

Good Cause Evictions in Subsidized Housing Programs

Many subsidized housing owners must renew the lease at the end of the lease term unless they have good cause to terminate the lease agreement. The major exception is Section 8 tenant-based vouchers.

Public Housing

The following applies to public housing:

1. Good Cause protections must be in the public housing lease *See 42 USCA § 1437d(1)(5)* (West 2012)
2. Good Cause Protections in Public Housing Projects owned by PHAs *See 24 CFR §966*
3. Good Cause Protections in Non-PHA or AME Public Housing?

HUD Project-Based Housing

Although there are many different types of Section 8 Project-Based housing programs, the following usually apply:

1. Good Cause protection must be in the model lease. *See 24 CFR § 247.3 (a)(2012)*
2. Good Cause protection is in the HUD Handbook, which covers almost all Section 8 Project-Based programs *See 8-9 Termination of Tenancy by Owners*

24 CFR § 247.2 requires Good Cause protection to the following HUD-subsidized programs:

Most Project-Based Section 8 *See also 12 USCA § 1715z-1b(b)(3)*

Sec 221 (d)(3) BMIR

Sec 236

Sec 202

Rent Supplement

Additional Assistance

Property Disposition

Sec 202 & 801 Supportive Housing with capital advance and project rental assistance

Sec 202 direct loan with project-based Section 8

Sec 202 direct loan with project assistance payments

Slight differences in Good Cause protections arise in the following HUD-subsidized programs:

Section 8 New Construction *24 CFR § 880.607*

Section 8 Substantial Rehab *24 CFR § 881.601*

Section 8 Moderate Rehab *24 CFR § 882.511(c)(3)*

Section 8 through State Housing Agencies *24 CFR § 883.701*

Section 515 Rural Rental Housing *24 CFR § 884*

Project-based Voucher *24 CFR § 983.257(b)(3)(2012)*

Enhanced Voucher *42 USCA § 1437f(t)(1)(B)(West 2012)*

LIHTC, Continuum of Care and Transitional Housing

HOME, Low-Income Housing Tax Credit, Shelter Plus Care, HOPWA and Supportive Housing all have some form of Good Cause provision. Note, however, that end of the maximum tenancy period in transitional housing is grounds for termination.

HOME	<i>42 USCA § 12755(b)(West 2012)</i> <i>24 CFR § 92.253(c)(2012)</i>
Low-Income Housing Tax Credit	<i>26 USCA § 42(h)(6)(E)(ii)(West 2012)</i> Marc Jolin, Good Cause Eviction and the Low Income Housing Tax Credit, 67 U. CHI. L. REV. 521 (2000) IRS 8823 PHFA Lease Addendum
Continuum of Care	<i>24 CFR § 578.91</i> If administered by PHA Project-Based Unit— see Admin Plan 24.65.1 Owner Termination of Tenancy
Shelter Plus Care	<i>24 CFR § 582.320(a)(2012)</i>
HOPWA	<i>24 CFR § 574.310 (e)</i>
Supportive Housing	<i>24 CFR § 583.300(i)(2012)</i>