

A Guide to Public Housing in Minnesota



Sixth Edition
2024

Preface

This booklet helps Public Housing applicants and tenants understand their legal rights. It gives general information about the Public Housing programs sponsored by HUD. The laws in this booklet can change frequently, so be sure to check for changes. It is not legal advice for your specific situation. For legal advice, contact a lawyer. If you have a low income and need legal help, call your legal aid office at 1 (877) 696-6529 or look for help from other programs at www.lawhelpmn.org/providers-and-clinics.

If you have a 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) by going to www.mnlegalservices.org/orderbooklets. If you have questions about ordering a booklet, email us at statesupport@mnlegalservices.org.

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

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Chapter 1: 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 legal 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 families with low incomes 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 they get pays for some expenses so 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
- Section 236 housing
- Section 42 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 HUD's website:
https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_MN.pdf

You can also find information about Minnesota PHAs at HousingLink:
<https://www.housinglink.org/SubsidizedHousing/PublicHousing>

“Mixed Income” Developments

Sometimes public housing units are part of a housing development or subdivision that has other types of housing. You may be in a public housing “mixed income” development if

1. your home was built recently,
2. you have neighbors with different income levels, and
3. you pay 30% of your income for rent.

Read your lease for more information or call your local PHA or HUD office to find out if your unit is public housing.

Chapter 2: 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 to live in public housing. Some of these are

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

If you are eligible to live in public housing, you don't automatically get in. 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 or family. 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
- The family can have children or not
- 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

The PHA uses your household size to decide what unit to put you in. See the "Occupancy" section in this chapter for more information.

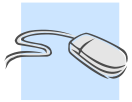


Income

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

To figure out your household income, add together the income of everyone over 18 who will be living in your public housing unit. Income is money you get from a job (earned income) and money you get from public assistance or SSI (non-earned income). Non-earned income you get for children under 18 is also counted as household income.

Then compare your household income to the median income level where you live. The median income of your area is set by HUD and updated every year. Whether your income qualifies for public housing depends on where you live and how many people are in your household.



To check median income amounts for your area and household size, go to https://www.huduser.gov/portal/datasets/il/il2021/select_Geography.odn

- Scroll down and click on the brown box “Click Here for IL Documentation”
- Select Minnesota
- Select your County
- Click “View County Calculations”

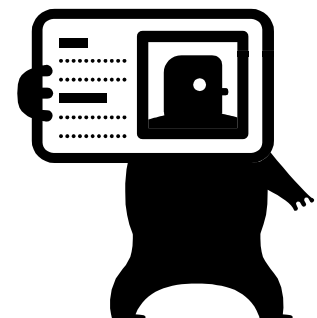
The chart shows you the income limits by the number of people in your household. You must be 80% or under to qualify for public housing. Some PHAs use other percentages to place people too. There is no minimum income requirement. Even if you have no income, you can still qualify, if you meet the other requirements.

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 you declare in your household. You have to show official documentation of the immigration status of all household members under 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 has some people that do NOT have legal status and some that do have legal status, this is called 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 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 call legal aid at 1-877-696-6529.

Occupancy

The PHA uses your household size to decide what unit (apartment) you can live in. PHAs have units of different sizes. HUD allows PHAs to set their own occupancy rules. But they have to follow the same rules that apply to all rental housing in the area.

Occupancy rules say how many people can live in a certain sized unit. Different cities and counties may have different occupancy rules. New applicants and anyone living in public housing who wants to add another household member has to follow occupancy rules.



Things that can change how many people can live in a unit are

- the size of the bedrooms
- the square footage and layout of the apartment
- age of the children and
- the capacity of the building's septic and sewer systems.

PHAs have very few units of housing for large families and most PHAs don't have enough large apartments. But there are ways that large families can live in smaller apartments.

For example: You can put several children in one bedroom. Babies can sleep in the same room as their parents. Brothers and sisters can share a room. Rooms that are not bedrooms, like a den or living room can be used as sleeping areas if it is allowed by the occupancy rules.

Overcrowding

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

Children and Seniors

The PHA can put age limits on certain buildings, if approved by HUD. Any age limits have to be written in the PHAs policies.

For example, the PHA policy says the building is "55 plus" so at least 1 person in the household has to be 55 or older. The PHA policy says the building is "62 plus" so everyone in the household has to be 62 or older.

Criminal Background

Convictions for Meth Production

If you were convicted for methamphetamine production on public housing property you can't live in public housing.

Sex Offenders

If you or a member of your household has a lifetime sex offender registration requirement, your application will be denied.



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 have a criminal record. The fact that you have been arrested is **not** evidence of criminal activity. The PHA must have evidence to deny your application for criminal history.

If you want copies of your criminal records or think you need to fix mistakes, see the section on Tenant Screening reports in Chapter 3. 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.

The PHA can ask you to sign a release to get information from drug abuse treatment centers IF

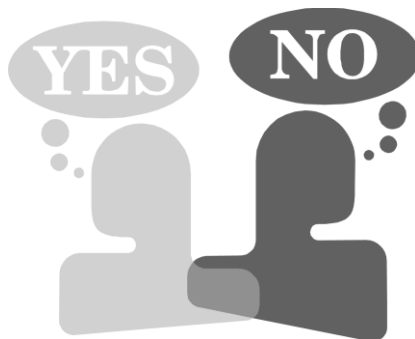
- they ask everyone who applies to sign one

OR

- you have a criminal record that shows arrests for drug activity or a rental history that shows property destruction, violence against another person, or other things of concern.

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

Anyone evicted from public housing for drug-related criminal activity is not eligible for public housing for at least 3 years. This means everyone from the evicted household, not just the person arrested or using drugs. PHAs can set different time limits for how long you have to wait to apply for public housing after a drug-related eviction. Check the PHAs written policies for their time limits.



You are not eligible for public housing in Minneapolis for 5 years after an eviction for drug-related criminal activity.

PHAs can take certain things into account when someone has a drug-related eviction from public housing on their record like

- treatment or rehabilitation of the drug user. If you have gone through a treatment or rehab program, get a letter or document from the treatment facility, showing you successfully completed the program. You do not need to provide the PHA with your file from the treatment center.
- a big change in your household that shows the reason for the eviction won't happen again. **For example:** if the person from your household who was responsible for the criminal activity is in prison or dead.

Alcohol

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



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

Chapter 3: Applying for Public Housing

Most PHAs have a 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 can be found on HUD's website

https://www.hud.gov/sites/dfiles/PIH/documents/PHA_Contact_Report_MN.pdf



Note: All PHAs have Policy Manuals. Many are online. You can ask a PHA for a copy. They can be hard to read but have **ALL** the rules that the PHA follows and that residents have to follow. It can be helpful to get a copy and see what the PHA asks in interviews and what you need to apply.

Many PHAs have very long waiting lists and sometimes more than one for the different people applying ((families, seniors, disabled). The waiting lists can be closed and only let new people apply at certain times.

Application Process

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 until you get all the extra documents they ask for like rental history, reference letters, or other verification like employment, bank accounts, immigration status
3. Submit your application to the PHA. You can do this in person or by mail. Some PHAs use an online application. If you can't fill it out online because of a disability, ask for 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 if you seem eligible. You get a letter telling you how long the waiting list is and when you will have your eligibility interview.
6. If you move or your household changes, you have to tell the PHA. It is best to tell them about any changes in your application in writing.
7. The PHA usually contacts you every year to see if you still want to live in public housing. They also check your current contact information. If they can't find you, your name is taken off the waiting list. **If you move or get a new number, give the PHA your new contact information.**
8. When your name is close to getting off the waiting list, the PHA will
 - Bring you in for an interview
 - Review your entire application
 - Contact previous housing providers
 - Ask for additional information they need and
 - Make their final decision
9. If they decide you are eligible, you might be brought in for a new tenant meeting. They will offer you a unit when one becomes available.



What if I need help with the application process?

- A friend or advocate can help you fill out the application 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 pays for the interpreter.
- If you have a communication disability, the PHA **must** provide you with an interpreter. The PHA pays 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 the PHA makes a change in the rules, policies or practices to allow a person with a disability an equal opportunity to apply for public housing.

