

Community Evaluation of the Seattle Housing Authority

Created by tenants of STOP
Section 8 Tenants Organizing Project



*STOP is a program of the
Tenants Union of Washington,
fighting for the rights of low
income tenants for 30 years*





Dear Seattle Housing Authority,

We are a group of concerned Section 8 tenants, and we have been working together for three years to win a fair and accessible hearing process and a voice for tenants in policies at SHA that affect our lives. We are a very diverse group of people: single mothers, seniors, people with mental and physical disabilities, ex-offenders, immigrants and refugees, people of color and minorities. What we do have in common is that we are all extremely low income, and we are all good people who deserve housing that is affordable, safe and stable. Because we are extremely low-income and we depend on Section 8 vouchers to make housing affordable to us, we cannot afford unjust policies at Seattle Housing Authority.

A Section 8 voucher is the difference between housing and homelessness for us and our families. In the face of a threat of termination from SHA, any tenant's only means of defending themselves and maintaining their housing is an "informal hearing." Close examination of the written decisions coming out of these informal hearings for the last five years reveals that SHA is systematically denying tenants a meaningful opportunity to defend themselves and protect their housing when threatened with termination. Tenants are consistently terminated from the Section 8 program on the basis of faulty or unreliable information, arbitrary or selective rule enforcement, paperwork errors, inadequate interpretation for non-English speakers, unacknowledged disabilities, or SHA staff's misinterpretation or lack of implementation of your own rules and policies.

SHA's flawed policies and lack of internal accountability in the informal hearing process pose tremendous threats to our housing stability. We suffer from severe stress, illness, loss of community and support systems and basic shelter because of these actions. This Community Evaluation thoroughly documents our experiences with the informal grievance hearing process and provides the extensive changes necessary to remedy the problems.

The information in this Evaluation accurately reflects the devastatingly unjust state of SHA's grievance hearing process. The information was obtained through these sources:

- the personal experiences of over 60 local Section 8 voucher holders;
- information from SHA's Moving to Work and Section 8 Administrative Plans;
- detailed review of hundreds of written hearing decisions rendered between January 2005 and October 2006.

Also included are some of the worst examples of SHA hearing decisions and the devastating impact this faulty process continues to have on us as tenants. We look forward to collaborating with you in order to see this faulty and unfair hearing process come to an end, and a fair and legal process be implemented for all Section 8 tenants. All the quotes and stories from SHA Section 8 tenants in this Evaluation are true. They are our stories, our experiences and our shared pain and anger over the systematic mistreatment of Section 8 voucher tenants. Names and identifying information have been removed to protect tenants' identities and privacy.

We recognize that every housing authority must have the legitimate ability to root out fraud within the Section 8 program and terminate on the basis of that finding. We know that this can happen in a legitimate, ethical way that protects the legal rights of all the tenants in the program.

The average rent in Seattle for just a one-bedroom apartment is approximately \$900. The private rental market is far out of reach for low income and fixed income individuals and families. For the fortunate households who gain a voucher, it is a path out of homelessness, overcrowding or substandard housing. 87% of voucher holders are living on incomes below 30% of the area median income. We commend SHA for focusing voucher assistance on those who are most in need in our community, and continuing to dedicate our limited housing resources to those who face the greatest barriers to finding housing in the private market. Unfortunately, the broken hearing process has paved a path back into the chaos and dangers of homelessness or back into substandard and unstable housing for families and individuals who are not provided an adequate opportunity to protect the vital resource of their Section 8 assistance. It is completely unacceptable that Seattle Housing Authority, an organization with a mission to “enhance the Seattle community by creating and sustaining decent, safe and affordable living environments that foster stability and increase self-sufficiency for people with low income” is making so many people homeless.

SHA oversees over 8,000 households in the Section 8 voucher program in Seattle. In the face of federal budget cuts, SHA responded by increasing pressure and subjecting Section 8 voucher tenants to unwarranted and unjustified scrutiny. SHA’s Strategic Plan for 2005-2010 states you will, “demand accountability and program compliance by participants and landlords, enact policies and procedures that discourage income manipulation by program participants, and confront and pursue fraud.” Unfortunately this goal has translated into many violations of our civil, procedural and legal rights. SHA has overstepped the goal of eliminating fraud and implemented policies and procedures that have resulted in hundreds of terminations that rest on faulty legal reasoning and procedural error. The integrity of the program is being compromised by due process violations, abuses of power and inappropriate discretionary decisions.

