



Public Housing Evictions

I am in public housing and got an eviction notice. What do I do?

This fact sheet is for **public housing tenants** who get a Lease Termination Notice. “Public housing” means rental housing operated by or paid for by a Public Housing Authority. It gets funding under the public housing program. This is not a private landlord or Section 8 housing.

Public housing evictions follow State court procedures for evictions BUT also have some of their own special steps. Read this fact sheet **and** our fact sheet [Evictions](#).

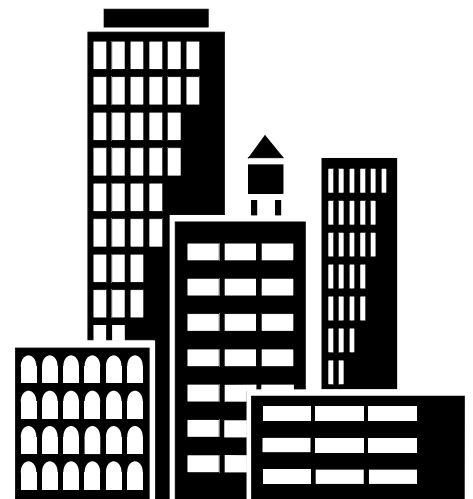
Some of the things in this fact sheet may not apply to you if you live in:

- public housing run by the Minneapolis Public Housing Authority (MPHA)
- public housing run by the St. Paul PHA or
- another public housing authority that converted their housing units to other subsidy programs

If you get a Lease Termination Notice, it is a good idea to call your local legal aid office for help right away. Find your local office at 1-(877) 696-6529.

Lease Violation

The Housing Authority may only terminate your lease for serious or repeated violations or other good reasons. They send you a written lease termination notice telling you what parts of the lease they think you violated. The notice also tells you the date they want you to leave.



You have the right to review the documents the Housing Authority has that relate to the lease termination. If you did not do what the Housing Authority claims or if you don't think it was serious enough for an eviction, you can appeal the termination of your lease.

You must send the Housing Authority a written note asking for an appeal by the deadline in the lease termination notice. This deadline is typically 10 days.

There are usually 2 stages to an appeal. The first stage is the Informal Conference. If the problem is not resolved there, you can ask for a Formal Hearing.

Some Housing Authorities don't offer appeals in some cases. See the section “Safety Risk and Criminal Activity” below for more information.

Informal Conference

- You can bring an advocate or lawyer to help you state your case. If you need an interpreter for the meeting, tell the Housing Authority. The Housing Authority has to pay for the interpreter.
- If you did not violate your lease, try to bring evidence to the conference. Evidence can be things like documents, letters, or statements from witnesses who support you.
- If you did violate the lease, try to present a clear plan to keep problems from happening again. This could be an agreement that you won't let someone who makes trouble visit you anymore, or a plan to get help for a problem that caused the lease violation.



If your lease violations were the result of domestic violence or sexual assault, see our fact sheet [Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

If your lease violations were the result of a disability, see our fact sheet [Reasonable Accommodations: Do You Need Your Landlord to Make a Change Because of Your Disability?](#)

- Whether you violated the lease or not, be careful what you say at an Informal Conference. Anything you say could be used against you later in the case.
- If you think you have a losing case, you can agree to move. But ask for the time you need and a neutral or good tenant reference from the Housing Authority. This is a serious decision. Think about it carefully before agreeing to move out. Once you make an agreement, you have to keep it!
- Ask the Housing Authority to put any agreement you make into writing. If the agreement does NOT include everything you agreed to, write to the Housing Authority again and ask them to make the changes. **Don't sign anything or agree to anything you don't want to do or can't do.**
- Even if you don't reach an agreement, the Housing Authority must give you a written summary of what happened at the informal conference.

If you can't work out a solution at the Informal Conference you can ask for a Formal Hearing. The deadline for asking for the Formal Hearing should be in the written summary from the Informal Conference. You have to ask for a Formal Hearing in writing.

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 local legal aid office for help.
- 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 public housing staff.
- You have a right to an interpreter at the hearing. If you need one, tell the Housing Authority. The Housing Authority has to pay for the interpreter.
- At the hearing, you and the Housing Authority take turns telling what happened. You have the right to be treated with respect at a hearing. You must also treat others with respect.
- Bring evidence and witnesses to prove that you did not violate your lease. Bring proof to show that claims against you are wrong. Bring proof to explain any incomplete parts of the story told by the Housing Authority. 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.

Note: Some Housing Authorities have rules about evidence for the Formal Hearing. For example: you may have to say by a certain date ahead of time 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 didn't get them. Read and follow them carefully.

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If your lease violations were the result of a disability, see our fact sheet [Reasonable Accommodations: Do You Need Your Landlord to Make a Change Because of Your Disability?](#)

- If there are respected people in the community or neighbors who support you, ask them to come to the hearing, to speak on your behalf.
- Later, 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 it gives the reasons for the decision.



What happens if I lose the Formal Hearing?

If you lose the Formal Hearing, the Housing Authority sends you a notice with a final move-out date. If you don't move by that date, the Housing Authority can file an eviction case against you in State court.

You can ask the judge for a trial in state court. Call your legal aid office right away for help. You can also ask the Housing Authority for more time to move out, and for a good reference, in exchange for moving out and not fighting it in court.

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 Housing Authority in writing. Once you make an agreement, you have to keep it.

Reasonable Accommodations

If you or a family member have a disability there are some other rules. For example: The Housing Authority wants to end your lease because something in the lease or another rule was broken. If the person with the disability broke the rule, and it was because of the disability, you can ask for a reasonable accommodation. This could let you stay in your home. You can also ask for a reasonable accommodation if you need changes to the lease because of the disability.