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.

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 has to 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” in Chapter 2.

You 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! Your application can be denied if you lie and put in information that you know is not true.

What other questions could the PHA ask me?

The PHA may ask for

- 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

Different PHAs can ask different things. You can find details about what the PHA will ask in its written policies. Ask to see their Policy Manual.



Past Addresses and References

Each PHA has written policies that say how much rental history they will ask for. The PHA contacts your previous landlords to check when you lived there and ask what kind of tenant you were.

Most of your past addresses show up on a tenant screening report. Try to be complete with answers on your application. If you are unsure about a name or date tell the PHA.

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 who writes you a reference letter to write things 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 any evictions on your record. Be honest when answering these questions on your application. If you can't remember dates or addresses, check the court website <https://www.mncourts.gov/Access-Case-Records.aspx>

If you can't find 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 can use credit reports to check if you have written down all your past addresses on your application. Sometimes a credit report has mistakes like the wrong address or it lists 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.

To fix a mistake on your credit report, see our fact sheet [Credit Reports](#).

You can get a free copy of your credit report once a year. Do **NOT** get your free annual credit report from anywhere else! There are many scams out there.

- You can ask for it online at www.annualcreditreport.com
- You can call 1-877-322-8228.

Or you can send in a written request. Write a letter or create a Credit Report Request letter online. Go to <https://www.lawhelpmn.org/forms>

- Scroll down to "Debts, Fees and Deposits"
- Click on "Credit Report Request"

Tenant Screening Reports

PHAs can also use tenant screening agencies to find out about you. They can't ask you to pay for a tenant screening report. A tenant screening report has information like

- If you have eviction cases against you
- Your past addresses
- What old landlords say about you
- Your credit to see if you have any unpaid bills
- If you have a criminal record

It is a good idea to see the information on your tenant screening report. Sometimes they have wrong information about you. You have a right to a copy of your tenant screening report. But there may be a small fee. It depends on the agency. If the PHA uses a tenant screening report to deny your application, you have the right to a free copy from the agency providing the report.

If you think your screening report has things that are wrong, the tenant screening agency has to investigate your claims.

What if I find mistakes on the report?

The tenant screening company must fix incorrect information in a tenant screening report.

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 can't charge you for doing this. They must fix your report and take out any facts they can't prove within 30 days of getting your letter.
3. The agency can refuse to check if you don't give them enough information. They have to tell you if they refuse to check. If that happens, 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 everyone who got the report 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. The agency can limit your explanation to 100 words. 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 about tenant screening agencies or reports see fact sheet [Tenant Screening](#).

Fingerprints and Criminal Records

Some PHAs require fingerprints. It has to be written in their policy if they do. You **can't** be charged for fingerprinting.



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

You have the right to see your FBI and other criminal records the PHA uses. If the PHA is going to deny your application because of your criminal records, they have to send you a copy. The PHA has to give you a chance to fix any mistakes in your criminal record or say why it is wrong or not important **BEFORE** the PHA makes its final decision on your application.

Getting Your Criminal Records

Your criminal records are kept at the Courts, the Bureau of Criminal Apprehension (BCA), and other law enforcement agencies like the local police department. They are sometimes also collected and kept by private companies.

How to find them

- Minnesota Court Records Online (MCRO) lets you search for court cases by person name, business name, attorney name, case number, and other details. It also gives access to case details and the public documents available online in each case. The database can be found here: <https://publicaccess.courts.state.mn.us/>
- Public documents in civil commitment, domestic abuse, harassment, delinquency felony 16+, and Child in Need of Protection or Services (CHIPS) cases are not available on MCRO. Access to documents in MCRO filed prior to July 1, 2015, is limited. You may need to contact local court administration for more information about these documents. More information and frequently asked questions about MCRO can be found here: <https://www.mncourts.gov/Access-Case-Records/MCRO.aspx>
- There is no charge for documents accessed and downloaded through MCRO.
- The Bureau of Criminal Apprehension's (BCA) website <https://dps.mn.gov/divisions/bca/> has records of criminal cases that led to a conviction. Data on criminal convictions is public for 15 years following the completion of the sentence. You can view public criminal history records by searching the BCA website. You will need a first name, last name, and date of birth for the search. You can also visit BCA headquarters to view public criminal history records at a public terminal located in the BCA's lobby.
- You can get a full (public and private) criminal history record from the BCA in two ways
 - By mail: Send a signed and notarized Informed Consent form to the BCA. Call the BCA at (651) 793-2400 and ask that a copy of the Informed Consent Form be mailed or faxed to you. Fill it out and send it with a personal check, money order, cashier's check, certified check, or business check for \$15 made payable to the BCA. Include a self-addressed, stamped envelope. Send the request to
Minnesota Bureau of Criminal Apprehension
Minnesota Justice Information Services - CHA Unit

1430 Maryland Ave E
St. Paul, MN 55106

- In person: Bring a notarized and signed Informed Consent Form. Also bring a large manila envelope and \$15 (this can be cash, personal check, money order, certified check, or business check). You can pick up the requested criminal history record at the BCA in three business days. The BCA headquarters is located on the southeast corner of Maryland Avenue and Phalen Boulevard in Saint Paul. The phone number for the BCA is (651) 793-2400.
- If you are looking for arrest records, go to the police department where the arrest happened. You can only get arrest records if the case is closed
- Your records with private companies may be available online depending on the company. You need to check with them.
- If you are looking for a record of a case from another state, contact the court where the case happened.

Fixing Mistakes on Your Criminal Records

Criminal records that are unclear or wrong can show up on a tenant screening report. For example

- a tenant screening agency shows that you have a conviction for a misdemeanor, but it was really a petty misdemeanor
- a charge should have been dismissed after you did a treatment program is not showing up as dismissed with the tenant screening agency
- criminal records you got expunged still appear on your tenant screening report.

If the tenant screening report has wrong information about your criminal record, and you don't have time to fix it, give a copy of your criminal records to the PHA.

Mistaken or stolen identity can make things show up on your criminal record that you didn't do. 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 was arrested or in jail? Leases, utility bills, or work history 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't be denied just because you were arrested. The PHA must have more evidence of criminal activity or some other negative information to deny your application. Answer all questions about

your criminal history 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 you because it is illegal. If the PHA does any of these things contact Legal Aid at 1-877-696-6529 and get advice right away.

It is illegal for the PHA to ask you

- if there are things you can't do because of a disability
- if you are able to "live independently"
- if you have ever been hospitalized and why
- if you have ever been in a drug treatment or rehab program
- to take a drug test
- to sign releases to get drug treatment or rehab records
- what medications you are taking

Disabilities

If you are applying to live in housing for people with a specific disability, the PHA can ask if you have that disability. They **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 can ask **if** you use a wheelchair. But the PHA can't ask you **why** you use a wheelchair.



Drug Use

The PHA can ask you to sign a release to get information from drug treatment or rehab programs IF

- they ask everyone who applies to sign one

OR

- you have a criminal record with arrests for drug activity or a rental history with property destruction, violence against another person, or other actions that would interfere with your neighbor's peace.

The release only allows the PHA to ask the treatment program if they think you are using drugs now. The PHA **CAN'T** ask for records, documents or other information about your treatment or diagnosis.

Medications

The PHA can ask you how much money you spend on medications each month. This information is used to figure out your expenses and set your rent. But the PHA **can't** ask you what medications you are taking. If you give the PHA a list from your pharmacy showing the prices of your medications, you can black out the names of your medications for your privacy.

Discrimination and Fair Housing

Federal law makes it illegal for a PHA 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 for a PHA 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 legal aid at 1-877-696-6529. See our fact sheet [H-6 Housing Discrimination.](#)

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

Chicago Regional Office of Fair Housing and Equal Opportunity (FHEO)

U.S. Department of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, Illinois 60604-3507
(312) 913-8453

(800) 765-9372

Report housing discrimination here:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

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>

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

<https://mn.gov/mdhr/>

Sexual harassment in housing is illegal too. If a PHA or their employee makes unwelcome sexual advances, demands sex or sexual favors, repeatedly uses words or acts of a sexual nature, rapes or sexually assaults you have the right to be protected. See our fact sheet [Sexual Harassment in Housing](#) and call legal aid at 1-877-696-6529. **If you are in danger call 911.**

If Your Application is Withdrawn

If your paperwork is incomplete or 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 or get a new phone number!** If they send something and don't get it because you moved, your application can be withdrawn.

