

# Guide to PHA Public Housing

The Housing Unit at Community Legal Services represents tenants on issues regarding public housing. This section provides information about public housing that is owned and operated by the Philadelphia Housing Authority (PHA) in the City of Philadelphia.

There are public housing units in Philadelphia that are not owned and operated by PHA. Information about these units is available in the Guide to Non-PHA Public Housing.

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## To apply for free legal representation:

PHA public housing tenants can come for **intake** at the Center City office. For intake hours and location, click [here](#).



COMMUNITY LEGAL SERVICES  
OF PHILADELPHIA

## PHA Public Housing: **Admission**

### **Qualifications for PHA Public Housing**

All members of the applicant's household must be U.S. citizens or legal resident aliens and will be screened for criminal activity and drug abuse. Applicants will also be screened for credit history. Applicants must have low income and meet one of PHA's preference categories.

### **Preferences**

PHA maintains a waiting list of applicant names by six categories of preferences. The categories are:

#### **1. Families displaced by a certified natural disaster**

PHA's highest preference is for those families that have been displaced by a natural disaster that has been certified by their governor or the President of the United States.

These applicants will take immediate priority over all other applicants and their names will be placed at the top of PHA's waiting list.

#### **2. Families certified by Philadelphia Workforce Development Corporation as “working” or “work ready.”**

“Working Families” are given this preference if they can be certified by the Philadelphia Work Force Development Council (PWDC) as having the head of household, spouse or co-applicant working full or part-time at the time of application or at the time a unit is offered.

“Work-Ready Families” are given this preference if they can be certified by PWDC as having completed post-secondary education or various skills training programs within 1 year of the application to PHA.

#### **3. All other working or work ready families, elderly or disabled families and veterans**

PHA will give an admissions preference to a family where the head of household, spouse or co-applicant at the time of the application:

- Is working at least 20 hours per week;
- Has completed post-secondary education or other qualified skills training programs;
- Is 62 years of age or older;
- Is receiving income from Social Security or SSI disability; or
- Is currently on active or reserve duty or has received an honorable discharge from a branch of the U.S. military

#### **4. Homeless families**

PHA will grant an admissions preference for families who were formerly homeless (living in a shelter or in a place that is not designated as space where people would normally sleep) who certified by the City as being in a transitional housing program.

## **5. Displaced and need-based families**

PHA will provide a preference for families who have been involuntarily displaced and who are not living in safe, decent and sanitary housing. Displacement must be as a result of domestic violence, hate crime, handicap inaccessibility or HUD disposition of a multi-family unit.

Displacement may also be as a result of certain actions by a home owner, such as the closing of a rental unit for renovation. Displacement may also occur where the current residence has been declared unfit for human habitation by an agency of the government or where the applicant is paying more than 50% of income towards rent and utilities.

## **6. Families with low income**

At least 75% of those admitted to PHA must have family incomes that do not exceed 30% of the median income in Philadelphia. Currently, this would be \$24,430.00 for a family of four.

No more than 25% of those admitted to PHA may have income that does not exceed 50% of the median income in Philadelphia. Currently, this would be \$16,271.00 for a family of four.

PHA will accord the highest priority to families who have been displaced by a natural disaster. These families will be placed at the top of PHA's waiting list. PHA will admit one family from each of the remaining five preference categories out of each five admissions.

Families with no preference may still be admitted. However, PHA will admit four families with preferences for every 1 family without any preferences.

## **Application**

As of spring 2013, the waitlist for PHA public housing is currently closed.

Families can apply for PHA public housing:

- Online by clicking [here](#).
- In person by filling out an application at any PHA Management Office or at 712 N 16th St. Office hours are Monday through Friday between 9 a.m. and 2 p.m. The application form can be found [here](#).

The approximate waitlist length is 7-10 years. The wait may be shorter for applicants who require handicapped accessible housing. Applicants on the waitlist must notify PHA of any change of address. If the applicant fails to respond to something sent by PHA, the family will be removed from the waitlist. Applicants should check in at least **once a year** to make sure they are still on the waitlist and check the waitlist status online by clicking [here](#).

