disability that makes it hard to read, the PHA **must** give you the notice in a way that you will know what it says as a reasonable accommodation.
- Say if you can ask for a grievance process or not. If the PHA thinks you do not get to use the grievance process, it must say why not.
- Tell you the reasons for the termination. The notice has to give **specific** reasons, including
 - The rules in the lease that you violated and
 - How they think you violated those rules. The notice has to give enough information so that you can prepare a defense.
- Say you have the right to make a reply to the termination notice
- Say you have a right to examine any documents that relate to the lease termination or eviction. You have the right to see and copy all of the information in your PHA file. You should ask for **ALL** of the file. The PHA can't hide part of your file from you. You might have to pay for any copies.
- Tell you the date the lease terminates. Usually you will get
 - 14 days for not paying rent
 - Different amounts of time for other things. The PHA looks at how serious the situation is. It looks at things like
 - Health and safety of other residents and staff
 - If someone in your household has been a part of violent or drug-related criminal activity
 - If anyone in your household has been convicted of a felony



The time will be shorter for serious things and longer, up to 30 days, for less serious things. The PHA decides the amount of time before the lease terminates.

If the PHA says you have the right to a grievance hearing, it should not terminate your lease until the time period to ask for the hearing has passed.

If you ask for a grievance hearing, the PHA should not terminate your lease until the grievance process is over.



You can avoid eviction by just leaving before the given date. Make sure to tell the PHA if you leave. You may be able to negotiate a move-out date later than the date on the termination notice, but you will probably give up your right to fight the eviction if you do.

Contact the person who wrote the termination notice to talk about this. You should talk about your case with a lawyer before admitting to any facts or making any agreements.

If you sign an agreement to move out, you will be expected to follow it. If you don't move out, the PHA will probably go to eviction court using the agreement you did not follow as a reason.

Grievance Process

Unless the case is for a reason that is exempt from the grievance process, or you have waived your grievance, or missed the deadline to ask for a grievance, the PHA must go through all of the steps of the grievance process before it can file an eviction action in court.

For lease terminations, the grievance process includes

1. Notice of Lease Termination
2. Informal Settlement Conference
3. Formal Hearing
4. Decision

For more information, see "Housing Authority Grievance Process" starting on page 58.



If a settlement agreement is signed, or win your grievance hearing, the process ends here before any court action.

If no settlement agreement is signed and

- You did not have the right to a grievance hearing (see page 59) OR
- You did not ask for a grievance hearing (OR)
- You lost your grievance hearing

the PHA will give you a final move-out date in writing when it gives you the papers from the grievance hearing decision. If you do not move out of your apartment by the final move-out date, the PHA will file an Eviction Action in District Court to have you removed from the property.



If you decide to move out before an eviction action is filed against you in court, but sure to

- tell the PHA that you are moving
- remove all of your possessions from the property
- clean your apartment and
- turn over the keys to the property manager or another worker (make sure you get a receipt for the keys)

If you don't move by the final move-out date, the PHA will file an eviction action against you in District Court. You may be able to negotiate with the PHA for more time to move out, and a good or neutral reference, if you agree to move out without fighting the eviction in court.

What happens in an Eviction Action?

An eviction action is a court case. This is what happens

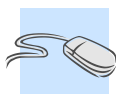
Before the court hearing

- A Summons and Complaint will be given to you. These forms come together. They have to be "served" on you. There are complicated rules about service. If the papers are not served right, the case could be dismissed. Make sure you know the rules about service. These rules are on the Answer forms talked about below.

The Summons is a court paper telling you that an eviction has been filed and when and where to go to court for a hearing. The court date will be 7-14 days from the date on the Summons. This gives you time to get ready for court. This may be your last chance to get help from a lawyer. If you want legal help you should contact your local legal aid office right away because the process moves fast.

The Complaint is a court paper presenting the PHA's claims against you.

- It is a good idea to file a written “Answer” to PHA’s papers if you can. You can create one ready to file online here <https://www.lawhelpmn.org/self-help-library/legal-resource/eviction-answer-form> or go to <https://www.lawhelpmn.org/forms>.



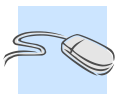
- Scroll to Housing
- Click on Eviction Answer Form

You can also get one to fill out at your courthouse from the court clerk OR you can get one online. To get one online go to <http://www.mncourts.gov/GetForms.aspx?c=23&f=369> for a simple form or <http://bit.ly/YqarxS> for a more detailed one if your case is more complicated.

Bring 3 copies of your Answer to court. Go to court early and ask the court clerk if you should give the Court a copy of your Answer ahead of time or wait until during the trial.

Give another copy to your landlord, and keep 1 copy for yourself.

There is a filing fee to file your Answer. If you have a low income, you can fill out a fee waiver form (IFP form). The court can decide if you are eligible to have the filing fee reduced or waived. The court has these forms or you can [click here](#) to create your own.



- Or go to <https://www.lawhelpmn.org/forms>
- Scroll to and click on Court Fee Waiver (IFP)

Bring proof of your low income, like pay stubs, or proof of government assistance. Attach copies to your IFP form. Cross out your social security number on these papers.

- If you do not speak English, the court **must** provide a free interpreter for you. If you need an interpreter tell the court as soon as you know about the hearing to make sure one will be available for you.