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 has rules in their policies about time limits or how many times an application can be reinstated.



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

Chapter 4: I am done with the Application Process. What happens next?



A Decision

The PHA looks at all the information they have about you from the application process. They check all the information to see if you qualify for public housing and would be a good tenant. The PHA decides to accept or deny your application to live in public housing.

Sometimes it takes a long time for the PHA to make a decision. If your application is denied, the PHA has to tell you in a “reasonable” amount of time. Some PHA’s have a time limit for making a decision. You can check their Policy Manual. If the time limit has passed and you didn’t get a decision, call Legal Aid at 1-877-696-6529 for advice. The PHA has to tell you its decision in writing. They can’t just call you on the phone. The letter will tell you what happens next and if you need to do anything.

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

What if my public housing application is denied?

If your application for public housing is denied, the PHA has to tell you in writing. They have to tell you the reasons you were denied and what to do if you want to appeal their decision. An appeal is when you ask the PHA to look at your application again because you think they were wrong to deny your application.

If you want to appeal the denial of your application, send a written request for an appeal hearing (often called a grievance hearing). Do this right away! The denial letter will tell you how much time you have to ask for a hearing. Once that time has passed you lose your right to appeal. The letter should come with a form you can fill out to ask for the hearing. If you didn’t get a form, ask the PHA for one or write a letter saying that you don’t think your application should have been denied and you want 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

What if my application was denied because of negative information?

If the PHA finds out something about you that they think wouldn't make you a good tenant that is called negative information. The PHA can't automatically deny your application because you have negative information in your application. Negative information can be past criminal activity, drug use, or other issues at your past addresses.

When there is negative information in an application, the PHA has to look at "mitigating circumstances". Mitigating circumstances are things that can explain the negative information or show that it won't happen again.

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, that is a mitigating circumstance you can explain to the PHA.

If the negative information is criminal activity, tell the PHA about anything you do to make sure you don't commit crimes anymore. If you did treatment, counseling, or joined a community support program, you might have a better chance of approval by the PHA.

If the negative information is about past drug or alcohol use, tell the PHA about what you are doing to stay sober. If the PHA wants proof, get a letter from your treatment or rehab center saying that you have finished a program. You do not need to show them your records from the treatment or rehab center.



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

If the reason you are denied is because of your disability, you have the right to ask for a change in the policies or process. This is called a "reasonable accommodation." The notice of your denial tells you how to ask for one. Ask for a reasonable accommodation in writing and keep a copy of the request for your records.

To get a reasonable accommodation, you have to show the PHA how the negative information they used to deny your application was related to your disability. You need to show

- what your disability is
- how it is connected to the problem
- what you will do to make sure the same problem doesn't 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 [*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 your application for things that happened because you or someone in your household is a victim of domestic violence or sexual assault.

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

For example: The PHA denies your application because there was property damage at a place where you used to live. The damage happened because your partner punched holes in the walls and threw things when they were mad at you. Tell the PHA and show them any proof, like a police report or court case, that you are a victim of domestic violence or sexual assault.

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

What are my rights if I want to appeal the PHA's decision?

If your application was denied, your letter from the PHA has to tell you about

- your right to a hearing at the PHA
- the rules of the hearing
- the deadline to ask for the hearing AND
- how to ask for a hearing

You have to ask for a hearing in writing. Keep a copy for yourself. Act fast when you find out you have been denied. The time frame to ask for a hearing is very short.

Contact Legal Aid at 1-877-696-6529 right away if you want help!



Get ready for your hearing

- Make sure you have a written notice from the PHA saying why you were denied. The PHA has to tell you specific reasons so you can respond to them. If you don't understand their reasons, call Legal Aid 1-877-696-6529.
- You have the right to get a copy of the rules for the hearing so you know what the process will be and can prepare.
- **Look at your application file** and all of the information the PHA used to make its decision. You have the right to get 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.
- If you don't read or speak English well, tell the PHA you need an interpreter. The PHA has to pay for the interpreter.



Your rights at the hearing

- **You can have an advocate with you.** Your advocate can say things during the hearing to help you present your case. Your advocate can be anyone that you want there to support you like a friend, lawyer, or social worker.
- **The hearing officer or panel is objective.** The hearing officer or panel members deciding your appeal can't be the same PHA employee that made the decision to deny your application. The hearing officer or panel members can't be someone supervised by the PHA employee either.
- **You can ask the PHA employee questions about** their decision to deny your application.
- **You can ask the PHA employee questions about the information they used from your application and how they made their decision.**
- **You can show documents** that prove you are eligible for public housing and correct any information about you in your application that is wrong. Check the hearings rules to see if you need to share these documents before the hearing.

- **You can bring witnesses** to correct wrong information or say why you should be able to live in public housing. Check the hearings rules to see if you need to share the names of your witnesses before the hearing.

What information has to be in a hearing decision?

- **You have the right to a decision based only on information presented at the hearing.** The hearing officer or panel can't do any investigation on their own before making their decision.
- **You have the right to a written decision** by the hearing officer or panel. The PHA's written policies tell you how long the hearing officer or panel can take to make their decision.
- **You have the right to a decision that says the reasons for their decision and the specific evidence** from the hearing that was used to make their decision. The decision has to be more than 'application approved' or 'application denied'.
- If you asked for reasonable accommodations, the written decision has to talk about the hearing officer's decision about that request. Their reasons for their decisions and the evidence they used to make the decision. A reasonable accommodation can be denied if
 - 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 the home
 - It poses a direct threat to safety.



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

Yes, in some cases. But you need help from a lawyer to file the case in court. If you want a court to review the PHA's hearing decision, call Legal Aid at 1-877-696-6529. You need to act quickly! The deadline to bring a court case is very short. If you miss the deadline, you can't do anything about the hearing decision.



Can I reapply for public housing if my application was denied?

Yes. PHAs have policies about how long you have to wait before you can reapply after you have been denied. If you plan to reapply, try to fix some of the reasons you were previously denied.

For example: If you have evictions on your record see if they can be expunged (taken off your record). If you don't have a good rental history, try to find a past landlord that can write you a reference. If you have had problems with drugs or alcohol, find a community support program that can help you stay sober.



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

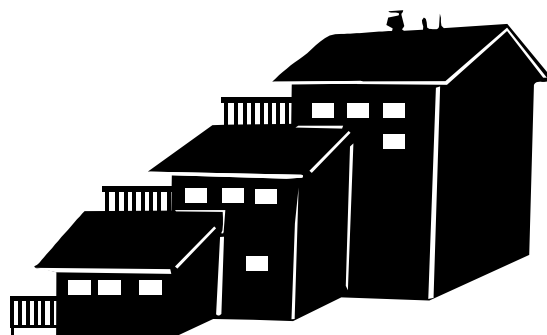
Chapter 5: I have been accepted into public housing. Now what?

When the PHA accepts your application, you are shown a unit if one is available or you are put on a wait list. Check the PHA's Policy Manual to see how people move off the waiting list and into a unit. It can be by date of your application or by preference or both.

Preferences

Some PHAs use "preferences" to decide where you are on the waitlist. If you qualify for preferences, you can spend less time on the waiting list and get into housing sooner. Look at the PHA's Policy Manual to see if they use preferences. They can be things like

- being a resident in the same area as the PHA
- being in a working, disabled or elderly family
- not being able to live in your current housing because of a disaster, government action, the landlord's actions (like a rent increase) or domestic violence
- living in unsafe housing
- being homeless
- paying more than 50% of your income in rent



The PHA tells you which preferences you qualify for. If you are denied a preference you think you qualify for, you can file a grievance with the PHA. Read about the grievance process in Chapter 8.