We work to improve the Section 8 program not only for ourselves and the 8,000 families, elderly and disabled people currently on the program, but also for the 12,000 more currently on the waiting lists. We will continue to work with local and federal legislators to ensure stable funding for Section 8 for years to come. We look forward to working closely with you and supporters in the community to actively ensure the rights of all Section 8 tenants are restored and restitution is made.

Sincerely,

Section 8 Tenants Organizing Project



Facts about SHA Informal Grievance Hearings

270 informal hearings took place between Jan 2005 and June 07

This number only represents the number of tenants who requested and were granted grievance hearings. Many more tenants were terminated without requesting hearings. Some tenants were denied hearings because they requested them after SHA's ten-day deadline.

85% of the hearings contained at least one type of major legal error



Attorneys examined over 500 hearing decisions between 2002 and 2005 and found them to be riddled with legal errors, including disregarding legal arguments, use of unreliable evidence, no material fact finding, disregarding tenant evidence and blatant legal error. The tenant's evidence was disregarded by the hearing officer in 75% of the hearings, and there were no fact findings in 50%.

99.9% of the hearings were presided over by one hearing officer

He is a contract employee of the housing authority with little to no legal background. In contrast, King County Housing Authority has a roster of five hearing officers, each with significant experience as judges or arbitrators.

Only 11% of the tenants had legal representation in their hearing

Even tenants with legal representation were terminated or evicted 85% of the time. 9% of tenants had advocates like case managers with them in hearings, and 85% of those tenants were still terminated from the Section 8 program.

94% of informal hearings went in favor of SHA

SHA has no recognized process for appealing a termination. Only a tiny fraction of the tenants terminated from Section 8 are able to secure the legal representation necessary to challenge SHA's decision in court. The same grievance hearing process is in place for public housing tenants. For most facing termination, the loss of their voucher means homelessness.



SHA Informal Hearings

All families facing termination from the Section 8 program deserve a fair opportunity to defend themselves against charges that they violated a rule important enough for SHA to justify taking their voucher. An “informal hearing” is supposed to be that opportunity and to function like a trial — a forum in which an **impartial decision-maker** can hear all the evidence, determine whether the charges against the family are true and, if so, decide whether the offense warrants termination under the law. But SHA informal hearings illegally deny tenants a meaningful opportunity to defend themselves against termination.

Instead, SHA uses its informal hearings to present evidence that a tenant has violated their participant obligations and to terminate them on that basis. SHA’s hearing officer only considers SHA’s evidence, not the family’s. The hearing officer does not decide whether the charges against a family are true; he only decides if SHA has evidence (“probable cause”) to support the charges.

“I have been with the Section 8 program for over twenty years without a problem. This has to be an oversight or a miscommunication with the Housing Authority. I am not a criminal and I have committed no crime.”

If the hearing officer determines that probable cause exists, SHA *requires* its hearing officer to uphold the termination, and SHA’s hearing officer does not consider any legal defenses the family might have or weigh those defenses against the opposing accusations. Essentially, families are terminated when the hearing officer decides that SHA has *any* evidence that the family *may* have violated their participant obligations.

SHA has declared that a family must file a lawsuit in order to have a “trial”-type hearing — a position that is illegal under HUD regulations, unlawful under the Fourteenth Amendment of the US Constitution, and morally unjust. STOP simply wants SHA to follow the law, and change its informal hearings to be like meaningful trials so that families will have a fair opportunity to defend themselves against unjust termination of their Section 8 vouchers and the loss of their housing.





"Their rules and policies contradict their mission and values. They treat you like you're another number, like they've got so much work to do, they don't have time for you. But I thought I was their work."

Geneva's Story

Geneva made several complaints to SHA regarding problems she had with her neighbor. SHA staff agreed that Geneva's complaints were legitimate, but SHA nonetheless grew tired of them and decided that the best solution was for Geneva to move. Geneva, who is disabled and lives on \$600 per month, declined to move. SHA then threatened to terminate her voucher, even though SHA cannot lawfully force a Section 8 family to move. SHA's termination notice accused Geneva of "failing to supply information necessary in the administration of the program," but did not state or clarify what information SHA was supposedly seeking. SHA did, however, inform Geneva that she could keep her voucher if she moved to a different home.

