



# KNOW YOUR RIGHTS

## PUBLIC HOUSING & RAD

## TENANTS, AND SECTION 8

## VOUCHER HOLDERS

### IMPORTANT RIGHTS OF PUBLIC HOUSING AND RAD TENANTS AND SECTION 8 VOUCHER HOLDERS

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- People in federally subsidized housing have the right to have their rent based on their income (generally 30% of gross household income including benefits like social security and wages earned by adults).
- When **household income decreases** and the family reports the decrease, the public housing authority or Section 8 office has to **process a recertification to change the rent or rent share**. Households also have to report increases in income or changes in the household such as a family member moving out (this is called “household composition”).
- Federally subsidized tenants and voucher holders have a **right to a grievance hearing if the program sends a notice that the tenancy or subsidy is being terminated**. There is also a right to a hearing to dispute the rent or rent share, and a denial of a request to change in the household composition.
- Applicants for federally subsidized housing or vouchers have a right to an informal review if their application is denied.
- Changes to income or household composition have to be reported. It is very important to report them and to have a record of when and how the family reported the change. *HUD has stated that stimulus checks are not income.*
- Hearings have to be requested. It is very important to make the request in writing and have a record of when it was requested. Most notices have a deadline to request a hearing and it is important to request the hearing before the deadline.





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## VOUCHER HOLDERS CONTINUED...

- **We have created a form to report a change of income or household composition.** If you need to report a change and you are not clear on how to do so, you can use this form. If you communicate with your office by email or fax, we recommend submitting by email or fax and also sending a hard copy in the mail. If you do not have a way to email or fax, send a hard copy in the mail and keep a record of when you sent it (take a picture of yourself putting it in the mailbox, email a copy to a friend and write that you want them to have a backup copy of what you mailed).
- If you receive a notice and there is a hearing request form included, use that form. If not, **we have created a form to request a hearing or informal review.** If you need to request a hearing, you can use this form.
- Federally subsidized tenants and voucher holders who are affected by domestic violence have important rights and protections under the **Violence Against Women Act (VAWA)**. These include not being terminated or rejected on the basis of domestic violence and a right to request an emergency transfer or emergency moving voucher. HUD has a detailed notice of rights (form # 5380) and forms that you can use to certify your need for VAWA protections (form # 5382) and to request an emergency transfer (form # 5383). You can find them [here](#), in multiple languages.

Legal Services of the Hudson Valley

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