The PHA offers you a unit

The PHA sends you a written notice when they have an available unit and you are at the top of the waiting list. The notice offers you the public housing unit. There is a deadline for you to accept the unit. Don't miss the deadline! Remember to tell the PHA if you move or have a new phone number so you don't miss out.

The PHA shows you the unit they have available. If you don't want to live in the one they show you, you are put back on the waiting list until a new unit is ready. Check the PHA's Policy Manual to see where you go on the waitlist. You might stay at the top and be offered the next unit they have available, or you go to the bottom of the waitlist and have to wait a long time to be offered another unit. Some PHAs take you off the waitlist if you refuse all the units they offer.

How does the PHA decide what my rent will be?

There are 3 different types of rent in public housing: income based, minimum and flat rent.

Income based rent is when you pay **about** 30% of your household's yearly income for rent.

If you think that the PHA is wrong in how much they want you to pay in rent, ask to see how the rent was calculated. You can also file a grievance with the PHA. Ask to see their grievance process and follow the instructions. You can contact Legal Aid for help at 1-877-696-6529.

There is a rent calculation worksheet near the end of this booklet. It might be helpful to look at it as you read the following section.



Household Income

Your household income is the income of all the people you live with added together. Income means

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

- Retirement benefits

The PHA figures out your household income when you move in and at least once a year after that.

PHAs might check income and rent every 3 years for people that get a set income from SSI, SSDI, RSDI, Social Security, or from federal or state pension plans. The PHA must show its policy in writing.



Deductions

The PHA uses deductions when figuring out your total household income. A deduction is an amount that is subtracted from your total household income to lower the amount you pay in rent. These include

- A deduction of \$480 for each dependent in the household
- A deduction of \$400 if there is an 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 are more than 3% of the household's annual income
- Attendant care or apparatus expenses paid so that a disabled household member can work and are more than 3% of the household's 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 inheritance 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 (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 lets you to exclude 15% of any earned income. Minneapolis PHA also excludes – from household 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 next few sections.

Earned Income Disallowance

Earned income disallowance (or disregard) means that the PHA can't increase your rent right away because you got a new job with a higher income. 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

- Find Minnesota's current minimum wage at <https://www.dol.gov/whd/minwage/america.htm#stateDetails>
- Multiply that amount by 500. (Minnesota's minimum wage as of Jan. 1, 2025, is \$11.13), your math would be **11.13 x 500 = \$5,665.**

- 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 **can't** increase your rent right away. PHAs 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.



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 deduct certain expenses from your household income. For example, if you have to pay travel costs to get to work (like bus fare) some PHAs 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 lets you exclude 15% of any earned income.

If your lease says that you have to pay for some or all of your utilities, a “utility allowance” is 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. The amount you pay for utilities each month is not usually the same amount as the utility allowance.

PHAs have to 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 goes up more than 10%, the PHA has to change the utility allowance, even if it’s not time for the yearly review.

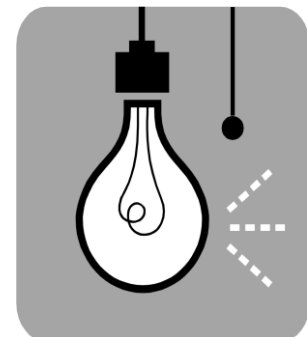
When figuring out your rent, the PHA subtracts the utility allowance from the rent amount. If the utility allowance for your apartment is more than your entire rent, you get a credit, called a “utility reimbursement.”

Sometimes the PHA pays this reimbursement to you. Sometimes the reimbursement goes to the utility company for your bill. Check the PHA’s written policies. If the PHA pays the utility company, it has to send you a notice telling you the amount it paid on which bill. If the reimbursement is paid to you, the PHA can decide 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 in your utility allowance if you need it. Usually a utility allowance increase is allowed for the special needs of the elderly, disabled, or ill residents. You can also get an increase if there are other reasons 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 on the 1st day of the month after you reported your income change.

If your income goes up, your rent might go up. Rent increases don't happen until the 1st day of the second month after your income changed. See the section "Earned Income Disallowance."

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

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

- 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

NOTE: Always report your household income changes in writing and make sure to date your report. Keep a copy for your 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 still have to report changes in income when 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 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. Check your lease to see if your PHA follows this rule.

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 the section “Earned Income Disallowance.”

If you have more questions about when your rent might change, call Legal Aid at 1-877-696-6529.

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 in Minnesota 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 have to 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 can have their own reasons for a hardship exemption.

A hardship exemption can be temporary or permanent. A hardship is temporary if it lasts for less than 90 days.

If the hardship is temporary, your family will be charged the minimum rent during the exemption. The PHA sets up a payment plan for you to repay the minimum rent after the hardship is over.

If the hardship is permanent, the exemption will last until the hardship is done. You are not charged the minimum rent but have to rent based on your income.



Flat Rent

You can choose to pay flat rent instead of income-based rent. That means you pay the same amount of rent each month for the year. Your rent doesn't change even if your income does. You may be able to get a utility allowance with flat rent.

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

Call Legal Aid at 1-877-696-6529 if the PHA will not let you switch to income-based rent and you can't afford to pay the flat rent.

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

The PHA can require that you pay a security deposit when you move in. If they ask for a security deposit, it has to be written in your lease. The security deposit can be a reasonable set amount or the amount you pay for 1 month of rent. The PHA can't ask you to pay a security deposit that is more than 1 month of your rent. Check your lease to see if you have to pay your security deposit all at once or over time in monthly payments.



Security deposit money is held by the PHA to pay for unpaid rent or damages you caused that are more than "ordinary wear and tear."

The PHA can also keep a security deposit if you move out without giving proper notice.

Security Deposit Tips

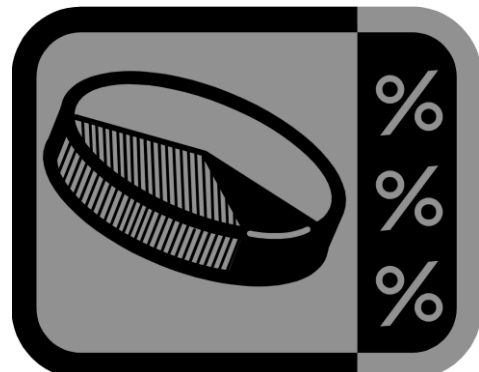
There are steps you can take to protect yourself and make sure that you get back as much of your security deposit as possible.

- Before you move in, do an inspection with a PHA employee. Write down any problems with the unit, and any areas that are dirty or damaged. Have the PHA's employee sign the list. Ask them to make all the repairs before you move in. There is a checklist (called Move-In Inspection and Lease Addendum) at the end of this booklet that you can use to go through the unit. See our fact sheet [Looking for an Apartment](#).
- Give proper written notice before you move out.
- Pay your last month's rent. It is against the law to use your deposit to pay your last month's rent.
- When you move out, do a move-out inspection just like the move-in inspection. Have a PHA employee sign the list. Then you'll have proof that you left the unit clean.
- Also make sure you
 - Return all keys and get a receipt for them
 - Remove all of your belongings
 - Leave the unit clean and free of garbage
 - Take photos of how clean you leave it
 - Have a witness look at the unit
 - Give the PHA a mailing address in writing.

How soon do I get my deposit back when I move?

The PHA has to send you the full deposit with interest or a written statement telling you why they are keeping your deposit, or part of your deposit. Make sure the PHA has the address you want the deposit sent to. The PHA has to send the money or the statement to you within 21 days of your move-out date, if they have an address for you. If the building was condemned, and it wasn't your fault, the landlord has to return the deposit within 5 days.

When the PHA returns your deposit, they have to add on 1% interest per year you lived in public housing. More information about security deposits can be found in our fact sheet [Security Deposits](#).



What other fees or charges do I have to pay?