With the help of a legal advocate, Geneva by exercising her rights under the HUD informal hearing guidelines obtained an internal SHA email confirming that SHA had brought the termination proceeding to coerce Geneva into moving, because some SHA staff were annoyed that Geneva made too many complaints about her neighbor. The e-mail, written by an SHA Occupancy Supervisor, said Geneva "need[ed] to be reined in," and that SHA planned to "start the termination process and see if that doesn't motivate her." Geneva went to her informal hearing with legal representation, a copy of the e-mail that the termination was retaliatory and illegal, and additional documents proving Geneva never "failed to supply information necessary in the administration of the program" to SHA. The hearing officer upheld the termination despite the blatant illegality of SHA's claim against Geneva. In his decision the hearing officer completely ignored Geneva's evidence and arguments, and never identified what information Geneva had withheld that supposedly justified the termination.

"It's like they're trying to find a reason to kick you off. There is no process before a termination."



Race, Immigration & Language

As is true throughout the US, people of color and immigrants in Seattle are disproportionately impacted by housing inequalities. People of color and immigrants also face the barriers of housing discrimination. While we are fortunate to have civil rights protections that outlaw discrimination, we are only a few short decades beyond the state sanctioned isolation of people of color into poor neighborhoods and the redlining of people of color out of homeownership opportunities.

The voucher program at its best helps to mitigate these broad social inequalities by bridging the gap between wages and housing costs and opening doors to higher quality housing in better neighborhoods than would otherwise be accessible to low income people of color and Immigrants. Because as housing assistance holds such great promise to

mitigate social inequalities, an inadequate and unfair hearing process and the accompanying increased risk of voucher loss has an amplified impact on people of color and immigrants.

Immigrants and people with limited English proficiency face additional barriers to receiving and maintaining their Section 8 assistance. To fulfill one's obligations as a Section 8 participant it is necessary to understand and follow complicated instructions. Tenants receive time sensitive and complex communications including those regarding eligibility, program requirements and potential terminations. Many of these communications require responses from the tenant with penalties attached if the tenant does not respond. These letters are never translated and SHA provides no information about how to access interpretation in a language other than English.

"On behalf of my family and myself, I would like to thank SHA. I appreciate the help from America's government and would not do anything to jeopardize my family's housing. This has been a great misunderstanding...I would never defraud SHA. This is the first time I made the mistake of allowing my son to use my address and I ask SHA to forgive..."



Facts about Race, Immigration and Language in STHA Informal Hearings

- 11% of hearings were interpreted into a language other than English
- Languages include Cambodian, Spanish, Vietnamese, Somali, Cantonese, Oromo, Somali, and Urdu
- 40% of all voucher holders are African or African American; 13% of all voucher holders are Asian or Asian American
- 65% of all voucher holders are people of color or immigrants (figure excludes Latino voucher holders, who are counted according to their chosen racial identity, such as white Hispanic)

"Without help it's especially hard for refugees. If it happens to me, I know it happens to a lot of people."



Khadra's Story

Khadra, a Somali immigrant, received her Section 8 voucher and lived with her family in the Rainier Valley. She did not write or speak English, and was working with the help of a case manager from a local social service organization to manage the considerable paperwork associated with a Section 8 voucher. Khadra was in the process of obtaining her citizenship to the US. She received a termination notice from SHA for "working under a Social Security Number that is not [her] own." At the informal hearing, her case manager testified that he was very busy when he was assisting Khadra with the Section 8 application. He testified that he had mistakenly directed Khadra to use her Tax Identification number instead of her Social Security Number, and provided documentation of Khadra's citizenship status. Nevertheless, Khadra and her family were terminated from the Section 8 program.

Disability Issues

Individuals with disabilities constitute 26% of Section 8 voucher holders in Seattle. This percentage understates the proportion of voucher holders actually living with disabilities, including invisible ones such as learning disabilities.

SHA, like any housing provider or employer, has a legal obligation to provide reasonable accommodation for tenants with disabilities. Within grievance hearings, such accommodation could include the provision of extra time to prepare for hearings or to respond to requests for information, providing information in alternative formats, increasing occupancy standards, providing sign language interpretation, or tape recording hearings, among other accommodations.

Housing authorities must not only meet the minimum standards of reasonably accommodating disabilities, but have the additional responsibility to affirmatively advance fair housing. SHA is notably and consistently failing to do so. The law requires housing authorities to not only provide reasonable accommodation in grievance hearings, but also to consider how a tenant's disability impacts their ability to meet Section 8 program rules and requirements. SHA must take such issues into account in the context of a termination and attempt to find an accommodation that will cure or lessen the

violation while allowing the tenant to keep their housing. Consideration of disability issues is all the more important in informal hearings, where the very roof over a tenant's head is in jeopardy.