## **Information Needed to Apply**

1. Mailing address of head of household

2. Phone number of head of household
3. The following information is required for all household members:
  - Social Security Number
  - Date of Birth
  - Gender
  - Race/Ethnicity
  - Gross (pre-tax) Monthly Income
4. Site Selection: Your choice of 5 sites where you would like to live or choose to move into the first unit available that meets your needs

### **Refusing a PHA Unit**

By law, PHA is only required to offer an admitted family a unit that has the correct number of bedrooms for the family's size (generally 1 bedroom for every two family members) and that is in safe, decent and sanitary condition. If the family does not accept the unit, their name will be placed at the bottom of PHA's waiting list, unless the rejection is for "good cause."

Good cause would be if the family could not move at the time of the offer because, for example, a family member is hospitalized. It also includes:

- The unit is not ready for the family to move in;
- The unit is inaccessible for employment, education, job training or child care such that it would cause a family to drop out of school or quit a job;
- The offered unit would place a family member's life, health or safety in jeopardy; or
- The offered unit is not accessible in light of the applicant's handicap or disability.

### **Application Denial**

PHA must give applicants written notice of a decision to deny admission.

- The notice must give a reason for the denial.
- The applicant will be given 10 working days to submit a written request for an informal hearing. PHA will then notify the applicant of the date, place and time of the hearing.
- PHA will appoint an impartial review committee to conduct the hearing. No member of the committee can be a PHA employee who was substantially involved in the initial denial or a subordinate of a PHA employee was substantially involved in the initial denial.
- At the hearing, the applicant be allowed to present any relevant evidence or testimony and shall be allowed to contest evidence relied upon by PHA. The applicant has the right, upon request, to review any relevant PHA documents in advance of the hearing.

The committee must make its decision within 14 days of the hearing. The decision must be made in writing and must be based solely on the facts presented at the hearing. The decision must state the basis for the ruling.

# PHA Public Housing: **Rent Calculation**

## **Rent Calculation**

The amount of the rent for PHA public housing tenants is usually based upon a percentage of the family's income. The income of every family member is used in calculating rent. Some types of income are not included. Earned income is counted by gross pay (before taxes are taken out) and not by take home pay.

## **Income for Rent Calculation**

PHA cannot use the following income in calculating rent:

- Earnings of children under 18;
- Payments for foster care;
- Lump sum payments, like an inheritance or an insurance payment;
- Reimbursements for the cost of medical care;
- The income of a live-in aide; (for a definition of a live-in-aide go to Need for someone to assist because of a medical problem)
- Student financial assistance;
- Pay of a family member serving in the armed services who is exposed to hostile fire;
- Funds received under training programs;
- Sporadic income, such as gifts;
- Deferred lump sum payments of Social Security and SSI;
- Earned income tax credits;
- Property tax rebates.

## **Calculating Rent**

To calculate the rent, first take the family's annual gross (pre-tax) income.

Subtract any applicable deductions from the family's gross (pre-tax) annual income to get "adjusted annual income." There are three possible deductions from annual income:

1. \$500 per year for any family with at least one family member employed 20 hours per week or more;
2. The annual cost of Medicare, Medicaid and/or health insurance premiums for elderly or disabled households (for definitions of "elderly" and "disabled" see link PHA's admissions preference for working/work ready, elderly, disabled and veteran families); and
3. \$500.00 per year for income obtained from assets, such as interest on a bank account.

Multiply the adjusted annual income by applicable percentage (based on family size) below:

- 1-2 persons 28%
- 3-5 persons 27%
- 6 or more 26%

The figure derived by this multiplication is called "annual rent."

Divide the annual rent figure by 12 to get the “monthly rent.”

PHA tenants living in scattered site units may have a further adjustment to their rent as a result of utility allowances. For more information about utility allowances, click [here](#).

### Sample Rent Calculation

Timothy Tenant lives in a PHA unit with his wife and two children. He is 65 and receives \$700.00 per month from Social Security. His wife works 20 hours per week and earns \$450.00 per month. They also receive SSI disability of \$500.00 per month for one of their children. The monthly income for the family is \$1,650.00 (\$700.00 plus \$450.00 plus \$500.00).

**Annual Gross (pre-tax) Income:** The annual gross (pre-tax) income for Timothy’s family is **\$19,800.00** (\$1,650.00 times 12).

**Deductions:** Timothy pays \$30.00 per month for Medicare coverage and also has a supplemental health insurance policy that costs \$50.00 dollars per month. As Timothy is 62 or older, he is considered to be “elderly” and can deduct these expenses from annual gross income. His monthly deductible expenses are \$80.00 (\$30.00 plus \$50.00) and his annual deductible expenses are \$960.00 (\$80.00 times 12). An additional \$500.00 deduction can be taken because Timothy’s wife works 20 or more hours per week. To get his adjusted annual income, Timothy can deduct a total of **\$1,460.00** (\$960.00 plus \$500.00).