If it's in your lease, the PHA **can** make you pay

- A security deposit
- A late fee if you don't pay your rent on time. The amount of the late fee has to be in your lease. The late fee can't be more than 8% of the rent you owe.
- Utilities (the lease has to be specific about which utilities you pay for)
- A pet deposit
- Garages or parking
- Cable TV or internet
- Lost keys
- Reasonable costs to repair damage in your unit that is not "ordinary wear and tear" and was caused by you, a household member, or an invited guest. The PHA has to give you a list of the costs and post it in the building.
- Attorney fees or court costs **ONLY** when ordered by the court



The PHA **can't** make you pay



- for services like garbage collection, regular maintenance and repair, or pest control
- Fines for violating your lease or PHA rules.
- for an interpreter at PHA meetings if you don't 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 [Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

What if I don't pay the extra fees or charges?

There are legal differences between rent and extra charges. Not paying your extra charges is not the same as not paying your rent. The PHA can't use your rent payment to pay the extra charges and then say you owe more rent. You can request a hearing to dispute extra charges.

The PHA can evict you for not paying extra charges, but only if your lease says that not paying specific charges is a violation of your lease.

Extra charges must be reasonable and set up in a way that lets tenants have a chance to give input about them when a list is created. If a PHA wants to **change** the list of charges in its policies, it has to give 30 days written notice of the proposed changes to tenants. Then review any written comments from tenants **before** making any changes.

Chapter 6: Life in public housing

Household Changes

Your household can change for many reasons: children, marriage, divorce, death or other ways. Report changes in your household to the PHA as soon as you can.

Adding Children

You don't need PHA approval to add a child to your household, if the child joins your family by

- birth
- adoption
- court-awarded custody or
- a Delegation of Parental Authority (DOPA) signed by the child's parent



But you do have to let the PHA know the child is being added. Tell the PHA in writing with a date and your signature on the letter. Keep a copy for your records.

Adding Adults

Each PHA has its own policies about adding adults to a household. The screening policies are the same ones that were used when you first applied to public housing, unless the law has changed since then. The policies are used to figure out household income and screen out people who may cause problems to the health and safety of PHA tenants and staff.

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 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 has to leave too.

A PHA can have different policies for screening a live-in aide because an aide doesn't pay rent and isn't on the lease.

Can I have a pet?

You can have a pet if you follow the rules set by your PHA. The PHA can have rules like

- Making you pay a pet deposit in case your pet causes damage. If they don't damage your unit or the building you get this money back.
- Setting limits on what size and weight your pet can be
- Saying what kind of pet you can have. Animals classified as dangerous can be banned
- Making you get a license for your pet if local laws require it
- Making you get your pet vaccinated and/or neutered and showing proof
- Setting rules about where on the property you can take the pet

Any rules the PHA has about pets have to be in their written policies. Check your lease and the PHA's Policy Manual.



Assistance Animals

If you have a vision or hearing impairment, or sensory or physical disability, Minnesota laws give you the right to keep a service animal. A service animal is an animal that has been specially trained to help you with your disability.

The PHA's rules about pets don't apply to service animals. You have to care for your service animal and control its behavior. You don't have to pay a pet deposit for a service dog. You may need to show proof to the PHA that your animal is a service animal and not a pet.

Assistance animals are animals that help people with a wide range of disabilities. For example: emotional support animals for people with mental health conditions. If you are disabled, you may be able to ask the PHA for a reasonable accommodation to keep an assistance animal. See our fact sheet [Can I Keep a Pet?](#)

Security and Safety

Federal law says that PHAs **must** make sure that public housing is “decent, safe and sanitary.” They also have a duty to prevent or stop illegal drug use on the premises. If you think there are security problems or safety issues, **tell the PHA in writing and keep a copy for your records.**



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.**

If the PHA does not fix your safety or public service concerns, contact Legal Aid for help at 1-877-696-6529.

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 Community Service and Economic Self-Sufficiency Requirement (CSSR)

While living in public housing, every adult in a household that is not working has to do 8 hours of community service or go to an economic self-sufficiency program' every month. Some people can be excused from following this rule, this is called being exempt.



All PHAs have this CSSR rule. Check your PHA's Policy Manual.

What does “community service” mean?

“Community service” is any work that

- is voluntary

- helps your community
- makes your community better
- helps you be more independent in your community
- increases your responsibility in your community

“Community service” is not

- Work for which you are paid
- Political activity



What is a “economic self-sufficiency program”?

An “economic self-sufficiency program” is any program that helps an adult get ready for a job where they can earn money. 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 Policy Manual and your lease have information about the CSSR rules. Some PHAs give you a list of places to volunteer and time sheets if you need to do community service. If they don’t give you these, ask your PHA how you find places to do your community service and how to keep track of your time. Keep a copy of any paperwork you give the PHA when you finish your 8 hours.

Does everyone have to do this?

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

A public housing resident is exempt if they are

- 62 years old or older



- Blind or disabled and can show that they can't do community service or economic self-sufficiency program
- The primary caretaker of a household member that is 62 or older disabled
- Exempt (excused) from work under the rules of MFIP
- Exempt from work under the rules of General Assistance
- Engaged in work activities

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

- 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 a high school diploma or a GED
- Working towards a GED if you never finished high school

Your PHA decides how many hours per week you need to do work activities in order to be exempt. Check your lease or PHA's Policy Manual to see how many hours of work activities you have to do each week.

What is the PHA's part in the Community Service and Economic Self-Sufficiency Requirement (CSSR)?

The PHA has to do these things

- **Write a policy about how the CSSR is tracked. Check your PHA's Policy Manual.** It says how the PHA decides if someone is exempt or not. It also says how the PHA will handle changes in a person's exemption status.
- **Give tenants a written description of the CSSR.** This should also tell you how to tell them you are exempt and how the PHA will decide if you are exempt.
- **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 when deciding if you are exempt from the CSSR. Or mistakes about your household's completion of the service requirements. See Chapter 9: The PHA Grievance Process.
- **Review and check** if your household completed its CSSR 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

- proof that each adult did 8 hours a month of community service or economic self-sufficiency program activities (CSSR)
- OR proof that the adult is exempt.

If you did your CSSR for an organization and not your PHA, you need signed proof from the organization saying what you did and how many hours. Some PHA's allow you to sign a certification that you did the CSSR. They check some of the certifications to see if people are being honest.



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 renew your lease.

If you didn't finish all your hours, the PHA will renew your lease **ONLY IF** you sign a written agreement promising to do the rest of your hours. Make sure you can follow your make-up schedule. A broken agreement can lead to eviction.

Chapter 7: 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.
- Follow all lease agreements about 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 units. Except if the tenant pays 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 their units. 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 laws requiring weatherization and insulation.

What can I do if my home needs repairs?

If your unit or building needs repairs you can

- Make a list of things that need fixing and take pictures for proof. Make sure you put the date on it and sign it. Keep a copy for yourself and give or mail it to the PHA. You can text and email the PHA asking for repairs. If you send a text or email, make sure you can print

them out with a date and time stamp. Your PHA has 14 days to fix the problems after getting the written request from you.

- *Call a Housing Inspector. They can back up what you put on your list. When they come, show them your list so that they do not miss anything. Ask for a copy of their report. In Minneapolis, call 3-1-1. In St. Paul, call (651) 266-8989. In other parts of the state, you can call 2-1-1, or 1- (800) 543-7709 to see if your city has a housing inspector.*
- *File a grievance with the PHA if they don't make repairs. To file a grievance (complaint) you need to follow certain steps. Find information about the grievance process in Chapter 8.*

What if the PHA doesn't do the repairs?

If the PHA still doesn't make the repairs after you write a letter or call the inspector, file a Rent Escrow action. This means you pay your rent to the court to start a case against the PHA.

The case is to get a court to order repairs. You can also use the case to make your PHA follow the things in your lease if they have been violated. You can file one if

- It has been 14 days since you sent the landlord a letter about repairs and/or other lease violations by your landlord

OR

- A deadline given by housing inspectors has passed or the housing inspector gave the landlord too much time to make repairs.

For more information on how to file a Rent Escrow Action, see our fact sheet [Getting Your Landlord to Make Repairs](#) and [Emergency Repair Problems](#). Call Legal Aid at 1-877-696-5926 if you need help filing a court case.

