

# **2010 Public Benefits Overview Training:**

## **Housing**

---

# Outline of Today's Presentation

- Identifying the Different Types of Low-Income Housing in Hawaii
- Housing Law Basics
- How to Avoid Housing Problems

# Different Types of Low-Income Housing in Hawaii

- Unsubsidized Housing (Private Rentals)
- HUD Subsidized Housing
  - Public Housing (“the projects”)
  - HUD Buildings (“multifamily housing”)
  - Section 8 Vouchers
- Other Forms of Subsidized Housing

# Identifying Unsubsidized Housing (Private Rentals)

- “Normal” rentals
- No government involvement beyond Hawaii Landlord-Tenant Code
- Rent charged is however much the rental is worth



# Categories of Subsidized Housing

- Public Housing
- Section 8 Vouchers
- Project-Based Buildings
- Shelter Plus
- Homeless/Transitional Shelter

# Public Housing

- Run by the Hawaii Public Housing Authority (a state agency) using HUD funding
- **Tenants live in public housing projects (e.g., Kuhio Park Terrace Terrace)**
- Rent is set at 30% of tenant income
- Perpetual leases—Good cause required to evict
- Subsidy is not portable



# Section 8 Vouchers

- Subsidy program is run by state and county agencies known as public housing authorities (PHAs) using HUD funding
- Tenants live in dwellings owned by private owners
- Property owners charge full market rent. Generally, tenants pay 30% of their income to the landlord and the PHA pays the rest—there is a limit to how much the PHA will pay
- Initial lease term is six months to a year. After initial term, tenancy can be month-to-month
- Good cause is required terminate during the lease term, but not after.
- Subsidy is portable



# Project-Based Buildings

- HUD, the USDA, or the IRS subsidize rents at individual buildings that are typically owned by private entities or non-profits
- Forms of rent subsidies include: Project-Based Section 8, Section 221(d)(3) properties, Section 515 Rural Rental Housing, and the Low Income Housing Tax Credit
- Rent varies depending on the subsidy. May be rent ceiling, or may be based on a percentage of tenant income
- Generally, leases are perpetual and good cause is required to evict
- Subsidy is not portable



# Housing Law Basics

---

The type of housing determines the rules that apply



# Private Rental Basics

---

- Fixed Leases vs. Month to Month
- Terminating a Lease
- Evictions
  - No self-help
  - Holdover\$
  - Right to cure notice
  - Carried out in court
- Repairs
- Security deposits

# Section 8 Basics

- Eviction = Termination of subsidy
  - Evicted by court
  - Subsidy terminated by agency
- Due process required to terminate
- Initial lease terms
- Finding a new place on time
- Housing Quality Standards
- Unauthorized occupants



# Public Housing Basics

---

- “Good cause” required to evict
- Evictions currently carried out through administrative process
- Eviction = loss of housing and subsidy
- Due process rights
- Other subsidized housing: similar rules except no administrative process.



# The Violence Against Women Act (VAWA)

---

- Abused cannot be evicted/terminated for abuse against them
- Abuser can be evicted/terminated for abuse
- Abused cannot be denied admission for abuse against them
- Applies to Public Housing and Section 8 ONLY

# Avoiding Housing Problems

- Making Smart Housing Choices
- Recognizing Threats to Housing
- Responding to Threats to Housing



# Making Smart Housing Choices

---

- **Pay Rent/Mortgage on Time**
- **Do Not Withhold Rent**
- **Request Rent Adjustments Promptly**
- **Know the Rules and Follow Them**
- **Be a Good Neighbor**
- **Be Conscientious**
- **Talk to Your Landlord if Problems Arise**
- **Maintain Your Home**
- **Keep Good Records/Don't Pay Cash**



# Recognizing Threats to Housing

---

- **Unusual Situations**
- **Illegal Discrimination**
- **Housing Preservation**
- **Foreclosure Rescue Scams**
- **Watch Out for Trouble Landlords**
- **If it Doesn't Feel Right, it Probably Isn't**



# Responding to Threats to Housing

---

- **Act Promptly**
- **Make a Paper Trail**
- **Request a Hearing**
- **Show up at the Hearing**
- **Get Help**

# Housing

## Presenter:

Sheila P. Lippolt  
Supervising Attorney, Housing Unit  
Legal Aid Society of Hawaii  
924 Bethel Street  
Honolulu, Hawaii 96813  
Phone: (808) 527-8016  
Fax: (808) 527-8088  
Email: [shlippo@lashaw.org](mailto:shlippo@lashaw.org)