At the court hearing

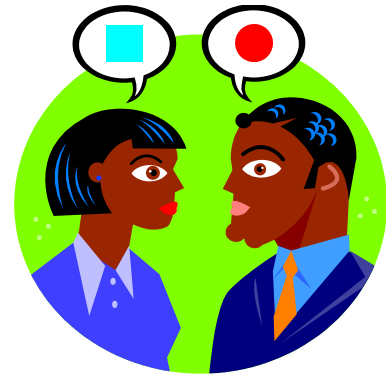
- In court, the PHA will probably get to talk first because they filed the case. When it is your turn to talk, tell the judge why you shouldn’t be evicted. If you filed an Answer, use your copy so you remember all the points you made. You want to help the judge understand your arguments.
- If you and the PHA **agree about the facts** of the case but disagree that you should be evicted for it, the judge can make a decision right away. Skip to the box with asterisks ** on page 54.

If you and the PHA **disagree about the facts** of the case, then there will probably be a trial. It's up to the judge. You have the right to a trial by either judge or jury. You can decide which one you want, but you may have to pay a fee for a jury trial. You can ask the judge to waive the jury fee.

If you ask for a jury trial, be ready to tell the judge why you want it. Most eviction trials, even those with attorneys involved, are without a jury. If you are thinking about asking for a jury trial, ask the court clerk how to ask for a jury trial since it is different in every district. Keep reading below.

Before the trial

- The trial might be the same day as your court hearing or it may be scheduled for a few days later. For this reason, you should come to your first court date with all your papers and your witnesses in case the judge wants to hold the trial the same day.



You can ask for a trial date on a day when you think your witnesses are available. But both you and the PHA have the right for the trial to happen within 7 days. So if the same day is the only option it will probably happen that day.

The judge will not schedule a trial for a date longer than 7 days away unless you and the PHA agree with that. If you are worried that your witnesses will not show up you can force them to come by serving them with a subpoena. A subpoena is a court order telling someone to appear in court. Court Administrators or licensed attorneys can issue subpoenas.

Each court has its own steps for getting subpoenas. You should talk to your court clerk if you think you need a subpoena. There may be costs involved.

- The judge might issue something called a Discovery Order. Discovery Orders tell both sides in a case that they have to exchange witness lists and documents (including pictures) at some point before the trial. This lets both sides review documents that will be presented at court and try to talk with witnesses that the other side will present.

If the judge makes a Discovery Order and you don't give some information to the PHA by the deadline, the PHA could object to your witness or document. The judge could decide you can't use that witness or document in your case.

At the trial

- At trial, the PHA will go first. It will present its evidence to support what it said about you in the termination notice. You can question the PHA's witnesses when they testify. The PHA **cannot** present or rely on any grounds for eviction that were not in the termination notice it sent to you at the beginning.
- It will be your turn after the PHA has finished. It is better to have actual witnesses testify. Many judges will not accept written statements from witnesses, not even if the statements are notarized, because the other side needs to be able to cross examine each witness. If the PHA wants to use written statements, you should object and ask the court not to consider them because you cannot ask the person who wrote the statement any questions.

**** In both the initial court hearing and in the trial, the judge will make a decision after all the evidence has been presented.**

→ **If you win** in court you can stay in your housing and the PHA cannot use the same complaints to try to evict you again.

→ **If you lose** in court the judge will issue a Writ of Recovery (eviction order) against you. This is an order for the sheriff to give the apartment back to the PHA. The judge can delay the Writ of Recovery for as long as 7 days or the judge can let the PHA get the Writ right away. The judge cannot delay the writ for more than 7 days unless the PHA agrees to give you more time.

If you need more time to move out, ask the judge to give you 7 days to move. You are more likely to get that if you have not caused health or safety concerns or other problems. The judge is also more likely to give you 7 days if you have children or anyone with a disability in your household.

After the PHA gets the Writ of Recovery from the court they take it to the county Sheriff's office. An officer from the Sheriff's department brings the Writ of Recovery to your apartment and hands it to you or posts it on your door if you are not there. The Writ tells you that you must move out of the property within 24 hours.

If you do not move out within the 24 hours, the officer can come back remove you. All of your possessions are packed and placed in storage. Sometimes it can take more than 24 hours for the officer to come back. Each county Sheriff's office handles forced move-outs differently. If you have questions about how they will handle the move-out, contact your local Sheriff's office.

Sometimes, the PHA will agree to give you a few extra days. You can try to talk to them. If the PHA agrees to give you more time to move, get the agreement in writing.



Can I appeal the court's decision?

You can appeal the court's decision, but this is a very complicated process and you will usually need a lawyer. In Minnesota, appeals generally need to be made within 10 days. If a referee made the decision, you also have the right to have it reviewed by a judge but you must act quickly. Ask the court clerk for the forms. You can contact the clerk for the Court of Appeals for more information.

Think about talking with a lawyer right away if you want to appeal! You can find a list of Legal Services offices in the back of this booklet.

What happens if I am evicted from public housing?

If you are evicted from public housing, you must move out and find somewhere else to live. You will have to pay higher rent. This will probably have a big impact on your finances as you will have to pay the market rate for your next apartment.



An eviction on your record is often a reason a landlord will choose not to rent to you, so it makes finding regular housing difficult.

If you are evicted for drug-related criminal activity, or someone in your household or a guest is, you will not be able to live in federally subsidized housing for at least 3 years. PHAs report these types of evictions to HUD and it may tell other PHAs.

Some PHAs refuse to accept anyone evicted from public housing even for other reasons, like not being able to pay rent.

Can the PHA take my tax refund for money they say I owe?

If you move out of your public housing unit and the PHA thinks that you still owe rent or other charges, it may refer the entire amount to the Minnesota Department of Revenue for collection. It can also do this after an eviction for not paying your rent.