Instead, SHA bifurcates the hearing process, attempting to separate the accommodation of disabilities from all other issues raised in termination hearings. SHA's hearing officer has repeatedly stated that he considers disability issues to be "outside the scope" of informal grievance hearings. Tenants are told that they must request special Americans with Disabilities Act (ADA) hearings in order to have their disability issues considered. However, tenants are not granted ADA hearings unless the hearing request pertains to the denial of a specific reasonable accommodation requested by the tenant. This disconnection means that disability issues are largely overlooked in the informal hearing process.

It is unreasonable and impracticable to separate the consideration of disability from other issues of compliance with Section 8 regulations. A voucher holder's disability impacts every aspect of her life, including compliance with complex Section 8 regulations and the capacity to defend herself in a hearing.

"I got a letter scheduling an annual inspection. Then I got a termination letter. Then I got a letter stating that it was a final notice of a briefing. I was very confused and I didn't understand what to do."



Facts about Disability Issues in SHA Informal Hearings

- 25% of the grievance hearings were disability related
- 10% of that group were acknowledged by SHA, despite the fact that documentation of disability was provided in 22% of the hearings
- 26% of all voucher holders are disabled, though the actual number is likely much higher because not all disabilities are documented
- 19% of all voucher holders are both elderly and disabled



John's Story

John is a developmentally disabled man who lived in an apartment complex with very high crime rates. SHA was terminating him from Section 8 because he had received several ten day notices from his landlord. In the informal hearing, John had two advocates with him, a mental health case manager and a court-appointed payee. His advocates testified that John was disabled to the degree that he could not have committed the lease violations that his landlord claimed, and that he had been the victim of multiple crimes in his home. They testified that the landlord was not providing basic security and repairs in the unit, and provided legal documentation of John's disability and its severity. John also testified that he was confused about the termination process because he had received several conflicting notices from SHA in a two week period.

John's Section 8 voucher was terminated. In the hearing decision, the hearing officer stated, "It is reasonable to believe that if John is developmentally disabled he could be easily victimized by unscrupulous persons in and around the subsidized apartment. It is also reasonable to assume that he could be easily confused by letters and notices sent by the landlord and SHA...However, ultimately it is the responsibility of the tenant to ensure that he remained in compliance with his lease agreement and his Section 8 participant obligations."

In the hearing, John's advocates testified, "He didn't understand that he could contact SHA for help. There is a lot he doesn't understand and he is afraid. All we were trying to do is get him to a safe environment."

Fraud Investigations & Evidence

When SHA suspects a tenant of fraud, they sometimes dispatch fraud investigators to build a case against the tenant. These investigators are virtually unrestricted in their methods in searching for information about tenants. Accounts of fraud investigators' methods documented in written grievance hearing decisions include watching people's homes day and night, looking inside and judging that tenants furnishings or belongings "do not match their household income," and interrogating the tenants' neighbors and landlord.

In addition, SHA staff and the hearing officer rely heavily on legally inadmissible evidence such as hearsay, anonymous phone calls, and internet searches to terminate tenants from the Section 8 program. Many tenants have been systematically terminated from the Section 8 program with no more evidence than a post office or internet search indicating that someone other than the approved tenants had received mail at the subsidized address. The hearing officer upheld these terminations despite the compelling evidence tenants presented in their own defense.



"I didn't realize that SHA would consider anyone who received mail at my residence to be actually living here. If I am guilty of anything, it is of letting my family use my address to receive their mail. If I had known anything was wrong I would never have allowed them to use my address."

Linh's Story

Linh is an elderly disabled Vietnamese tenant with two adult children. SHA moved to terminate her Section 8 voucher, claiming her children were living in the unit without authorization. SHA relied on an internet search and post office verification that her son and daughter were receiving mail at her unit. Linh's Section 8 termination was upheld despite letters and live testimony from her family that they did not live with her.

Facts about Fraud Investigations in SHA Informal Hearings

- 12% of hearings involved a fraud investigator
- 9% of terminations relied on anonymous letters or phone calls to terminate tenants from Section 8
- 31% of tenants were terminated for unauthorized occupants
- SHA staff and hearing officer relied upon Postal Service mail records as evidence in 63% of the cases alleging unauthorized occupants



"I am not trying to defraud anyone; I'm just trying to keep my family together. I am not making a lot of money. I am just trying to survive."

