

## Who should read this brochure?

You should read this brochure if you have applied for or live in rental housing where the United States Department of Housing and Urban Development (HUD) pays/subsidizes all or part of the rent. This brochure does NOT apply to you if you live in housing owned by a city or county, in a Low-Income Housing Tax Credit property, property subsidized by Rural Development, or if you hold a Section 8 voucher.

There are many different types of HUD-subsidized housing and the rules often vary. This brochure only gives general rules that apply to most HUD-subsidized housing developments, which must also follow state and local laws.

## Eligibility & Application Procedures

Only people of limited income are eligible to live in HUD-subsidized housing, although the exact income limits vary. HUD-subsidized housing developments must have a written policy for admission. Some developments may have locally-determined preferences for types of tenants. Some developments are specifically limited to tenants who are elderly or disabled. Landlords of HUD-subsidized housing units may not discriminate against you on the basis of race, color, national origin, sex, age, disability, religion, familial status (families with children under the age of 18), sexual orientation or gender identity.

If you are eligible for admission, the landlord must notify you of an approximate move-in date. Many developments have long waiting lists, which may be closed to applicants if there is more than a one-year wait. If you are found ineligible for admission, the landlord must notify you of the reason(s) for the denial and a time period and process for requesting an informal hearing. At an informal hearing, you will have an opportunity to provide further information that may help improve or correct your application. In addition, people with disabilities may ask for reasonable accommodations.

## Maryland Legal Aid: Who We Are

Maryland Legal Aid is a private, non-profit law firm that provides free, high-quality civil legal services to Maryland's most vulnerable residents and communities and is dedicated to protecting and advancing human rights for all.

## Maryland Legal Aid Offices

**Centralized Intake:** 1 (888) 465-2468  
is now serving all jurisdictions:

### Offices

#### Allegheny/Garrett

138 Baltimore Street  
Suite 204  
Cumberland, MD 21502

#### Anne Arundel/Howard

2024 West Street  
Suite 204  
Annapolis, MD 21401  
3451 Court House Drive  
2nd Floor  
Ellicott City, MD 21043

#### Baltimore City

500 E. Lexington Street  
Baltimore, MD 21202

#### Baltimore County

215 Washington Avenue  
Suite 305  
Towson, MD 21204

#### Cecil/Harford

103 S. Hickory Avenue  
Bel Air, MD 21014

#### Lower Eastern Shore Dorchester, Somerset, Wicomico, Worcester

201 E. Main Street  
Salisbury, MD 21801

#### Midwestern Maryland Carroll, Frederick, Washington

22 S. Market Street  
Suite 11  
Frederick, MD 21701

#### Montgomery County

600 Jefferson Plaza  
Suite 430  
Rockville, MD 20852

#### Prince George's County

8401 Corporate Drive  
Suite 200  
Landover, MD 20785

#### Southern Maryland Calvert, Charles, St. Mary's

15045 Burnt Store Road  
Hughesville, MD 20637

#### Upper Eastern Shore Caroline, Kent, Queen Anne's, Talbot

106 N. Washington Street  
Suite 101  
Easton, MD 21601

**TTY Users:** Call Maryland Relay, Dial 7-1-1

[www.peoples-law.org](http://www.peoples-law.org)

For self-help legal information and  
community resources

[www.mdlab.org](http://www.mdlab.org)

For more information

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# Maryland Tenants' Rights: HUD- SUBSIDIZED HOUSING



## Leases

When you move into a HUD–subsidized unit, the landlord must give you a 12–month written lease, which continues unless the landlord has good cause to terminate it. The lease should not be signed until the unit is inspected. The landlord must give you a written statement of the conditions, equipment and appliances in the unit. Defects must be corrected within 30 days of move–in. The lease should state the rights and responsibilities for both you and the landlord. Read the lease carefully and completely *before* signing, and be sure to request a copy of the signed lease and written policies for your own records.