The Minnesota Department of Revenue will then withhold the amount from your Minnesota Income, Property or Renter's Credit tax refund. They can do this because the PHA is considered a government agency. This process is called "Revenue Recapture." See our fact sheet [T-5 When They Keep Your Refund](#).

The PHA **cannot** use this option if you have agreed to a repayment plan and are following the plan. It also **cannot** use this option if your debt is more than 6 years old.

You have certain rights if the PHA refers your debt for Revenue Recapture. You must receive notice of your rights from the PHA within 5 days if the PHA intends to ask the Department of Revenue to withhold your refund.

The notice must tell you

- When your debt was from
- Who you owe
- That your debt can be paid by Revenue Recapture
- That you can argue if you have reasons you don't think you owe the debt
- How you can argue it
- That you can appeal



If you plan to appeal because you think the charges are not fair, let the PHA know in writing. At the top of your letter, write "Revenue Recapture Appeal." In the letter, explain why you think the PHA can't keep your refund. Keep a copy of this letter for your records. You must do this within 45 days of getting a notice that your debt had been referred to the Dept. of Revenue. If you have already appealed at the PHA and lost, you are not entitled to another hearing.

If You Appeal the Revenue Recapture

The PHA should set an appeal hearing within 30 days. You do not get an appeal hearing if the debt comes from a court judgement or court order. You do not need a lawyer for this hearing, but you can talk to one to get advice. There is a list of Legal Services offices in the back of this booklet.

Before your PHA hearing, review your files at the PHA for evidence of the charges and any notices they sent to you. The PHA's written policies may include rules about revenue recapture cases and hearings. Ask the PHA for a copy.

If you lose your PHA appeal, you can petition the Minnesota Court of Appeals for an appeal. These are very complicated cases. Talk to a lawyer.

What is an eviction expungement?

Most tenants in Minnesota know that an eviction can make it hard to find another apartment. The same is true for an eviction from public housing. You might be able to get an expungement.

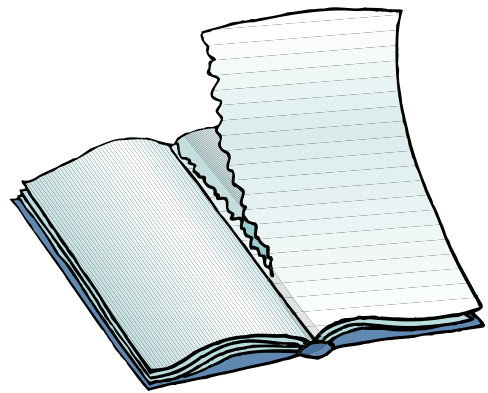
Expungement means removing the record of a case from the **public** view. If your eviction case is expunged, then someone searching court files cannot find a record of your case. Courts can expunge eviction cases, but only in some situations.

Expungement is a separate order from a judge. You need to make a special request to the judge called a “motion.”

You can ask for an expungement during your eviction trial or even at the first appearance if you can convince the judge to dismiss the case against you. But the judge may not want to decide on the expungement until after the trial is over. The judge might say that you have to ask for your expungement later on in a separate motion.

The judge decides about expungement based on a legal standard. Basically, you can ask for an expungement if the PHA improperly filed its eviction case and it would be unfair to keep it on your record. Minnesota law says expungements are allowed when

- The landlord’s case was “sufficiently without basis in fact or law,” including when you are not properly given (“served”) the court papers
- It is “clearly in the interests of justice” **and**
- There is little reason for the public or other landlords to know about the case.



If your eviction is expunged, the general public will not be told about your eviction. However, the PHA can still tell other landlords and PHAs about evictions it knows about, even if the record was expunged.

If you get your record expunged, you should let tenant screening agencies know so they remove the eviction case from your record. If you are thinking about filing for an expungement see our fact sheet [H-27 Expunging Evictions](#).

Housing Authority Grievance Process

If you have a problem or disagreement with your PHA that hasn't been solved you have the right to make a complaint by starting a "grievance process."

You may also be able to start a grievance process if you get a termination of lease notice, but that depends on the reasons for the termination.



What is a grievance?

A **grievance** is like a **complaint**. You can file a grievance if the PHA has done something against the rules that are in your lease or its policies. Some things you might file a grievance about are

- Your rent went up more than it should have according to the rules
- The PHA is not making repairs that you need and asked for
- The PHA denied you a transfer that its policies say you are eligible for
- The PHA will not let you add someone to your lease
- You are being charged late fees when you paid your rent on time

In a dispute about rent calculation or rent payment, you no longer have to put the disputed rent in an escrow account in order to have a grievance hearing related to tenant rent.

Reasonable Accommodation: PHAs have to make changes in their rules and policies for tenants with disabilities when these changes are needed for these tenants to enjoy their apartment. These changes are known as "reasonable accommodations."

Reasonable accommodations are things like

- allowing a pet for visual, hearing, or emotional support
- larger doorways and lower cabinets for people with problems moving around
- putting up grab bars in the apartment

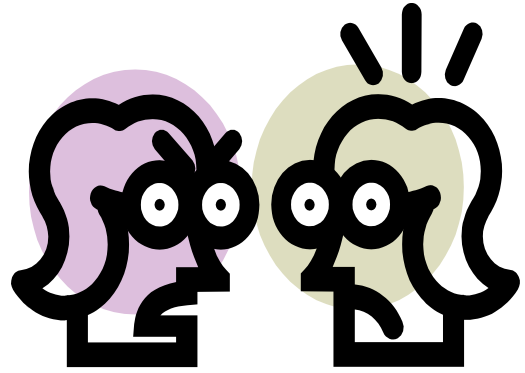
If you or a member of your household is disabled and needs a reasonable accommodation, ask your PHA. Before asking, get a letter from your doctor saying what your condition is and why you need the accommodation. If you have been denied a reasonable accommodation, you should request a grievance hearing as soon as you know about the denial.