Jennifer's Story

Jennifer had a previous drug charge and arrest on her record. A police officer investigating a trespassing complaint smelled marijuana in her unit. Her landlord issued her a 10-day notice to comply with the terms of her lease and cease all drug related activity, which she immediately did. In addition, Jennifer entered an intensive drug treatment program and began turning her life around. SHA learned of the 10 day notice and asked her to provide documentation that she was in rehabilitation and that she had a treatment plan and support system in place. Jennifer supplied the housing authority with six pieces of documentation to support her full and complete recovery, including letters from doctors and a certificates of completion from two treatment programs. Three months later, SHA proceeded with the termination of her voucher despite receiving abundant evidence of her recovery. In the hearing, two advocates appeared on her behalf and testified that Jennifer and her newborn daughter would be homeless without Section 8 and much more likely to relapse without stable housing. Jennifer was terminated from the Section 8 program.

Domestic Violence

The Violence Against Women Act

(VAWA) outlines clear legal protections for victims of domestic violence. It states that one may not be terminated from a Section 8 voucher because of their status as a victim of violence. Additional protections in state law provide for a domestic violence or stalking victim's right to break a lease related to the abuse. HUD's own regulations state that housing loss is a serious consequence of domestic violence, and encourages housing authorities to exercise discretion in the application of policies to help create alternatives to homelessness for those fleeing abuse. The profound impacts of domestic violence make it

very difficult for a voucher holder to control access to her home, paperwork and finances. Additionally, domestic violence survivors may need to move more frequently and suddenly.

While we commend SHA for recently notifying voucher holders of their rights under VAWA to not be evicted or lose their housing subsidy as a result of domestic violence, evidence from our survey and a review of hearing decisions reveals multiple domestic violence-related terminations and a grossly inadequate understanding on the part of SHA caseworkers and the hearing officer about the impact of domestic violence on tenants.

"My ex-boyfriend went through my things and destroyed police reports. He called the housing authority to be vindictive...he is stalking me. I have no family in Seattle except my children and I have no place else to go. I am in need of help now more than ever."

Karen's Story

SHA initiated a termination against Karen because they received an anonymous phone call stating that she was violating Section 8 rules. SHA investigated and found that her name was on a lease at an apartment other than her subsidized residence. In the grievance hearing, Karen testified that she was fleeing her dangerously abusive ex-husband who was still pursuing her and threatening her. She was in hiding from him, and unable to get her name removed from the lease even though she hadn't lived with him for some time. She testified that she feels sure that her ex-husband was the anonymous caller, and that he is trying to get her kicked off Section 8 so that he can get custody of their daughter. She testified that she would become homeless if her voucher was terminated and she would likely lose her daughter. In his decision, the hearing officer terminated her voucher without even mentioning her evidence or considering her experience as a victim of domestic violence.

Facts about Domestic Violence in SHA Informal Hearings

- 11% of hearings involve domestic violence
- The Violence Against Women Act is only recognized once in all the hearing decisions, and the tenant was still terminated from the program



Malika's Story

Malika was married but not living with her husband because she believed that attempting to add him to her household could jeopardize her Section 8 voucher. SHA attempted to terminate Malika for supposedly failing to report changes in her household composition – the addition of her husband and his income. Malika promptly contacted her caseworker to inform SHA that her husband did not live with her. In response, Malika's caseworker incorrectly told her that her husband's income would be included in the total household income used to calculate her rent, regardless of whether he was living with her. Based on this misinformation her caseworker provided, Malika decided that it would be more economical for her husband to move in with her if his income was going to be counted in her rent calculations either way. She gave her husband keys to the unit but he never moved his belongings in and continued to keep his own apartment. SHA also said they would terminate her voucher if she did not agree to repay SHA for the money they erroneously claimed they had overpaid her landlord. Desperate to save her housing, Malika agreed to the payment plan. Malika continued to cooperate fully with SHA and provide all the information they requested.

Malika's husband became extremely violent towards her and her two children and they were forced to flee from their apartment and go into hiding from him. Malika obtained a protection order against her husband and returned to her home once he was arrested several weeks later.

When she returned home, she found a termination notice from SHA for failing to report her husband's income, despite the fact that he had never lived with her. SHA denied Malika's request for an informal hearing because she had not requested a hearing within the deadline they had set, despite the fact that one termination notice SHA sent her had been returned to SHA as undeliverable and another notice had been received by her husband while she was in hiding. Additionally, Malika had been in contact with her SHA caseworker and another SHA employee about her domestic violence situation while she was in hiding, and neither had told her about her pending termination. SHA terminated Malika's Section 8 voucher without allowing her an informal hearing, despite her hearing request and domestic violence situation. She is currently facing eviction and homelessness.