Can the PHA charge me for repairs?

The PHA **cannot** charge you for ordinary repairs and maintenance. The PHA **can** make you pay for damage caused by you, people in your household, and any invited guests.

The Federal Violence Against Women Act (VAWA) protects victims of domestic violence, dating violence, stalking, and sexual assault. If the repairs you need are from



domestic violence or sexual assault, the PHA **can't** force you to pay for the repairs or evict you for not paying 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 [Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

Your lease may say that you have to do some reasonable upkeep to your unit. 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 reasonable upkeep if you can't do it because of age or disability. If you can't do these things because of a disability, you should ask the PHA for a reasonable accommodation. See our fact sheet [Reasonable Accommodations: Do You Need Your Landlord to Make a Change Because of Your Disability?](#)

Chapter 8: PHA Grievance Process

What is a grievance process?

If you have a problem with your PHA that hasn't been fixed, you have the right to start a 'grievance process'. The grievance process is the formal way to settle a problem or disagreement you have with the PHA.

Each PHA has its own grievance process. Check your PHA's Policy Manual or ask your PHA for a copy of its grievance process. It tells you important things like how to make a complaint and what deadlines there are.

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



What is a grievance?

A **grievance** is like a **complaint**. You can file a grievance if the PHA has done something you don't think is right like

- Your rent went up more than it should have based on PHA 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 even though you paid your rent on time

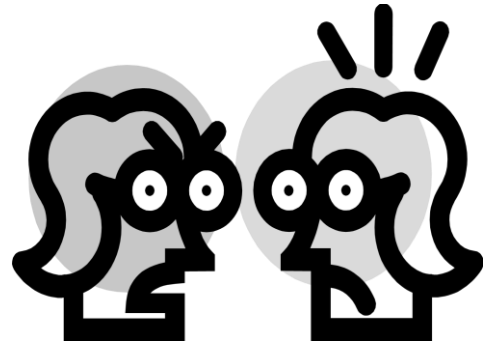
The PHA doesn't have to let you use the grievance process if you, someone in your household, or a guest are using drugs, doing other crimes or are a risk to the safety of other tenants or staff.

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

Who can use the grievance process?

You can make a grievance complaint if you are a tenant living in public housing. A tenant is an adult who lives in the unit and signed the lease.

The grievance process can't be used to settle a problem with your neighbors or other tenants in the building.



Is there a deadline to start a grievance process?

Yes. It is best to report problems with the PHA right away. Different issues have different deadlines. For example, if you got a Lease Termination Notice, you lose the right to use the grievance process if you miss the deadline in the Termination Notice.

Each PHA can have different time limits for different issues. Check the PHA's written grievance process or 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. It is sometimes called a settlement conference. You can use the form at the end of the booklet 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 PHA worker you gave the letter to.
- The PHA sends 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. You have the right to look at and copy any record, document, or paper that the PHA has about you. You might have to pay for the copies.
- Find a witness to bring with you to the Informal 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 they heard if you need them.

Step 3. Go to the Informal Conference

- Be on time!
- Tell the PHA worker what your problem is and what you want the PHA to do.
- The PHA worker tells you what the PHA can do about your problem.

Step 4. Read the Informal Conference summary

- A few days after the Informal Conference, the PHA sends you a letter called a “summary.” It says who was at the Informal Conference, what happened at the Conference and what the PHA is going to do about your problem.
- **Read the summary and follow any directions carefully.** Make sure the things that happened at the Informal Conference are written out in the summary. If you and the PHA made any agreements during the Conference, check that they are right 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.

- Ask for a Formal Hearing if
 - you didn’t work out a solution at the Informal Conference,
 - you think the summary is wrong or different from what you heard at the Informal Conference,
 - the PHA didn’t do what they said they would,
 - the Informal Conference was about a termination notice and the summary says the PHA is going ahead with the termination

- The summary will tell you how to ask for a Formal Hearing and the deadline for requesting one. 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 panel listens to both sides and makes a decision about what the PHA should do. The people on the hearing panel may be other public housing tenants and public housing staff.

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 at the end of the booklet to do this.
- Make a copy of this letter and keep it in a safe place.
- Read the Informal Conference summary directions to find out who you should mail or give the letter to.
- The PHA will send you a letter telling you when and where your Formal Hearing is going to be.



At a Formal Hearing, you have the right to

- Have a fair hearing with a fair hearing officer or panel.
- Have a lawyer, tenant, or any other person represent you.
- 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 talk about 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 photos 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 housing file, make an appointment to look at it. Read it carefully. Make notes for yourself about 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 can't use anything it didn't give you at the Hearing.

- 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

A Formal Hearing is like a mini trial. You have to prepare your own case.

- You can bring an advocate or lawyer. Call your legal aid office for help 1-877-696-6529.
- Your case may be heard by a hearing officer or by a hearing panel. The people on the hearing panel may be other public housing tenants and PHA staff. The hearing officer can't be the person who the grievance is about or the person who made the decision to terminate your lease.
- At the hearing, you and the Housing Authority take turns telling what happened. Tell the hearing officer why you don't like what the PHA decided at your Informal Conference and what you want to happen. You have the right to be treated with respect at a hearing. You must also treat others with respect

- Bring evidence and witnesses to prove your case. Bring proof to show that the PHA's claims against you are wrong. Bring proof to explain any missing parts of the PHA's story. Bring evidence and witnesses to help prove that you are a good tenant. Bring copies of your evidence to show everyone. Make copies for your own records.
- You can ask your witnesses questions. You can ask the PHA's witnesses questions.

Note: Some PHAs have rules about evidence for the Formal Hearing. For example: you may have to tell them by a certain date before the hearing what evidence and witnesses you have. And they may have to tell you what evidence and witnesses they have. Ask the Housing Authority for the hearing rules if you don't get them. Read and follow them carefully.

- You have a right to an interpreter at the hearing. If you need one, tell the PHA. The Housing Authority has to pay for the interpreter.
- 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 or panel listens to what you have to say and to what the PHA has to say and then makes a decision. You get a written decision from the Formal Hearing. The decision tells you if you won or lost. The decision must be based on evidence from the hearing and give reasons for the decision.

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

It is very important that you go to your Hearing. If you don't go, the hearing officer can decide to reschedule your Hearing for 5 days or decide that you have lost your right to have a Hearing.

If you can't go to your Formal Hearing, call the PHA and ask to have it rescheduled. If the PHA refuses to change the date of the Hearing, send a friend to your Hearing to explain why you couldn't go.



Chapter 9: Evictions from Public Housing

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

- a serious violation of your lease
- repeated violations of your lease
- you didn’t pay your rent after being given a chance to pay OR
- other good reasons

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

1. Send you a Notice of Lease Termination
2. Tell you how to start the grievance process or why you can’t go through the grievance process.

If you ask to go through the grievance process, the PHA can’t file an eviction action in court until the grievance process is done. Even if you lose in the grievance process, the PHA still has to win their court case to evict you.



Notice of Lease Termination

The PHA has to send you a written lease termination notice telling you what parts of the lease they think you violated and how they think you violated them. The notice also tells you the date they want you to leave.

You have the right to review the documents the PHA has that relate to the lease termination. If you didn’t do what the PHA claims or if you don’t think it was serious enough for an eviction, ask to appeal the termination of your lease through the PHA’s grievance process. See Chapter 8: PHA Grievance Process. If the PHA thinks you don’t get to use the grievance process, they have to tell you why in the Lease Termination Notice.

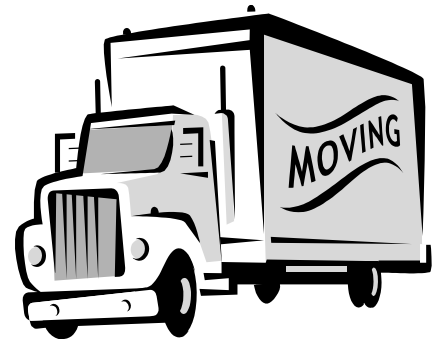
Note: If you don’t understand English well or have a disability, the Notice has to be translated or given to you in a way you can understand.