See our fact sheet [H-9 Do You Need Your Landlord to Make a Change Because of Your Disability? \(Reasonable Accommodations\)](#).

What is a grievance process?

A **grievance process** is the official way you resolve disputes with the PHA. A grievance involves something the PHA has done or something the PHA has failed to do.

Each PHA has its own grievance process. Ask your PHA for a copy of its grievance process. The grievance process tells you important things like how to make a complaint and what the deadlines are for asking for meetings about your grievance.



Remember: Each step of the grievance process has time limits. Check with your PHA.

Who can make a grievance complaint?

You can make a grievance complaint if you are a tenant. A tenant is any adult who lives in the apartment and who signed the lease.

The grievance process cannot be used to resolve a dispute with other tenants and not the PHA.

Who cannot make a grievance complaint?

Some PHAs may exclude from the grievance process eviction cases involving any of the following reasons

- a criminal activity that threatens other tenants or PHA workers
- a violent or drug related criminal activity on or off PHA premises
- any criminal activity that resulted in a felony conviction of a household member, or
- having a dispute with other tenants and not the PHA

If you can't ask for a grievance hearing and the PHA wants to evict you, then you have to go to court and go through the court eviction process. The PHA must prove that the criminal activity happened.



Is there a deadline to start a grievance process?

Yes. If you want a grievance hearing about a proposed lease termination, you can lose your right to do it if you miss the deadline in the termination notice. Don't wait! It is best to report problems right away. Different issues have different deadlines.

Each PHA may have different time limits for different things, contact your PHA about deadlines as soon as you can.

How does the grievance process work?

Step 1. Ask for an Informal Conference right away.

Do not wait or you may lose your right!

- Write a letter telling your PHA what the problem is. In the letter ask for an Informal Conference. You can use the form on page 90 to do this.
- Make a copy of the letter and keep it in a safe place.
- Give the letter to your PHA. Ask to have your copy date stamped and signed by the person receiving it.
- The PHA will send you a letter telling you when your Informal Conference is.

Step 2. Get ready for the Informal Conference.

- If you think the PHA has papers that can help you, call your PHA and ask to see your file. Make copies before the Informal Conference. You have the right to look at and copy any record, document, or paper that the housing authority has about you. You might have to pay for the copies.
- Find a witness or witnesses to bring with you to the Conference. A witness can be someone who knows something about your problem and can tell the PHA about it. A witness can also be a person who just watches and listens to the Informal Conference so they can tell a hearing officer or a court about what he or she heard if the process goes to a hearing or to court.

Step 3. Go to the Informal Conference.

- Get to the Conference on time!
- Tell the person from the PHA what your problem is and what you want the PHA to do.
- The person from the PHA will tell you what the PHA is going to do about your problem.

Step 4. After the Informal Conference, read the summary.

- A few days after the Informal Conference, the PHA should send you a letter called a “summary.” It should say who was at the Informal Conference, what happened at the Conference and what the PHA plans to do.
- **Read the summary and follow directions carefully.** Make sure the things that happened at the Informal Conference, especially agreements made, are written out correctly in the summary. If they are not written out correctly you can’t be sure they will happen.



If you like what happened at the Informal Conference, and the summary covers everything, you don’t need to do anything else. The grievance process can stop here.

- If the Informal Conference was about a termination notice and the summary says the PHA is going ahead with the termination, ask for a Formal Hearing. The summary will tell you how.
- If you think the summary is wrong or different from what you heard at the Informal Conference, ask for a Formal Hearing. The summary will tell you how to do this.
- Ask for a Formal Hearing if the PHA does not do what it said it would. You can do this at any time.
- Pay attention to all the deadlines in the Informal Conference summary.

Step 5. Ask for a Formal Hearing.

A Formal Hearing is a meeting where a PHA hearing officer or a panel of people listens to both sides and makes a decision about what the PHA should do. Sometimes a PHA policy includes having another public housing tenant be part of the hearing panel.

To ask for the Formal Hearing

- Write another letter telling your PHA what the problem is. In the letter ask for a Formal Hearing. You can use the form on page 80 to do this.
- Make a copy of this letter and keep it in a safe place.



- Read the summary Informal Conference summary directions to find out who you should mail or give the letter to. Sometimes it is better to send it to the PHA's lawyer, or somewhere else.
- The PHA will send you a letter telling you when and where your Formal Hearing is going to be.

What are my rights at a Formal Hearing?

- Have a fair hearing with a fair hearing officer or panel.
- Have a lawyer, a tenant, or any other person represent you.
- You can record the Formal Hearing if you want to. Some PHAs record all hearings. Ask your PHA about its policies and choose what you want to do.
- Keep the hearing private or open to the public--it's your choice.
- Present evidence and witnesses and arguments about your case.
- Question any witnesses the PHA presents.
- Have a written decision based only on facts that are presented to the hearing officer at the Formal Hearing.
- If the Formal Hearing is for a lease termination, only the reasons listed in the termination notice can be talked about at the Hearing. The PHA can't start bringing up other reasons to terminate you that were not in the original termination notice.