## Rent & Utilities

In many HUD–subsidized housing developments, the landlord cannot charge more than 30% of your adjusted income for rent and utilities. The landlord must adjust your total income by subtracting a certain amount for each child, elderly person or disabled person in the household. The landlord may also have to subtract childcare expenses, handicapped assistance expenses and medical expenses. Be sure to request and save receipts for all rent payments you make.

Once the landlord determines your rent, the landlord must subtract a certain amount for utilities, if you are responsible for paying the utilities. If your income is very low, the landlord may even have to give you money each month to pay for part of your utilities.

## Recertification of Income

If your rent is based on income, recertification or reexamination must occur at least once a year. The landlord will contact you to make

sure there have been no changes in the number of people living in your household or your family income. Landlords must have a written policy for recertification.

The landlord will send a letter requesting the recertification. If you do not answer the letter, you will receive a second letter. If you still do not answer, you could get an eviction letter for failing to recertify. Also, if you do not answer and set up a time to recertify, the rent for your unit can be raised to the full market rate charged to tenants who do not receive government–subsidized rent.

Whenever your household income or the number of people in your household changes, you must immediately report this change to the landlord. *If you do not report changes, there may be serious consequences.* You may be accused of fraud or charged with a crime. You may have to pay additional rent for back months and you may also be evicted.

If your income or household size changes during the year, it is very important that you immediately report that change and ask for an additional recertification. If your household income goes down then if you report the change in writing, your rent will go down too. If the reported change causes your rent to go down, the rent change should go into effect the first day of the month after you report the change. If you report the change near the end of the month, the change may not go into effect until the first day of the second month and a credit should be applied retroactively to the first month after the reported change. If the reported change causes your rent to go up, the landlord must give you 30 days notice of the increase and the change should not go into effect until the first day of the month after the 30 days expires.

## Evictions

Landlords must have a written eviction policy. The landlord can evict a tenant in subsidized housing only for serious or repeated violations of the lease, which, for example, may include failure to pay rent, failure to report income, allowing someone to live in your home who is not on the lease, certain criminal activity, etc. The landlord cannot evict you just because the lease term is over. The landlord must send you a written notice telling you the specific reasons why you are being evicted, that you have a right to reply to the notice, that you have the right to examine the landlord’s documents regarding the reasons alleged, and whether you have a right to a grievance hearing. If the landlord does not give you this written notice, the landlord is not allowed to evict you. You should contact Maryland Legal Aid or another attorney immediately if you receive such a notice from your landlord. If you receive a notice offering you an informal hearing, you should always immediately request a hearing. This is not a court hearing, but an informal hearing to discuss whether you did violate your lease.

Once the eviction notice expires, or after a grievance hearing if you lose, the landlord must file a case against you in court, if the landlord wants to proceed with the eviction. If you have not already contacted Maryland Legal Aid or another attorney about your housing situation, you should do so immediately upon receiving the complaint from the court. You have the right to present evidence in court and have a judge decide whether the landlord can evict you or not. The court must find that you did violate your lease, that the violation was substantial and that the violation warrants you to be evicted, in order to let the landlord evict you.

Tenants in many HUD–subsidized housing developments can ask for a jury trial, but you must request it no later than at the first court appearance, before the case is heard by a judge. The request for a jury trial must be in writing.

You cannot be evicted without a court order. It is illegal for the landlord to try to evict you by changing the locks, terminating utilities or removing your belongings. If the landlord tries to evict you without a court order, you should call the police *immediately*. In addition, you should contact Maryland Legal Aid or another attorney.

## Stopping Subsidies in Entire Housing Development

Sometimes landlords want to stop participating in subsidized housing programs for low–income people. If your landlord wants to do this, you must be notified in writing. There are things you can do to fight a landlord’s decision to stop providing low–income housing or to make sure you can find other affordable housing. If you hear that your landlord is planning to stop participating in the subsidized housing program, you should contact Maryland Legal Aid as soon as possible.

## Know your rights!

This brochure is intended to provide general information rather than specific legal advice. While every effort is made to keep this information current, the law sometimes changes. If you have particular legal questions or a pending legal matter, you are strongly encouraged to contact an attorney for legal advice. You may be eligible for free service from Maryland Legal Aid or a volunteer attorney program.