Children and Families

Children are the majority of those impacted by Section 8 terminations. The vast majority of those SHA assists through the voucher program are families with children. Parents report that losing a voucher or facing the stress and disruption of a threat of termination has a considerable negative impact on the emotional and physical health and well-being of their children. Children who have to move as a result of a voucher termination may be forced to change schools and to lose family, friends and cultural connections. Without a home, they lose the stability and security

that is necessary for healthy development.

SHA staff and hearing officers notably fail to exercise their discretion to prevent the termination of tenant families from the Section 8 program. Tenants and advocates in hearings repeatedly testify that termination results most often in homelessness and the destabilization of the entire family unit. Families with newborn children have been terminated and made homeless under SHA's faulty and unreasonable grievance hearing process.



"Without housing, I will lose my daughter because I have nowhere else to go. I did not break any rules. I have been trying to be a good wife, mother, and student."

Solana's Story

Solana was facing termination for having an unauthorized occupant living with her. SHA's evidence was a letter from her landlord referring to her "babies" when she had only reported one daughter. SHA requested that Solana provide a birth certificate for her child and verification of a separate address for her child's father. Solana was unable to provide this information, not only because her son was born at home and does not have a birth certificate, but also because, as she presented in a letter from one of her doctors, she suffers from major depression and chronic and severe mood disorder. Solana's advocate at the hearing was, "concerned that Solana could possibly deteriorate if she is homeless with two very young children. Section 8 housing has been the most instrumental factor in keeping her family safe and together and her mental health stable." She was terminated from the Section 8 program.

Facts about Children and Families in SHA Informal Hearings

- 5,636 children were living in Section 8 assisted households in 2005, representing 40% of all voucher recipients
- 210 children were terminated from the Section 8 program under SHA's informal hearing process (this figure is greatly underestimated as it is based only on the children explicitly mentioned in the written hearing decisions)
- Income for a family of four on Section 8 in Seattle is below \$24,00 a year

"I am on the Section 8 Program, but I am currently at risk of having my Voucher terminated, which would leave my four children and I homeless....I have given Section 8 a letter to prove that [my son] is not living at my address, but they are determined to terminate me from the program."



Marie's Story

Marie and her family had been homeless for over a year when her name came up on the waiting list and she received her Section 8 voucher. The voucher provided the stability Marie and her family needed to be nearby her ailing mother and care for her. Her third daughter was born in 2005. Parental custody of the girl was in question for a period of months following her birth, and her baby lived for two months in the home of her father. Marie reported these changes in household size to SHA as soon as she was able. At the housing authority's request, Marie provided a copy of her custody arrangement and parenting plan to verify the living arrangements. In spite of this documentation, Marie was terminated from the Section 8 program after a grievance hearing in which the hearing officer found that she did not report the change in household size fast enough.

SHA only gave Marie three days notice before her housing assistance payment would stop. She moved out to avoid being evicted and her family was homeless for almost a year before finding a market rate rental where rent costs are over 200% of her income. She is currently relying on help from friends and family, but remains at risk of becoming homeless again. Her income is about \$300 a month.

Collaboration with Landlords

Section 8 status is a protected class within the city limits of Seattle, but this important protection alone does not stop discrimination from impacting Section 8 tenants. From the housing search to the return of a deposit, Section 8 tenants are particularly vulnerable to unscrupulous or unethical landlords. In addition to complex Section 8 regulations, tenants must also comply with their landlords' requirements. SHA staff have minimal understanding of Washington landlord-tenant law and do not discern between

landlords' legally viable and unviable claims against tenants. This is particularly serious as communication from landlords count heavily against tenants and are often relied on in termination proceedings. Even worse, landlords sometimes use the tenant's Section 8 status as leverage against them, threatening to contact the housing authority if their (sometimes illegal) demands of the tenant are unmet. Such threats, however unfounded, jeopardize tenants' housing. Conversely, landlords can also be important allies to Section 8 tenants.



"It was my landlord's mistake, and SHA is punishing me for it. They just believe the landlord without even checking. They are jeopardizing me and my family for no reason."