Step 6. Get ready for the Formal Hearing.

- Arrange for witnesses to come with you to the Hearing.
- Make a list of questions that you want to ask your witnesses and the PHA's witnesses.
- Make sure that you have any papers or photographs that you think might help you at the Hearing. Make a copy to give the hearing officer or panel and a copy for the PHA.

- If you haven't looked at your case file, make an appointment to look at it. Read it carefully. Make notes for yourself of anything negative about you that might be used against you at the Hearing, including the names and addresses of witnesses. Be prepared to respond to or explain the negative information.

If you ask for information that the PHA has before the Hearing, the PHA cannot use anything it does not give you then, at the Hearing later.

- The PHA policies might say that you have to give the PHA a witness list and any documents that you plan on using a few days before the Hearing. Look at the written grievance policy to see if, and when, you need to do these things.
- Pay attention to all deadlines in the Formal Hearing process.

Step 7. Go to the Formal Hearing.

- You will meet with people from the PHA and a hearing officer (or hearing panel). The PHA picks the person who will be the hearing officer. The hearing officer cannot be the person who the grievance is about or the person who made the decision to terminate your lease.
- You will tell the hearing officer why you do not like what the PHA decided at your Informal Conference.
- You can ask your witnesses questions. You can ask the PHA's witnesses questions.
- If you have difficulty speaking English, the PHA must pay for an interpreter at the Hearing.
- If you need a reasonable accommodation to change a hearing rule due to a disability, make a reasonable accommodation request before the Hearing.
- The hearing officer will listen to what you have to say and to what the PHA has to say and then make a decision.
- If the hearing officer agrees with you, he or she will tell the PHA to do what you want them to do.
- The Hearing decision might not be immediate, but might come to you later by mail. It must be written.
- If the hearing officer agrees with the PHA about a lease termination issue, the PHA must take you to court to evict you.

- If the Hearing involves some complaint you have against the PHA and the hearing officer agrees with the PHA, you may be able to go to court to solve the problem. You should talk to your legal aid office or another attorney.

What happens if I don't go to the Formal Hearing?

It is very important that you go to your Hearing. If you do not go, the hearing officer can decide to postpone your Hearing or decide that you have lost your right to have a Hearing.

As soon as you find out that you can't go to a Formal Hearing, call the PHA and ask to have it postponed. If the PHA refuses to change the date of the Hearing, send a friend to your Hearing to explain why you could not go.



How can residents and community advocates be involved in the PHA?

It is important for tenants to be involved in making decisions and policies that have to do with their homes with the PHA. PHAs must include residents in the planning process and in running its programs. It is up to the residents, like you, to make sure this happens in a meaningful way. This is why PHAs set up Resident Councils and Resident Advisory Boards (RABs).

A Resident Council is a group of public housing residents in your development that meet and talk about issues important to all residents. The resident council's membership is open to all of the adults on leases in the building or group of buildings the Council represents. The Council has by-laws and elects a governing board. Resident Councils might be established for individual buildings, several buildings or even for every building owned by your PHA.



A Resident Advisory Board (RAB) is a group of residents that advises your housing authority about its Annual and 5-Year PHA Plans. That means that they look at the Plans and give the housing authority feedback.

What is the purpose of the Resident Advisory Board (RAB)? What does it do?

The purpose of the RAB is to participate in the PHA Plan Process and to represent the views of the residents. RAB members should find out what issues are important to residents and what issues the housing authority should know about.

Your RAB is responsible for

- reviewing your housing authority's PHA Plans
- making comments on the PHA Plans (what's good, what's bad, what should be changed)
- meeting with housing authority staff to talk about the PHA Plans

The RAB can also meet with residents to get information and pass information along.

When submitting its final plan, your PHA must give HUD all the recommendations made by the Resident Advisory Boards and talk about how it handled these recommendations.

What are PHA Plans and what is the PHA plan process?

PHA Plans are developed by your housing authority. There is an Annual Plan, which is produced every year. There is also a 5-Year Plan, which talks about long-term goals and rules. They contain a lot of information about your housing authority's rules, including

- how tenants are admitted and evicted
- decisions on collecting and raising rents
- the set amounts for extra charges and repair charges
- plans for resident programs, such as youth groups and job training seminars; and
- decisions about spending money on maintenance, repairs, security, and other programs.



The PHA Plan Process is a step-by-step process that your PHA must follow each year to produce the Annual PHA Plan. The PHA must follow strict rules—and resident participation is important. **The Resident Advisory Board is the key to effective resident participation.**

Many PHAs propose changes in their policies at the same time they do their Annual Plans. This is a good time for tenants to make suggestions for changes in policies.

PHAs must publish their Annual Plans and proposed changes to policies for at least 30 days so tenants and the public can comment on them. PHAs are required to hold a public hearing to gather comments. PHAs must consider the oral and written comments received, before they adopt their final Plans and policies.

How should RABs be set up?

A good RAB should be made up of residents similar to the residents living in public housing. If the public housing residents are very diverse, the RAB should also be very diverse.

Residents need to be responsible for keeping track of how Resident Advisory Boards are set up. HUD has rules that state that the PHA can only pick the members of the Resident Advisory Board in very limited situations. In most cases, the PHA should choose a Resident Advisory Board from resident councils that are already set up.

If there is a resident council that

- represents all of the buildings owned by the PHA
- is rightfully elected by residents and
- complies with HUD's tenant participation rules

then the PHA must appoint this council.

