**HUD Tenants’ Rights in the Time of COVID** *4/11/20 version*

**RIGHT TO BE SAFE AND SECURE IN YOUR HOME**

***All HUD tenants have a legal right to be safe and secure in our homes.***  In response to COVID, Congress has provided $1 billion to Section 8 owners, including funds for extra cleaning and sanitizing to combat the virus. ***Tenants can serve as “eyes and ears”*** to make sure that owners keep tenants safe. Owners can provide hand sanitizer at entrance lobbies and elevators for tenants; frequently sanitize doors, elevators, and laundry rooms; and provide protective masks and gloves for maintenance and cleaning staff. ***Do not be afraid to speak up: You CANNOT BE EVICTED for asserting your right to decent, SAFE and sanitary housing!***

**EVICTION MORATORIUM and RIGHT TO ORGANIZE!**

In the CARES Act passed on March 27, Congress imposed a ***120-day*** ***Moratorium on all eviction filings in federally subsidized housing for non-payment of rent.*** Owners cannot charge fees or penalties for non-payment of rent until July 25; Congress could extend this date. After that, owners must give tenants at least 30 days’ notice. ***If you get a ‘Notice to Quit’ for late rent, you CANNOT be evicted before July 25.***

The moratorium does not prevent previously filed evictions from continuing if there is no state or local eviction moratorium in place. Additionally, tenants can be evicted for other lease violations where they endanger other tenants. State and local moratoriums may provide additional protections.

***Tenants have the Right to Organize***: You cannot be evicted or threatened with eviction for organizing with your neighbors, or otherwise asserting your rights! ***This is a good time to organize*** or re-start a tenant committee. Since in-person meetings may not be safe and community rooms may be closed, you can try meeting over the phone by conference call or Zoom—contact your local NAHT affiliate for help!

**RIGHT TO SEEK A RENT REDUCTION IF YOUR INCOME HAS DROPPED**

***Tenants in Project-Based Section 8 or Section 8 Voucher units, have the right to seek an IMMEDIATE reduction in rent where people have lost jobs or income, effective the first day of the following month.*** Tenants who are paying 30% of adjusted household income, have always had the RIGHT to seek an “interim recertification” from management, in addition to their annual recertification for Section 8 housing. <Note: This does NOT apply if you are a “Tax Credit” or “Market” tenant in a mixed-income Section 8 building, and your rent is not “income-based.”> Families who pay “minimum rent” can request a hardship exemption. ***Be sure to seek an interim recertification or hardship exemption right away!***

HUD still requires tenants to “document” changes in income to get a rent reduction. But because of COVID, it is not possible or safe to visit the management office. Many offices are closed.

Urged on by NAHT and allies, HUD on April 2 issued a new Guidance to owners and tenants, clarifying that owners can accept required documents (such as pay stubs, employment termination letters, etc.) ***by mail, email, or fax, instead of the in-person visits*** required before. The owner may still require original documents at some point after the crisis is over, so ***tenants should hold onto these documents***!

If you are unable to obtain the required documentation, for whatever reason, ***you can “self-certify” by providing a signed statement to management, by mail, email or fax.***  If management is not cooperative or does not respond, contact your local NAHT affiliate or legal aid, and your local HUD office.

**WHAT’S NEXT: HOW YOU CAN HELP TO SAVE OUR HOMES!**

NAHT is working hard to push HUD to do more. We have asked HUD to send Notices out to all tenants about these rights, to waive the “Minimum Rent” requirement of $25/month for people with zero income, and more. ***YOU CAN HELP*** by contacting your Congressional representatives. Work with your local NAHT affiliate to find out more!