

Subsidized Housing

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How do I know if my housing is subsidized?

In some cases this may be obvious. One of the most common types of subsidized housing is the Section 8 Housing Choice Voucher program. This is commonly referred to as “voucher-based subsidized housing,” as the voucher travels with the tenant and can be applied wherever the tenant lives. It may be more difficult to tell if your housing is subsidized if the subsidy that assists you with your rent payment is connected to the building or unit you live in. This is commonly referred to as “project-based subsidized housing.” One way to tell if your housing is subsidized is if your building or complex requires you to recertify your income every year. Another way to tell is if your rent is significantly more affordable than other housing you have seen on the market. However, there is also subsidized housing, known as “shallow subsidy” housing where the rent is only marginally lower than market rate rent. In these complexes, usually some of the units are subsidized and other units are market rate.

How do I find specific information about subsidized housing programs?

If you need information about public or subsidized housing programs, including housing choice vouchers, our office can provide you with the names of Public Housing Agencies and subsidized housing providers close to you. A list of Public Housing Agencies can also be found on HUD's website at https://www.hud.gov/topics/rental_assistance.

Do I have any additional protections as a tenant if my housing is subsidized?

There are several different subsidy programs and they all have different protections for tenants. If you believe that your tenancy is being threatened, or if you have

received a termination letter, you should contact our office immediately. You may have additional protections that can help maintain your housing, but there are strict time limits on requesting these protections so you must take action promptly.

What is a “good cause” eviction?

Project-based subsidized housing complexes have to follow the rules of the agency that provides their funding. That could be HUD, USDA, or another agency. These agencies typically have rules saying that a tenant cannot be evicted from their apartment unless the landlord has good cause to do so. Good cause could mean a number of things, including:

- not paying rent,
- drug abuse or engaging in criminal activity,
- failure to follow program rules and/or the rules in the lease, or
- changes in eligibility (like if the household income increases such that the tenant is no longer eligible for subsidized housing).

If you receive a violation notice, you should take steps to correct the violation right away so that it does not turn into a good cause eviction. You should also be sure to recertify your household income on time each year, and alert the landlord throughout the year to any changes in your income or household size.

If I am evicted can I lose my subsidized housing?

If you have a Section 8 Housing Choice Voucher, an eviction can result in the termination of your voucher. It is important that you reach out to your Section 8 caseworker and/or contact our office as soon as possible if you receive a termination notice, a demand notice to pay back rent, or court papers for an eviction. It is important that you take action on this as soon as possible to avoid losing your voucher.

If you live in project-based subsidized housing, the subsidy is connected to the unit, so if you are evicted you will lose the subsidy. In certain types of project-based subsidized housing, an eviction can also result in a ban from specific types of subsidized housing for multiple years. It is important to promptly address any violation notices you receive from your landlord/property manager. If you receive a notice of termination that alerts you to your right to contest the notice, it is

important to pay attention to deadlines and make your request by the date stated on the notice. If you receive a termination notice, it is important that you seek assistance as soon as possible to avoid losing your housing.

Please review our General Eviction Information Article on our website for information on the eviction process.

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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