The PHA can have more than one RAB. In fact, it may be a good idea to have a separate RAB for both public housing and Section 8 housing, since residents of each face different issues with the housing authority. The separate boards can plan joint meetings for issues that affect both types of residents.

Legal Services Offices in Minnesota Listed by County

ABBREVIATIONS:

ANISHINABE - ANISHINABE LEGAL SERVICES
ANOKA - JUDICARE OF ANOKA COUNTY
CMLS - CENTRAL MINNESOTA LEGAL SERVICES
LADC - LEGAL ASSISTANCE OF DAKOTA COUNTY, LTD.
LAOC - LEGAL ASSISTANCE OF OLMSTED COUNTY
LASNEM - LEGAL AID SERVICE OF NORTHEASTERN MINNESOTA
LSNM - LEGAL SERVICES OF NORTHWEST MINNESOTA, INC.
MMLA - MID-MINNESOTA LEGAL AID
SMRLS - SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES

County	Office	Phone number	Website
Aitkin	LASNEM - Grand Rapids	(800) 933-1112	www.lasnem.org
Anoka	ANOKA - Blaine	(763) 783-4970	www.anokajudicare.org
Anoka (LSC)	CMLS - Minneapolis	(612) 332-8151	www.centralmnlegal.org
Anoka (immigration)	MMLA – Immigration Law Project	(612) 332-1441	www.mylegalaid.org
Anoka (seniors 60 and older only)	MMLA - Minneapolis	(612) 334-5970	www.mylegalaid.org
Becker	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Beltrami	LSNM - Bemidji	(800) 450-9201	www.lsnmlaw.org
Benton	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Big Stone	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Blue Earth	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Brown	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Carlton	LASNEM - Duluth	(800) 933-1112	www.lasnem.org
Carver	SMRLS - St. Paul or Shakopee	(651) 222-4731	www.smrls.org
Cass	LASNEM - Grand Rapids	(800) 933-1112	www.lasnem.org
Cass (seniors 60 and older only)	MMLA - St. Cloud	(888) 360-2889	www.mylegalaid.org
Chippewa	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org

County	Office	Phone number	Website
Chisago	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Clay	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Clearwater	LSNM - Bemidji	(800) 450-9201	www.lsnmlaw.org
Cook	LASNEM - Duluth	(800) 933-1112	www.lasnem.org
Cottonwood	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Crow Wing	LASNEM - Grand Rapids	(800) 933-1112	www.lasnem.org
Crow Wing (seniors 60 and older only)	MMLA - St. Cloud	(888) 360-2889	www.mylegalaid.org
Dakota (family law only)	LADC	(952) 431-3200	www.dakotalegal.org
Dakota (all other civil law)	SMRLS - St. Paul or Shakopee	(651) 222-4731	www.smrls.org
Dodge	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Douglas	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Faribault	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Fillmore	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Freeborn	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Goodhue	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Grant	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Hennepin	MMLA and CMLS - Minneapolis	(612) 334-5970	www.mylegalaid.org www.centralmnlegal.org
Houston	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Hubbard	LSNM - Bemidji	(800) 450-9201	www.lsnmlaw.org
Isanti	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Itasca	LASNEM - Grand Rapids	(800) 933-1112	www.lasnem.org
Jackson	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Kanabec (seniors 60 and older only)	MMLA - St. Cloud	(888) 360-2889	www.mylegalaid.org
Kanabec (all other civil law)	LASNEM - Pine City	(800) 933-1112	www.lasnem.org
Kandiyohi	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org

County	Office	Phone number	Website
Kittson	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Koochiching	LASNEM - Virginia	(800) 933-1112	www.lasnem.org
Lac qui Parle	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Lake	LASNEM - Duluth	(800) 933-1112	www.lasnem.org
Lake of the Woods	LSNM - Bemidji	(800) 450-9201	www.lsnmlaw.org
Le Sueur	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Leech Lake Reservation	ANISHINABE - Cass Lake	(800) 422-1335	www.alslegal.org
Lincoln	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Lyon	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Mahnomen	LSNM - Bemidji	(800) 450-9201	www.lsnmlaw.org
Marshall	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Martin	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
McLeod	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Meeker	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Mille Lacs	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Morrison	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Mower	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Murray	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Nicollet	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Nobles	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Norman	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Olmsted (family law)	LAOC	(507) 287-2036	www.laocmn.org
Olmsted (all other civil law)	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Ottertail	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org

County	Office	Phone number	Website
Pennington	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Pine (seniors 60 and older only)	MMLA - St. Cloud	(888) 360-2889	www.mylegalaid.org
Pine (all other civil law)	LASNEM - Pine City	(800) 933-1112	www.lasnem.org
Pipestone	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Polk	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Pope	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Ramsey	SMRLS - St. Paul	(651) 222-4731	www.smrls.org
Red Lake	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Red Lake Reservation	ANISHINABE - Cass Lake	(800) 422-1335	www.alslegal.org
Redwood	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Renville	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Rice	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Rock	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Roseau	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Scott	SMRLS - St. Paul or Shakopee	(651) 222-4731	www.smrls.org
Sherburne	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Sibley	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
St. Louis (north)	LASNEM - Virginia	(800) 933-1112	www.lasnem.org
St. Louis (south)	LASNEM - Duluth	(800) 933-1112	www.lasnem.org
Stearns	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Steele	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Stevens	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Swift	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org
Todd	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org