If you, someone in your household or a guest are using drugs, doing violent crimes, or are a risk to the safety of other tenants or staff, the PHA doesn’t have to let you use the grievance process. Your termination notice tells you if the PHA is skipping these procedures. If the PHA skips these procedures and you don’t move out, they will file an eviction case in state court.

How long do I have to move if I decide to leave after I get the lease termination notice?

It depends on the reason for the lease termination. The PHA decides the amount of time before the lease terminates. The PHA can give you up to 30 days to move for things like not paying your rent. But they will have you leave sooner if you or someone in your household are

- Using drugs
- Doing serious or violent crimes or
- have been convicted of a felony



You can avoid eviction by just leaving by the date they give you. 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.

Talk to a lawyer before admitting to anything or making any agreements. Call legal aid for help at 1-877-696-6529.

If you sign an agreement to move out, you have to follow it. If you don't move out, the PHA can go to court and file an eviction action.

Grievance Process

The PHA has to go through all steps of the grievance process before it can file an eviction action in court, unless

- You waived your right to the grievance process
- You missed the deadline to start the grievance process OR
- You can't use the grievance process because of the reason for your lease termination

For lease terminations, the grievance process includes

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

For more information, see Chapter 8: PHA Grievance Process.

If you reach an agreement at the Informal Conference, or you win the Formal Hearing, the process ends here before any court action.

If you lose the Formal Hearing, the PHA gives you a final move-out date in writing with the Formal Hearing decision. If you don't move out of your unit by the final move-out date, the PHA will file an eviction action in court to have you removed from the property.

If an eviction is filed, it becomes public record. Evictions can stay on your record for up to 7 years. **Think carefully about whether you want to fight the eviction or agree to move.** Get any agreement you make with the PHA in writing. Once you make an agreement, you have to keep it.



If you decide to move out before the PHA files an eviction action, be sure to

- tell the PHA you are moving
- remove all of your possessions from your unit and the building
- clean your apartment and
- give your keys back to the PHA (make sure you get a receipt)

You can also ask the PHA for more time to move out, and for a good reference, in exchange for moving out and not fighting it in court.

What happens in an Eviction Action?

An eviction action is a court case. If you are at risk of eviction, try to get help right away. Call legal aid at 1-877-696-6529.

Before the court hearing

- When the PHA files an eviction action, a Summons and Complaint are given to you. They have to be given to you or “served” in a certain way. If the papers are not served right, the case could be dismissed. These rules about service are in the “Answer” forms talked about below.

The Summons is a court paper telling you that an eviction has been filed. It also tells you when and where your court hearing is. The hearing is 7-14 days from the date the case was filed.

The Complaint is a court paper where the PHA tells the court why you should be evicted.

- It can help to fill out a court form called an “Answer.” This is your chance to tell the court your side of the case. You can get an answer form at your courthouse or online. For an

Answer form online go to <https://www.mncourts.gov>

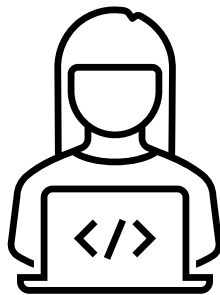
- Click on “Get Forms”
- Click on “Housing/Landlord-Tenant”
- Click on “Eviction Answer” (choose the statewide form or Hennepin County form)

Make 3 copies of your Answer. Give 1 copy to the PHA, file 1 copy with the court 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 Court Fee Waiver (IFP) form. If it is granted by the court you don't have to pay the filing fee. You can get the forms at your courthouse or online. Go to <https://www.lawhelpmn.org/forms> and click on Court Fee Waiver (IFP).

Have proof of your income, like pay stubs, or proof that you get public benefits. Cross out your social security number on these papers for your privacy.

If you don't 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. The number for the court's clerk is on the court papers telling you when the hearing is.



Can I get a free lawyer to represent me in court?

A tenant in public housing can get a free lawyer (“court-appointed attorney”) in an eviction case **IF** the reason for the eviction is a breach of lease. But tenants **CAN'T** get a free lawyer if they are being evicted because they did not pay their rent.

Examples of breach of lease cases

- You are being evicted because you broke a rule in your lease by damaging something in your unit.
- A member of your household committed a serious crime.
- A guest did drugs while in your public housing building.

A non-payment of rent case is when the PHA files an eviction action because you haven't paid rent for a few months. You can't get a court-appointed lawyer if you are being evicted for not paying your rent.

You have to ask the court for a lawyer to represent you. You can get the form to ask for a "court-appointed attorney" at your first hearing or online. To get the form online go to <https://www.mncourts.gov>

- Click on "Get Forms"
- Click on "Housing/Landlord-Tenant"
- Click on "Affidavit to Request Court-Appointed Attorney (Eviction)"

The court hearing

- Most eviction hearings are done via ZOOM. Information about how to participate in a ZOOM hearing is on the Summons. If you don't have a computer or internet access to be at the hearing, contact the court for help.

If you are evicted for a breach of lease ASK the court in the hearing to appoint a lawyer to represent you for free.

- The PHA will probably 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 what you wanted to tell the court. You want to help the judge understand what happened.

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.

If you and the PHA **disagree about the facts** of the case, there will be a trial so both sides can tell their side. It's up to the judge if the trial happens the same day or another day.

- The trial might be on the same day as your first hearing or it may be scheduled for a few days later. Come to your first court date with all your papers and witnesses in case the judge wants the trial to happen that day.

You can ask for a later trial date, if your witnesses couldn't come. But you need to tell the judge why they are important to your case. Both you and the PHA have the right for the trial to happen within 7 days.

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. Talk to the court clerk if you think you need a subpoena. There might be a fee.

- The judge might issue something called a Discovery Order. Discovery Orders tell both sides when to share witness lists and documents (including pictures) before the trial. This lets both sides review documents or talk with witnesses that will be at the trial.
- 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 witnesses or documents. The judge could decide you can't use that witness or document in your case.
- There are common eviction defenses that you can use if they apply to your situation. Eviction defenses are legal reasons to dismiss the eviction action. You can tell the court your defenses by telling the judge or filling out an Answer form. Check off the reasons that apply to your situation.



Getting the Court Papers (Service)

- Minnesota law says the PHA has to give you the court papers in a specific way. If they don't give them to you in the right way, you can ask for the case to be dismissed and expunged (erased).
- The PHA must file a paper with the court that says how they gave you the court papers. This paper is called an affidavit of service. You don't get a copy of the affidavit of service. You should ask the court clerk to show it to you.
- The PHA must follow these steps to give you the court documents

First, they have to try to give the court papers to you in person. They have to try at least twice on 2 different days. One try has to be between 6 PM and 10 PM. It's ok for the landlord to give the papers to someone who lives at your home, but that person has to be old enough to understand them. If the papers are delivered this way, "Service" is done.

But if the PHA can't find you or can't deliver the papers, then they have to go through more steps. The PHA has to do all of these things

1. The PHA has to file a paper with the court called "affidavit of not found."
2. The PHA has to mail the court papers to you at your last known address.

3. After they mail them, they have to file an “affidavit of mailing” with the court that says they mailed the court papers to you.
 4. Then the PHA has to go to the address and post the court papers on the door.
 5. The PHA has to then file an “affidavit of posting” with the court.
- You must get the court papers at least 7 days before the court hearing.

If the PHA did not follow any of these rules of service, you can ask for the case to be dismissed and expunged.

Rent and Fees (Nonpayment of Rent)

- You may disagree about how much rent you owe. This could be because you disagree with the amount the PHA is charging you, or because you disagree with the amount the PHA says you have been paid. Either way, you need to provide evidence that proves the amount you think you owe. If you have any receipts or records of your income, bring them to court.
- If you have repair problems, ask the court to lower the rent. Bring proof of the problems, inspector reports, photos, witnesses. Bring proof that the PHA knew about the problems. Remember that most judges don’t listen to this defense unless you bring **all** the rent money to court.
- You may disagree with the fees the PHA charges. Check your lease to see what fees are listed. Unfair high fees for late rent are not legal, even if they are in your lease. Late fees can’t be more than 8% of your unpaid rent for that month.
- If the PHA took part of the rent money you owed, they may have waived (given up) the right to evict you for not paying rent. But your lease might say it is ok for the PHA to take partial rent and still evict you. Check your lease!
- Sometimes the court gives you more time to pay the rent or fees. Ask for 7 days and explain why you need the time.