Jean's Story

Jean was paying extra money to her landlord because he demanded extra charges for utilities. He threatened to evict her if she didn't pay the extra money. Since she didn't want her Section 8 voucher to be put in jeopardy by an eviction, she began making payments. He proceeded with an eviction anyway. When the housing authority terminated Jean on the basis of her eviction, the hearing officer upheld the termination, writing that "regardless of any payments, you are still being evicted by your landlord...if you paid anything other than rent to the landlord it would be considered a side agreement with the landlord." The housing authority and hearing officer did not consider the landlord's extortion of Jean nor Jean's attempt to comply with her lease.

Facts about Landlord Collaboration in SHA Informal Hearings

- Communication from landlords was the single biggest piece of evidence used against tenants to uphold termination in informal hearings
- 22% of terminations relied on communication from landlord as evidence to terminate tenants
- 11% of the terminations were initiated by landlords



"I waited ten years to get Section 8 housing. If we lose our housing my family and I will have no place to live and we will be homeless...I cannot go to my family in Louisiana because everything there is gone."

Ron's Story

Ron lived in an apartment with serious plumbing problems that his landlord refused to fix. Finally, the ceiling in Ron's bathroom fell in. He reported the problem to the landlord, and three days later he received a retaliatory eviction notice from his landlord illegally giving him and his family only 11 days to move out. His landlord claimed to be evicting him for violating the 'no pets' policy in his lease. He had allowed a lost dog in his backyard for a few hours one afternoon until the owner came and picked it up. In the eviction notice, the landlord said, "We have been in contact with SHA and you could lose your Section 8 if you don't move out."

Afraid of losing his housing, Ron called his worker at SHA to ask her what to do. Even though the eviction notice was highly illegal, his case worker told him to move out of the unit. He moved out and his family became homeless. In the following week he received a notice that SHA was terminating his Section 8 voucher for "serious and repeated violations of the lease."

STOP Demands

SHA must provide competent and impartial hearing officers

- SHA hearing officers must have training to weigh evidence and decide facts
- SHA hearing officers must decide hearings under legal standards
- SHA hearing officers should be attorneys or have legal training and backgrounds
- SHA should initiate a public process around selecting the hearing officers
- SHA hearing officers must be impartial and minimize *ex parte* contact with SHA
- SHA should have multiple hearing officers not financially dependent on SHA
- SHA must ensure that Lawrence Weldon no longer presides over informal hearings
- SHA should keep hearing officers who perform well, replace those who don't -- *based on accurate factual determinations, sound reasoning, and just results*

Section 8 terminations should be decided on the merits

- SHA must inform a family of a termination decision and hearing rights in the family's primary language
- SHA must always provide a hearing unless the family agrees to the termination
- When needed, SHA must provide quality interpreters at SHA expense
- SHA must eliminate its "bifurcated" hearing process for cases involving reasonable accommodation requests
- SHA must re-evaluate termination decisions in good faith upon new information – *SHA should try to learn the truth, not just defend its original termination decision*

SHA informal hearings must be "meaningful" to families

- The hearing officer must consider the testimony and exhibits a family presents
- The hearing officer must weigh the evidence and decide who is telling the truth
- The hearing officer must decide what facts are true and not true – *leaving critical disputes undecided makes a hearing pointless*

Hearing decisions must be rational and legally sound

- The hearing officer must take all relevant arguments and legal authority into account in her decision
- The hearing officer must apply relevant law to the facts of the case
- The hearing officer must explain her rationale for the decision
- SHA should administratively overturn decisions that are contrary to law – *arbitrarily terminating a family's Section 8 voucher is unlawful and morally unjust*

STOP Demands

SHA must become accountable to the tenants it serves

- SHA must stop terminating families for trivial infractions
- Hearing officers must have authority to consider alternatives to termination
- SHA administrative plan must reflect the improved standards and guidelines for the hearing process
- SHA must evaluate hearings annually and make the information publicly available
- SHA and Porchlight's mission statements reflect the transparency and mutual accountability
- SHA staff must participate in training to address bias and prejudice based on class, gender, disability, immigration status, culture, and race
- SHA must establish accountability and impose legal standards on its Fraud Investigators' research on tenants
- SHA should reevaluate hearings and provide reimbursement to tenants who lost their vouchers under the faulty hearing process

SHA staff must treat Section 8 tenants with respect

- Caseworkers should give timely and respectful responses to requests from tenants
- SHA must allow tenants to secure a new caseworker, especially following a grievance hearing, and tenants must have the right to file meaningful grievances against their caseworkers
- SHA must remove Occupancy Supervisor Toni Manjarrez from her position as one who participates in informal hearings