County	Office	Phone number	Website
Traverse	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Wabasha	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Wadena (seniors 60 and older only)	MMLA - St. Cloud	(888) 360-2889	www.mylegalaid.org
Wadena (all other civil law)	LSNM - Alexandria	(800) 450-2552	www.lsnmlaw.org
Waseca	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Washington	SMRLS - St. Paul	(651) 222-4731	www.smrls.org
Watsonwan	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
White Earth Reservation	ANISHINABE - Cass Lake	(800) 422-1335	www.alslegal.org
Wilkin	LSNM - Moorhead	(800) 450-8585	www.lsnmlaw.org
Winona	SMRLS - Intake Hotline	(888) 575-2954	www.smrls.org
Wright	MMLA and CMLS - St. Cloud	(888) 360-2889	www.mylegalaid.org www.centralmnlegal.org
Yellow Medicine	MMLA and CMLS - Willmar	(888) 360-3666	www.mylegalaid.org www.centralmnlegal.org

REQUEST FOR A TENANT SCREENING REPORT

FULL NAME: _____

ADDRESS: _____

PHONE: _____

SS#: _____

BIRTH DATE: _____

PAYMENT:

- Please send me a free copy of my tenant screening report, because:
- I was turned down for an apartment in the last 60 days, based on your report, or
 - I get public assistance, or
 - I'm unemployed but looking for work, or
 - I believe there is fraudulent information in my report.

OR

- I am sending \$9.50 for a copy of my report with this form.

I am sending a copy of my photo ID with this form.

DATE: _____

SIGNED: _____

RENT CALCULATION WORKSHEET

(Not for residents who pay minimum rent or flat rent.)

Use this worksheet as a general guide to see how your rent will be calculated. Your PHA may have rules that change the final rent numbers. If you have questions about your rent amount you should consult with your PHA or your legal aid office.

Step 1: Figure Out Your Annual Income:

Add up the following sources of income for everyone in your household:

Source	Amount
Gross wages (before taxes)*	\$ _____
Salaries*	\$ _____
Tips*	\$ _____
Fees	\$ _____
Dividends	\$ _____
Net Business Profits	\$ _____
Unemployment Compensation	\$ _____
Child Support	\$ _____
Alimony/Spousal Maintenance	\$ _____
Interest	\$ _____
Other Regular Income	\$ _____
Total=	\$ _____

** If you live in Minneapolis Public Housing, the MPHA Self-Sufficiency Incentive Program allows you to exclude 15% of your gross employment income. If you live in a MPHA unit multiply your employment income by 0.85 before you enter it here.*

Do **NOT** count the following as income

- Income more than \$480/year for full-time students over 18 years old (if they are not the head of household or spouse of head)
- Income of children under 18 years old
- Gifts or inheritances
- Food Stamps
- Relocation payments
- Settlements for personal/property losses
- Insurance payments
- Health Care Reimbursements
- Tax credits and rebates
- Payments received for care of foster children

Subtract Earned Income Disallowance (see page 30 for information on Income Disallowance)

_____ - _____ = \$ _____
Total from Above Income Disallowances **Annual Income**

Step 2: Figure Out Your Deductions

You may be able to get certain deductions, meaning you can subtract certain expenses from your annual income before your rent is calculated. Here are some of the most common:

1. Deduction for Dependents and Disabled or Elderly Head of Household

You can take deductions for your dependents or if the head of household is disabled or elderly:

Enter \$480 for each child under 18 (do not include foster children): \$ _____
\$480 x _____ (# of children)

Enter \$400 if the Head of Household is Disabled or Elderly \$ _____

2. Medical Deductions

There are two medical deductions that you might be able to take. Both of these deductions include a calculation based on 3% of your annual income. To determine that number do the following calculation:

_____ x .03 = _____
(Annual Income from Step 1) 3% of Annual Income

a. Unreimbursed Medical Expenses

If you have a disabled household member OR are an elderly family, you may be entitled to a medical deduction if you have unreimbursed medical expenses that are more than 3% of your Annual Income.

To determine if you can take a medical deduction, do the following calculation:

$$\frac{\text{Total Unreimbursed}}{\text{3\% Annual Income}} - \frac{\text{Medical Deduction}}{\text{Medical Deduction}} = \frac{\text{Medical Deduction}}{\text{Medical Deduction}}$$

b. Costs to Enable Household Members to Work

If you have disabled household members and costs for an attendant or for auxiliary apparatus, you may be eligible for another deduction. If these costs enable the disabled member or a caretaker of the disabled member to go to work and the costs are more than 3% of your Annual Income, you can take the following deduction:

$$\frac{\text{Disability-related expenses for work}}{\text{3\% Annual Income}} - \frac{\text{Disability-Related Medical Deduction}}{\text{Disability-Related Medical Deduction}} = \frac{\text{Disability-Related Medical Deduction}}{\text{Disability-Related Medical Deduction}}$$

This deduction can only be as much as your earned income.

