



MARYLAND TENANTS' RIGHTS:

HUD-Subsidized Housing

Prepared by

Legal Aid Bureau, Inc., Maryland

© 2000, Revised 12/2000

Who Should Read This Pamphlet?

You should read this pamphlet if you have applied for or live in rental housing where the landlord gets money for your rent from the federal government. The U.S. Department of Housing and Urban Development (or HUD) helps pay for ("subsidizes") this type of housing. *If you live in housing owned by a city or county or hold a Section 8 voucher, this pamphlet DOES NOT apply to you.*

There are many types of subsidized housing. The rules vary, but this pamphlet gives general rules that apply to most HUD-subsidized housing developments. State and local landlord-tenant laws also apply to these developments; other pamphlets describe your rights under those laws.

Eligibility & Application Procedures

All subsidized projects are open only to people of limited income, although the exact limits vary. Most projects are for families with children or single people who are elderly, handicapped or have been forced to move by government action or a disaster. A number of projects are limited to elderly or disabled people.

Landlords may not discriminate on the basis of race, color, national origin, religion, sex, age or handicap. Landlords also may not discriminate against a tenant who receives welfare, is a single parent, or has children. If you are eligible for a project but there is no unit available, the landlord must put your name on a waiting list unless the list is already more than one year long. If you are on a waiting list, you should keep in touch with the landlord and tell him/her whenever your address changes. If you are not placed on the waiting list or are not admitted, the landlord must tell you why and give you 14 days to give any more information that can help your application.

Leases

When you move into a HUD-subsidized unit, the landlord must give you a written lease and a list of any damages already in the unit. The lease will state the rights and

responsibilities for both you and your landlord. You should read the lease carefully and save it.

Rent & Utilities

In many subsidized projects your landlord cannot charge more than 30% of your adjusted income for rent and utilities. Your landlord must adjust your total income by subtracting a certain amount for each child, elderly person or disabled person in the household. Your landlord may also have to subtract childcare expenses, handicapped assistance expenses and medical expenses. Once your landlord determines your rent, your landlord must subtract a certain amount for utilities if you are responsible for paying the utilities. If your income is very low, you may qualify for help with your utility bills. Contact your landlord, the Legal Aid Bureau or another attorney about utility assistance.

Recertification of Income

Every year your landlord has to contact you to make sure that there is no change in the number of people living in your household and your family income. This is called "recertification." Your landlord may do an earlier recertification if your landlord believes that your income or household size has changed. Before recertification, your landlord will send you a letter. If you do not answer the letter, you will receive a second letter. If you still do not answer, your landlord will raise your rent to the full market rate charged other tenants who do not have any part of their rent paid by the government.

Whenever the number of people in your household or their income changes, you must report it right away to your landlord. If you do not, you may be accused of fraud and can lose your housing assistance or even be charged with a crime. You may also have to pay charges for back rent. If you did not report changes in the number of people in your household or their income, but did not do so on purpose, the landlord must let you repay back rent. If the landlord does not let you do this, you should contact the Legal Aid Bureau or another attorney.

When your income or household size changes, your landlord must adjust your rent. If your rent goes down, the change will go into effect the first day of the month after you report the change in your income or household size. If your rent goes up, your landlord must give you 30 days notice of the increase, and the change will not go into effect until the first day of the month after the 30 days are up.

Stopping Subsidies in an Entire Housing Development

Sometimes a landlord is allowed to stop providing the kind of subsidized housing described in this pamphlet. If your landlord wants to do this, he/she must send you a letter telling you about it. There are things you can do to fight your landlord's decision to end this type of subsidized housing, to stay where you are, or to make sure that you can find other affordable housing. If you hear that your landlord is planning to end a subsidy, you should contact the Legal Aid Bureau or another attorney as soon as possible.

Evictions

A landlord can evict a tenant in subsidized housing only if the tenant breaks the lease, does not pay rent or for other good reasons such as allowing people to live in the unit who are not on your lease. Your landlord can immediately go to court if you have not paid your rent.

You cannot be evicted just because your landlord says the term of your lease is over. Before your landlord can evict you, your landlord must send you a written notice telling you the reasons why you are being evicted, that you have 10 days to discuss the eviction with your landlord, and that you have a right to defend yourself in court. If the landlord does not send you this notice, the landlord is not allowed to evict you.

After sending you notice, your landlord must go to court before you can be evicted. Your landlord cannot change your locks, cut off the water or electricity, or move your belongings without going to court. Your landlord must wait 30 days after sending you the notice before going to court; then the landlord must prove that you broke your lease. You may ask for a jury trial, but you must ask before the judge hears the case.

If you receive a court summons or eviction letter, you should contact an attorney as soon as possible. If your landlord agrees to let you stay but wants you to sign a written agreement, you should contact an attorney before signing it. You may be eligible for free legal services from the Legal Aid Bureau, a law school clinic, or a "pro bono" project.

Remember: The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.