Section 8 tenants must be represented in SHA leadership

- Section 8 tenants must secure representation in housing authority leadership on the Joint Policy Advisory Committee and/or a Section 8 tenant Resident Advisory Board as well as the Board of Commissioners
- SHA must begin to advertise employment opportunities among Section 8 and public housing tenants to increase tenant representation within SHA staff

SHA must stop collaboration with landlords in terminations

- Landlords' claims against tenants must be evaluated for legality
- SHA staff and hearing officers must work with Tenants Union to learn basic principles of landlord tenant law

STOP—Section 8 Tenants Organizing Project

STOP (Section 8 Tenants Organizing Project) is a group of tenants and supporters working to save Section 8 housing and give tenants a voice in decisions that affect their housing stability. Since 1997, STOP has worked to educate and organize Section 8 voucher tenants and tenants in project-based Section 8 buildings. STOP also works to affect change in housing policy at the local level and preserve the long term affordability of Section 8 housing.

STOP works to educate Section 8 tenants about federal and local changes in housing laws and policies. STOP also mobilizes tenants to push Congress and HUD to increase funding for Section 8 programs and increase accountability and transparency in local housing authorities to win safe, stable and affordable housing for all.



jviva rini!

Tenants Union of Washington

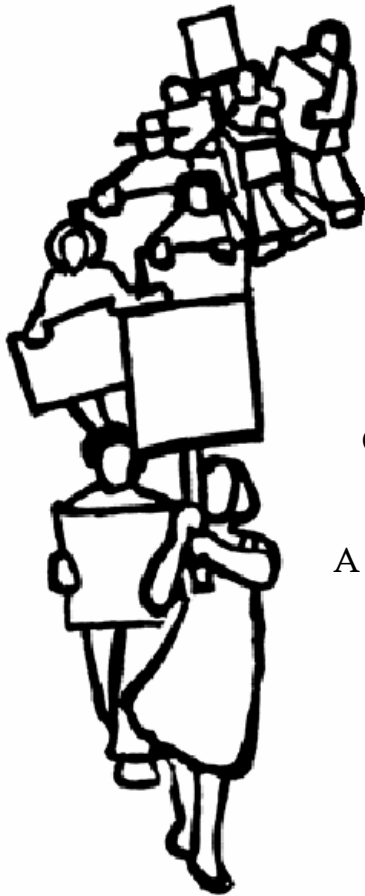
Created in 1976 by volunteers, the Tenants Union of Washington (TU) has built a dedicated membership base and steadfastly sustained grassroots social change organizing. The TU challenges and transforms unjust housing conditions and housing policies through empowerment-based education, leadership development, community organizing and tenant ownership.

The TU's work is grounded in the strong conviction that tenants must be the leaders of efforts to transform our housing conditions and communities.

In our work the TU embraces the values of equality, equity, hope, sustainability, respect, dignity, direct action, civic courage, self-determination, anti-racism and anti-oppression. The work of the TU is also led and supported by over 800 members statewide. The TU is celebrating 30 years of social change work in 2007.

Organizational Endorsements

The following organizations endorse this Community Evaluation and support STOP's work to win a fair hearing process at SHA:



Interfaith Task Force on Homelessness
Hate Free Zone
Resident Action Council
Yesler Community Council
Center for Social Justice
SHARE/WHEEL
NAACP of Seattle/King County
Seattle Senior Housing Program Advocates II
Community Coalition for
Environmental Justice (CCEJ)
Communities Against Rape & Abuse (CARA)
Legacy of Leadership, Equality & Organizing
(LELO)
A Place to Live, Benson East Tenants Association
Support Organization
Puget Sound Alliance for Retired Americans
Keystone Congregational Church
National Alliance of HUD Tenants (NAHT)
Coalition of Anti-Racist Whites (CARW)
Seattle Alliance for Good Jobs and Housing
for Everyone (SAGE)
Ballard Peace and Justice Activists
A. Phillip Randolph Institute Seattle Chapter
Fellowship of Reconciliation
Washington CAN!
Northwest Federation of Community Organizations
National People's Action
National Training and Information Center
ARC of King County





*The tenants and supporters of
STOP are deeply committed to
the reform of the grievance
hearing process and winning
Section 8 tenants a voice at
Seattle Housing Authority.*

STOP—Section 8 Tenants Organizing Project
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