3. Child Care Expense Deduction

If you have children under 13 years old and the care is needed so you can go to work or school. The deduction can only be for as much as the lowest paid adult member of the household makes.

$$\frac{\$ \text{Child Care Deduction}}{\text{Child Care Deduction}} = \frac{\text{Child Care Deduction}}{\text{Child Care Deduction}}$$

Step 3: Determine Annual Adjusted Income

Your rent is calculated based on your annual adjusted income. To determine your Annual Adjusted Income, subtract all of your deductions from your Annual Income:

	Annual Income	\$ _____
-	Dependent Deduction	\$ _____
-	Disabled or Elder Head of Household Deduction	\$ _____
-	Medical Deduction	\$ _____
-	Disability-Related Medical Deduction	\$ _____

-	Child Care Deduction	\$ _____
<hr/>		
=	Adjusted Annual Income	\$ _____

Step 4: Figure Out Your Adjusted Monthly Income

To figure out your adjusted monthly income, divide your Adjusted Annual Income by 12:

$$\begin{array}{l} \$ \underline{\hspace{2cm}} \div 12 = \$ \underline{\hspace{2cm}} \\ \text{Adjusted Annual Income} \qquad \qquad \qquad \text{Adjusted Monthly Income} \end{array}$$

Step 5: Figure Out Your Rent

Multiply your Adjusted Monthly Income by 30%:

$$\begin{array}{l} \$ \underline{\hspace{2cm}} \times 0.30 = \$ \underline{\hspace{2cm}} \\ \text{Adjusted Monthly Income} \qquad \qquad \qquad \text{Your Monthly Rent} \end{array}$$

If the Housing Authority pays all utilities, then this should be your rent and what your final monthly payment should be.*

If you pay some of your own utilities, subtract your utility allowance from this rent amount for what your monthly payment should be:

$$\begin{array}{l} \$ \underline{\hspace{2cm}} \times 0.30 = \$ \underline{\hspace{2cm}} \\ \text{Your Monthly Rent - Utility Allowance} \qquad \qquad \qquad \text{Your Monthly Payment*} \end{array}$$

If the utility allowance amount is more than your monthly rent amount, see “Utility Allowance” on page ___ of this booklet.

*You may have extra payments due every month, depending on your lease and extra services or uses you have requested (like the use of an air conditioner). These extra charges must be in your lease and must be authorized by the Housing Authorities Statement of Policies.

If you believe the PHA made a mistake on your monthly rent, talk with your housing authority worker. If that does not solve the problem, you can file a grievance. See “The Public Housing Grievance Process” section of this booklet on page 38.

MOVE-IN INSPECTION AND LEASE ADDENDUM

√	PROBLEM	DESCRIPTION
WINDOWS		
	Missing/Torn screens	
	Missing/Broken storm windows	
	Broken/Cracked glass	
	Missing/ Broken locks	
	Other	
DOORS		
	No deadbolt locks	
	Broken locks	
	Missing/Broken door knobs	
	Other	
WALLS / CEILINGS/ FLOORS		
	Chipped / Flaking paint	
	Holes or cracks in walls	
	Dirt/ Stains on walls	
	Leaky roof or ceiling	
	Holes in carpet	
	Dirty carpet	
	Missing/Broken tiles or linoleum	
	Other	
PLUMBING		
	Clogged pipes/ toilet	
	Bad water pressure	
	Dripping faucets	
	Leaks	
	Other	
ELECTRICAL		
	Smoke detector	
	Exposed wiring	
	Short circuits	
	No cover plates on outlets	
	Other	

√	PROBLEM	DESCRIPTION
FURNACE		
	Not enough heat	
	Gas leaks	
	Thermostat	
	Other	
APPLIANCES		
	Broken stove/oven	
	Broken refrigerator	
	Other	
INFESTATIONS		
	Mice	
	Cockroaches	
	Bedbugs	
OTHER AREAS		
	Bare patches in yard	
	Trash from previous tenant	
	Problem with garage	
	Leaky basement	
	Pay utility bills	
	Other	

LEASE ADDENDUM

The landlord and tenant agree to add to the lease that the landlord will make the repairs listed on this checklist by the following date: _____

Tenant: _____ Date: _____
(signature)

Landlord: _____ Date: _____
(signature)

Address of rental unit: _____

VAWA Notice

TO: Housing Authority/Section 8 Program/Landlord

FROM:

Name: _____

Address: _____

DATE: _____

I am, or my household member is, a victim of domestic violence, dating violence, stalking or sexual assault. The Violence Against Women Reauthorization Act (VAWA) of 2013, Pub. L. 113-4 (March 2013), applies to me.

I cannot:

- have my housing application denied for reasons related to the abuse or assault
- be evicted for not paying for damage caused by an abuser
- have my lease terminated for reasons related to the abuse or assault
- be evicted for reasons related to the abuse or assault be treated differently than others based on the abuse or assault

The reasons for your actions against me are the result of the domestic violence, dating violence, stalking or sexual assault that has happened to me or my household member.

Please, apply my VAWA rights:

- when reviewing my application
- when reviewing an alleged lease violation
- and take the bill for damages caused by abuser or attacker off my account
- and take my abuser or attacker off my lease and make a new lease agreement with me
- when considering termination of my lease
- when considering evicting me
- and transfer me to another subsidized unit
- and give me new Section 8 Voucher papers to move
- and give me new Section 8 Voucher papers to port my Voucher out of your program to a new location
- and recalculate my rent immediately because my income decreased due to domestic violence or sexual assault.
- to (other) _____

Please contact me for information that you need in order to provide me with my VAWA rights.

Please do not give out the information in this notice to anyone, especially my abuser, without my written permission.

(Signature)

(keep a copy of this notice for your own records)

Request for Informal/Formal Conference with the PHA

Tenant's name: _____

Tenant's address: _____

Date: _____

To: Executive Director of _____ Housing Authority

Address: _____

Dear Executive Director:

I am asking for an informal conference for the following reasons and/or problems:

OR

On _____ I had an informal conference to discuss the
(date of informal conference) following problems:

I am not satisfied with the result of the informal conference because:

So I am asking for a formal grievance hearing to resolve this problem.

Yours truly, _____ *(print name)*

(Signature) _____



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