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

Safety Risk and Criminal Activity

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, the Housing Authority does not have to give you an Informal Conference or a Formal Hearing. Your termination notice tells you if the Housing Authority is skipping these procedures. If the Housing Authority skips these procedures and you don't move out, the Housing Authority files an eviction case in state court.

- If you are being evicted for drugs or other criminal activity, don't make any statements about the matter to anyone. Don't admit to a drug-related or criminal act in an agreement with the Housing Authority. If you are evicted for drug use or crime, you won't be able to get public or subsidized housing for 3 years or more.
- Your lease termination can't be based on only an arrest. The Housing Authority has to investigate and prove that it is more likely than not that you did the illegal activity that led to your arrest. If the Housing Authority can prove this, then your lease can be terminated even if you are not charged by the police or convicted of a crime in court.
- If you think the Housing Authority is wrong, you need to explain why. Bring proof that they are wrong to court.
- If you think you are going to lose in court, you can sometimes work out an agreement for more time to move. If you make an agreement you HAVE to keep it - so make sure you can.



Rules If You Are the Victim of Domestic Violence

The Housing Authority can't evict you if problems happened because of domestic violence, stalking, dating violence, or sexual assault against you or a member of your household. You can't be evicted for calling the police. In Minnesota, domestic violence may include violence or threats by children, relatives, or other family members.

Tell the Housing Authority if you think the lease violation happened for one of these reasons. See our fact sheet, [Subsidized Housing Rights for Victims of Domestic Violence and Sexual Assault](#).

The Housing Authority can ask you to show evidence of an incident of domestic violence or sexual assault within 14 days. They have to ask you in writing. Sometimes getting a court order is a good way to prove the domestic violence. But the Housing Authority can't **make** you get a court order.

There are also other ways to prove it. Get help from legal aid or a domestic violence or sexual assault advocate if you need help to prove your case.

Non-Payment of Rent

- If you don't pay your rent on time, the Housing Authority sends you a notice saying you have to pay in 30 days or move.
- If you don't have the money, call the Housing Authority right away to see if you can work out a payment plan. Keep track of who you talk to and what you are told to do. Also, talk to the county welfare department about getting Emergency Assistance.
- If you don't owe rent, talk to the Housing Authority about why they think you do. Keep track of who you talk to and what they tell you. If you still disagree, call your manager, and ask for an Informal Conference. Write a letter so you have a record that you asked. Remember in the future to always get receipts or keep records of your rent payments so there is no confusion.
- You have the right to an Informal Conference with the manager. If that does not solve the problem, you can ask for a Formal Hearing.
- If you did not pay the rent because of repair problems, ask for an Informal Conference or Formal Hearing to talk about the repairs needed. See our fact sheet [Getting a Landlord to Make Repairs](#).
- If you think your rent or income was not figured out right, take all the papers you have showing your income to the manager.
- If you agree to repay the Housing Authority, the agreement must be written.

Note: The amount you have to pay each month in a repayment agreement is limited by HUD rules. Your rent plus the repayment amount should not be more than 40% of your monthly income. If you have problems, contact your local legal aid office.



If you don't pay the rent or work out an agreement within 30 days, the Housing Authority can file an eviction case. You will be served with court papers telling you when to go to court. **Be on the lookout for these papers.**

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

Minimum Rent

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

You should get an exemption if the reason you can't pay is because:

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

A hardship exemption is effective the month after you ask for it. If the reason for the exemption is temporary (lasts 90 days or less) the Housing Authority puts off eviction proceedings. But they still bill you for the minimum rent and ask you to pay at some time in the future. You can ask for a repayment plan and pay the rent over time.

If the reason you can't pay rent is permanent (lasts longer than 90 days), you should be exempt from paying until your money situation changes. If the Housing Authority won't do these things, or if you are already being evicted, call your legal aid office for help.

Job Income and Rent

When you live in public housing, your rent is set at 30% of your counted income. This rule may be different if you live in public housing run by the Minneapolis Public Housing Authority.

There are important exceptions to this rule. *Sometimes* changes in household income because of a job don't affect the amount of rent right away. These situations are called **earned**



income disallowances. Some of these are:

- Money you earned from a job that you got within 6 months of being on MFIP.
- If you are unemployed or underemployed for a year before you get a job. Underemployed means you earned minimum wage or less for no more than 500 hours of work last year. Last year that was about \$5,000.
- If you are in a job training program.

Tell the Housing Authority or judge if any of these situations apply to you. The disallowance applies for 24 months after you are hired. The rules on earned income disallowance are complicated. The law about this is changing soon so earned income disallowances might not apply to you. If you have problems or questions, contact your legal aid office.

Welfare and Rent

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

Try to Avoid Eviction

It is always good to avoid eviction. An eviction case is a public record that other landlords can check. It will make it harder to find a new place. So, if you think you would lose in court, try to move out before the Housing Authority files an eviction case. Tell the Housing Authority if you are moving so that they don't file an eviction against you before or after you leave. See our fact sheets [Evictions](#) and [Expunging Evictions](#).



Can I get a free lawyer from the court for my eviction case?

For some evictions you can. If the Housing Authority brings an eviction against you for breach of lease and you can't afford a lawyer, you have the right to a free lawyer from the court. The Housing Authority must tell you that you have this right in the eviction complaint. At the first hearing, the judge must ask if you want a free lawyer. If you say yes, they must appoint one for you.

Fact Sheets are legal information NOT legal advice. See a lawyer for advice.
Don't use this fact sheet if it is more than 1 year old. Ask us for updates, a fact sheet list, or alternate formats.

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