



Public Housing Evictions Fact Sheet

Introduction

This only applies to tenants in the public housing program, not to other programs, such as Housing Choice Voucher (Section 8), USDA housing, or low-income tax credit property.

Your Rights

Families who have been approved for public housing are guaranteed the right to not have their home taken away without "good cause" and the opportunity to be heard.

Good Cause: Definition

Good cause for evicting you includes such things as a serious (or repeated) violation of your lease or earning too high an income to be eligible for public housing. Isolated or minor violations of your lease generally are not "good causes" to evict you. Also, a serious violation of the lease, such as vandalism or a total failure to pay rent, will result in an eviction.

Good cause includes:

- a change in your situation making you ineligible for public housing (for instance, an increase in your income that exceed legal limits)—if this happens, you have 30 days or until the end of your lease term to move out, whichever is later
- purposely destroying Housing Authority property or the property of other tenants
- causing a serious and repeated disturbance to other tenants
- posing a threat to the health or safety of the housing project, its employees, or other tenants (in this instance, you may get as little as seven days in which to move out)
- not occupying your apartment for a period of 60 days or more (in this case, you have 30 days or until the end of your lease term, whichever is later, to move out)

Good cause does not include:

- immorality, i.e. the Public Housing Authority cannot evict you merely because your lifestyle does not fit their moral beliefs
- exercising rights in any legal way, such as joining a tenant's council or filing a complaint against the Housing Authority
- a change in family size, if you are financially eligible for public housing—instead, the Public Housing Authority has the responsibility to transfer you to an appropriately sized unit as soon as one becomes available

Good Cause: Examples

Not Paying Rent

You can be evicted for not paying rent. If you miss a rent payment, the Public Housing Authority has a "good cause" to evict you. However, if you miss your payment, you will probably be able to avoid eviction by making an arrangement for paying the housing authority. You must let the housing authority know as soon as you see that a personal hardship will prevent you from paying on time. You will probably not be evicted for making your payment late once, as long as you take care of the problem quickly.

If you repeatedly pay rent late or altogether miss your payment, you can be evicted. If you are evicted for non-payment of rent, you must be given only a 14-day notice.

Past Criminal Record

You can be evicted if the Public Housing Authority discovers that false information regarding your criminal history has been submitted. An important fact is whether the initial application requested criminal history information.

Breaking the Law

You can also be evicted for drug-related criminal activity on or off the premises or criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises.

Lease Expiration

If your lease expires, the Public Housing Authority must renew your lease (as long as you are still eligible for public housing). "Good cause" is still required to evict you. Also, the Public Housing Authority has to transfer you if your family sizes changes. They cannot try to solve the problem by evicting you.

Lease Termination

If you are being evicted from public housing, then the public Housing Authority must serve you with a notice of lease termination.

The lease termination notice must contain:

- specific grounds for termination
- information of your right to respond
- information of your right to examine housing authority documents
- information of your right to request a grievance hearing (if one is required)

The amount of notice you will be given depends on the grounds for the eviction.



Notice periods:

- rent nonpayment—no less than 14 days
- health or safety threats—no more than 30 days
- drugs or violent criminal activity—no more than 30 days
- felony conviction of a household member—no more than 30 days

Public Housing Authorities are allowed to follow state-law minimum notice periods for all evictions besides rent nonpayment.

Grievance Hearings

Public housing tenants are entitled to grievance hearings under most circumstances. The grievance hearing process includes:

- an informal conference
- a summary of that conference
- a grievance hearing, if timely requested
- a written decision following the hearing

A Public Housing Authority does not have to offer a grievance hearing for: (1) any criminal activity that threatens the health, safety, or right to peaceful enjoyment of the development; (2) any drug-related criminal activity; or (3) any criminal activity resulting in a felony conviction.

You should carefully review any eviction notices you receive to know if there is an opportunity to request a grievance hearing.

If you have any questions concerning “good cause” evictions or requesting grievance hearings, contact the Public Housing Authority. You may also contact the Center for Arkansas Legal Services or Legal Aid of Arkansas, Inc., by calling 1-800-9-LAW-AID.

This fact sheet is a collaboration of the Center for Arkansas Legal Services and Legal Aid of Arkansas, Inc. These nonprofit organizations provide free legal assistance to eligible Arkansans who meet income, asset, and other guidelines. Legal assistance may also include advice and counsel, brief services, or full representation depending on the situation. For more information about civil legal aid in Arkansas, please visit arlegalservices.org. For information specific to Legal Aid of Arkansas, Inc., visit arlegalaid.org. Apply for services online or by calling 1-800-9-LAW-AID (1-800-952-9243).

The information and statements of law in this fact sheet should not be considered legal advice. This fact sheet is provided as a broad guide to help you understand how certain legal matters are handled in general. Courts may interpret the law differently. Before you take action, talk to an attorney and follow his or her advice. Always do what the court tells you to do.

**Content provided by:
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