

The hearing officer will uphold the HA's decision and you will lose your voucher if all the evidence shows it is *more likely than not* that you committed the program violations stated in your termination notice. In cases where the HA says you were engaged in criminal activity, the HA can win even if you have not been convicted of a crime.

The HA will probably give more weight to official documents and first-hand testimony from witnesses than to other types of evidence. For example, if you need to prove that your overnight guest lives full-time at a different address, your case will be stronger if you can get your guest's lease or if your guest can testify, rather than if you just bring in a letter from your guest. When you are looking for witnesses to testify for you, make sure to think about how reliable the witness will be with respect to the whole case you are presenting to the HA. The hearing officer and HA representative will be able to ask your witnesses questions about anything in your case.

Does the HA have to terminate my Section 8 if the hearing officer finds that I violated program rules?

No. The HA can consider all facts and circumstances of your case and choose another option. For example, if you did not report income, the HA may decide to have you repay the money you owe rather than terminating your voucher. In addition, if you face termination because of a family member's drug use, the HA may ask only that person to move out, and let the rest of the family keep the voucher.

You should always ask the HA for a reasonable accommodation of any mental or physical disability you have, if the reason you did not

follow the program rules was because of your disability.

Do I have any appeal rights?

Yes. If you lose the informal hearing, you have 90 days to appeal it in superior court. You should consult with a lawyer about this process, as it can be long and complex.

**FOR FURTHER INFORMATION AND ASSISTANCE CALL THE LEGAL AID SOCIETY OF SAN MATEO COUNTY
(650) 558-0915 or 1-800-381-8898**

www.legalaidsmc.org

This pamphlet is designed to provide general information on the law, which may change. If you have a specific legal problem, you should contact a lawyer for advice or assistance.

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LEGAL AID SOCIETY
OF SAN MATEO COUNTY

Keeping Your Voucher: The Section 8 Termination Process



Prepared by the
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What are my obligations to the Housing Authority (HA) under the Section 8 program?

Your family obligations are:

- Do not violate the terms of your lease seriously or repeatedly.
- Give all true and necessary information about your household to the HA when they ask for it.
- Let the HA inspect your home at reasonable times and with reasonable notice.
- Tell your landlord and the HA before moving out.
- Get approval from the HA before you let someone move in with you or stay with you for more than 14 days in a row or 60 total days in a 12 month period.
- Tell the HA right away if a household member moves out.
- Tell the HA within 10 days if your income or family composition changes.
- Give the HA a copy of any eviction notice you get from your landlord.
- Use your home to live in and as your family's only home.
- Make sure your home is habitable—especially make sure that your utilities are not shut off through your own fault (for example, failure to pay a bill).
- Do not engage in violent or drug-related criminal activity.
- Do not sublet, transfer, or own your home.

When can the Housing Authority terminate my Section 8 voucher?

You may lose your voucher for any of the following reasons:

1. You violate your family's program obligations (see above).
2. You have been evicted from other federally-subsidized housing within the last 3 years.
3. You owe money to any HA, or you break a repayment agreement that you have with any HA.
4. You threaten or verbally abuse any HA staff.
5. You abuse drug or alcohol in a way that threatens the health, safety, or peace of other residents.
6. Your landlord evicts you for a serious lease violation.
7. Your home is vacant for more than 30 days without HA permission or more than 180 days total.

What steps does the HA have to take to terminate my Section 8?

To take away your voucher, the HA must send you a written notice that states the reasons for your termination. The HA's notice must include dates and names of people involved.

You have a right to an informal hearing if disagree with the termination and want to keep your voucher. But you must request a hearing before the deadline the HA gives you in your termination notice. If you cannot attend the hearing once it is scheduled, you may postpone it once for up to 15 business days.

If you ask for a hearing, the HA cannot take away your voucher until after you have your hearing and receive a decision from the hearing officer.

How should I prepare for a hearing?

- Collect evidence that supports your case and ask witnesses to testify or write letters on your behalf. You *must* provide all your

evidence to the HA three (3) business days before your hearing. Otherwise, the hearing officer does not have to consider it.

- Inspect your file at the HA and copy all documents that seem relevant. Ask the HA to see any investigation report written about your case so that you understand and can deny the HA's claims.
- Request that the HA give you the names of its witnesses and copies of the evidence it has against you three (3) business days before your hearing. The HA cannot use any evidence at the hearing that it has not given you in advance, as long as you request it.
- Contact a lawyer to get advice on how to represent yourself at your hearing.

What are my rights at the hearing?

- To present your own evidence and witnesses and cross-examine any HA witness that testifies against you.
- To stop the HA from introducing new charges against you at the informal hearing. If the HA mentions a new charge against you, you can tell the hearing officer that it is a new charge and that you want it excluded from the hearing.
- To have a hearing officer who is neutral and fair, and who was not involved with your case before the informal hearing. (The hearing officer may be an HA employee.)
- To have your hearing tape recorded or transcribed by the HA.
- To be represented by a lawyer at your own expense.

How does the hearing officer weigh the evidence that is presented by both sides at the informal hearing?