

Section 8 and Subsidized Housing Part 04: Informal Review and Hearing Process

If you've received notice that you're being terminated from the Section 8 program, you have a number of rights, including the right to challenge the termination decision. The process is a bit different if you're in the tenant-based program or the project-based program.

First, we'll discuss tenant-based (which is sometimes called the "Housing Choice Voucher Program"). The Housing Authority will let you know that they intend to terminate you from the program. At that time, you'll be informed of the reasons they are taking this step. You have ten days to request an informal hearing to challenge the termination decision. The Housing Authority will try to resolve the conflict before a hearing. You may also work to resolve the issue before the hearing. If you're unable to address the issues, your hearing will be scheduled, and you'll receive at least ten days' notice to prepare.

You have the right to examine and copy any housing authority documents that are relevant to your case before the hearing starts. You may hire (at your own expense) an attorney or other person to represent you at the hearing. You may request an interpreter for the hearing. You may object to and question any evidence or testimony which is in the case file or is presented at the hearing. You may bring and question witnesses. You may submit relevant evidence or arguments. You may cross-examine witnesses brought in by the Housing Authority. You may also request reasonable accommodations. For example, let's say that the reason cited in the Housing Authority's notice to terminate is that you've left the property unoccupied for too long. If you can show that you've been in the hospital for two months, this is a reasonable basis to challenge the termination.

Project-based termination is a bit different. Project-based Section 8 housing assistance is connected to the building, not the tenant. The property manager has quite a bit of authority which results in some differences in how terminations are handled.

The property manager is required to give you proper notice of termination — that involves serving you the appropriate legal paperwork. You have the right, within ten days, to request a meeting with the owner or property manager to discuss the proposed termination. While this discussion is informal, you still have the right to request reasonable accommodations at the meeting. The property manager is not required to have this meeting with you, and you're not required to request it, but if you do, you may be able to work out the issue and avoid termination. There's no requirement that the property manager provide you with any housing authority documents relevant to your case, as there is under tenant-based Section 8 housing.

It's important to know what your rights are as a tenant in Section 8 subsidized housing. This video is not a comprehensive list of your rights. You can find out more at www.courts.ca.gov/self-help-section8.