Lease Violations (Breach of Lease)

- If the PHA says you violated the lease, they have to prove that
 - you have an oral or written lease,
 - you violated the lease, and

- the violation of the lease was “material” (important).
- If the PHA knew about the lease violation but took rent from you after it happened, they may have waived (given up) the right to evict you for that violation. Check your lease.
- The PHA can’t try to evict you if it’s retaliatory, even in a breach of lease case. That means trying to get back at you for something. For example, if the PHA files an eviction case after you called the housing inspector about repairs, you could argue it was retaliation.
- If someone outside of your control caused the violation, explain why you aren’t responsible. But remember, you are usually responsible for what your children and guests do.
- If you have a disability that played a part in a lease violation, explain how your disability is connected to the violation. Ask the judge to order the landlord to make a “reasonable accommodation” of your disability and dismiss the case.
- If your lease violations are because of **domestic violence, stalking, dating violence, or sexual assault** you may be able to avoid eviction. See our fact sheet [Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

At the trial

At trial, the PHA goes first. They show the judge their evidence to support what they said about you in the termination notice. You can ask the PHA’s witnesses questions when they testify. The PHA can’t tell the judge any other reasons they think you should be evicted if they didn’t put it in the termination notice they sent to you at the beginning.

It will be your turn after the PHA has finished. You need to bring your witness with you to trial. Most judges don’t look at written statements from witnesses, not even if the statements are notarized. The PHA needs to be able to ask your witnesses questions. Just like you have to be able to ask their witnesses questions. If the PHA wants to use written statements, tell the court not to look at them because you can’t ask them any questions in person. After seeing all the evidence and hearing from both sides, the judge makes a decision.

In both the initial court hearing and in the trial, the judge makes 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.

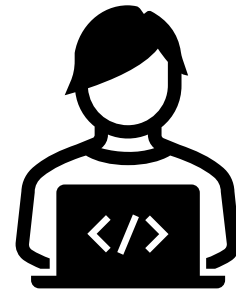
→ **If You Lose in Court**

You can ask the judge for up to 7 days to move out. Tell the court why you need 7 days. Tell them if children, senior citizens, or persons with disabilities live in the home. You must ask for the time to get it.

The PHA gets a court order called a Writ. The PHA has to have a sheriff or police officer deliver it to you or post it on your door. The Writ gives you 24 hours to move out. If you don't leave, the PHA sets a move-out day and time with the sheriff. The PHA must tell you when the sheriff is coming. The sheriff has to be there to supervise if your things are packed up and put in off-site storage by the PHA. Your property can also be stored on-site. See our fact sheet [Getting Property Back After You Move Out.](#)

You can still ask for an expungement later. Even if you lose in court, you can still get the eviction expunged later. It is harder to get it expunged if you lose, but it is possible.

When you ask for an expungement, make sure to explain to the judge or referee how having the eviction on your record has affected your life. If your eviction is 3 or more years old, ask the court to expunge it.



Can I appeal the court's decision?

If you think the court made a mistake, you have 15 days to file an appeal. 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. Get legal advice right away.



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.

An eviction on your record makes it harder to find housing. Landlords can choose not to rent to you because of an eviction.

If you are evicted for drug-related criminal activity, you can't live in public housing for at least 3 years.

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 the PHA thinks you still owe rent when you move out or are evicted, they can ask the Minnesota Department of Revenue to get it. The Minnesota Department of Revenue can take the money you owe the PHA out of your Minnesota Income, Property or Renter's Credit tax refund and give it to them. 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 **can't** do this if you have agreed to a repayment plan and are following the plan or your debt is more than 6 years old.

You have certain rights if the PHA refers your debt for Revenue Recapture. You have to get notice of your rights from the PHA within 5 days if they are going 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 the notice that your debt has been referred to the Department of Revenue. If you have already appealed at the PHA and lost, you don't get another hearing.

If You Appeal the Revenue Recapture

The PHA should set an appeal hearing within 30 days. You don't get an appeal hearing if the debt is from a court order. You don't need a lawyer for this hearing, but you can talk to one to get advice. Call legal aid at 1-877-696-6529



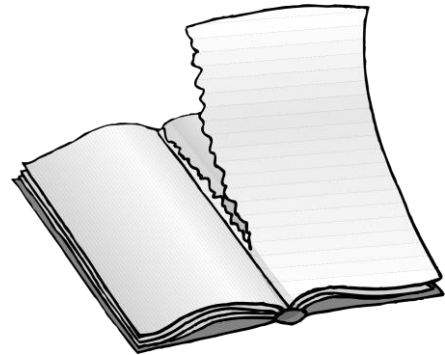
Before your PHA hearing, review your files at the PHA for evidence of the charges and any notices they sent to you. The PHA's written policies may include rules about revenue recapture cases and hearings. Ask the PHA for a copy.

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

What is an eviction expungement?

An eviction can make it hard to find another apartment. You might be able to get your eviction “expunged.”

“Expunged” means to erase the public record of a case. If your eviction case is expunged, then someone searching court files can’t find a record of your case.



These are circumstances where the court must expunge the eviction

- The tenant wins their case
- The Court dismissed the eviction for any reason
- The landlord and tenant agree to an expungement
- 3 years after the eviction
- If the tenant met the terms of the settlement agreement *and* the tenant submits a motion for expungement to the court.

If your case doesn’t fit into any of the categories above, you can still ask the court to expunge the eviction. To get an expungement for things not on the list above, the court must find that

- expungement is “clearly in the interests of justice,” and
- the “interests of justice” are not outweighed by “the public’s interest in knowing the record.”

The court can expunge your eviction only if the judge thinks the landlord was wrong to file the case and it would be unfair to leave it on your record. Examples might be

- you didn’t get the court papers in the right way
- you didn’t get a notice that the eviction was going to be filed 14 days before the eviction was filed
- the landlord said you had not paid the rent, but you proved that you had
- the landlord was getting back at you (retaliating) for complaining about repairs
- the landlord said you broke the lease, but you proved that you did not
- you were a tenant in a foreclosed property but did not get notice in time to move.

If your eviction is expunged, the public will not be told about your eviction. But the PHA can give rental references about lease violations.

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

Chapter 10: Resident Advisory Boards

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.

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.

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. PHA Plans include rules like

- 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.

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 their 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.



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*	\$ _____
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 28 for information on Income Disallowance)

$$\begin{array}{rcl} \underline{\hspace{2cm}} & - & \underline{\hspace{2cm}} = \$ \underline{\hspace{2cm}} \\ \text{Total from Above} & \text{Income Disallowances} & \text{Annual Income} \end{array}$$

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:

$$\begin{array}{rcl} \underline{\hspace{2cm}} & \times .03 = & \underline{\hspace{2cm}} \\ \text{(Annual Income from Step 1)} & & \text{3\% of Annual Income} \end{array}$$

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:

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

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:

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

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.

\$ _____
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	\$ _____

=	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:

$$\frac{\$ \text{Adjusted Annual Income}}{12} = \$ \text{Adjusted Monthly Income}$$

Step 5: Figure Out Your Rent

Multiply your Adjusted Monthly Income by 30%:

$$\frac{\$ \text{Adjusted Monthly Income}}{\text{Adjusted Monthly Income}} \times 0.30 = \$ \text{Your Monthly Rent}$$

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:

$$\frac{\$ \text{Your Monthly Rent} - \text{Utility Allowance}}{\text{Your Monthly Rent} - \text{Utility Allowance}} \times 0.30 = \$ \text{Your Monthly Payment*}$$

If the utility allowance amount is more than your monthly rent amount, see "Utility Allowance" on page 30 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 56.

Move-In Inspection and Lease Addendum

Ö	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	

Ö	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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www.mnlegalservices.org