**Adjusted Annual Income:** Timothy’s adjusted annual income would be **\$18,340.00** (\$19,800.00 minus \$1,460.00).

**Annual Rent:** Since Timothy’s household has four people, his annual rent would be calculated as 27% of his adjusted annual income. Timothy’s annual rent would be **\$4,952.00** (\$18,340 times .27)

**Monthly Rent:** Timothy’s monthly rent would be **\$413.00** (\$4,952 divided by 12)

Family	Earned Income	Deductions	Ceiling Rent	Minimum Rent	Adjusted Annual Income	Annual Rent
Timothy (65), his wife and two children	\$19,800.00	\$1,460.00	\$654.00 ( 3 bedroom)	\$50.00	(\$18,340 x 27%) = \$4,952.00	(\$4,952 / 12) = \$413.00

### Minimum Rent

PHA has a minimum monthly rent of \$50.00, so if the monthly rent calculates to a figure less than that amount, the tenant will still have to pay \$50.00 per month. In the event that a tenant suffers some sort of catastrophic loss of income, such as the loss of a job, PHA can waive the minimum rent for a period of three months. This is called a “grace period.”

## **Hardship Rent**

If a tenant faces an extraordinary circumstance such as high medical expenses, termination of employment, or termination of a statewide assistance program, the tenant can apply for a “hardship exemption.”

In order to apply for a hardship exception, the tenant must fill out a hardship request form and provide a copy to the Hardship Committee. PHA must suspend the minimum rent requirement, starting the month after the hardship request is made, and continuing until the Hardship Committee makes a determination on the request. Tenants can get a hardship request form from the manager.

## **Ceiling Rent**

In order to encourage working families to remain in public housing, PHA has also established “ceiling rents.” These are amounts beyond which the rent will not increase, no matter how high the family income may become. The amounts are based on bedroom size, as follows:

Studio	\$344.00
One Bedroom	\$423.00
Two Bedroom	\$523.00
Three Bedroom	\$654.00
Four Bedroom	\$683.00
Five Bedroom	\$786.00
Six Bedroom	\$904.00

PHA also uses ceiling rents as penalty rents, when tenants do not complete the recertification process. PHA must provide advance written notice of the increase to the ceiling rent due to failure to recertify. If the tenant was prevented from completing that process due to circumstances beyond the tenant’s control, PHA must retroactively remove the ceiling rent charges. If PHA does not do these things, the tenant can file a grievance hearing request form. A grievance hearing request form is available [here](#).

Note: Effective July 1, 2013, PHA Ceiling Rents will be determined by the Pennsylvania Housing Finance Agency (PHFA), which bases rent limits on area median income and updates these calculations annually. The rent limits set by PHFA more closely approximate 30% of the tenant’s income up to 60% of area median income.

## **Rent Changes**

PHA must give the tenant 30 days advance written notice of any rent increase. Rent decreases are effective the month after the tenant reports a drop in family income.

Note: If the tenant fails to timely report an increase in income, PHA may make the rent increase retroactive to the month following the month in which the increase in income occurred. For more information about the PHA recertification process, click [here](#).

## PHA Public Housing: **Utility Allowances**

### **Utility Allowances**

Most PHA tenants are not responsible to pay for gas, electric or oil utility charges. When a PHA tenant is responsible to pay for those charges (i.e. where the tenant is billed directly for them), PHA must provide a utility allowance to the tenant. For some tenants, PHA pays the allowance directly to the gas or electric company. For other tenants, PHA sets the allowance off against the monthly rent. If the monthly rent is so low that the allowance actually exceeds the rent, the tenant will pay \$00.00 monthly rent to PHA and PHA will send the tenant a monthly “utility reimbursement” check for the balance of the allowance.

Whether the tenant has the allowance set off against the rent or whether the allowance is paid directly to the utility company, the tenant is responsible to pay the utility bills and is responsible for any utility bills that exceed the amount of the allowance. Tenants should always check their utility to see whether PHA is paying the allowance to the utility company.

### **What to do if the utility allowance overpays the bill**

One purpose of the utility allowance is to encourage tenants to save on utility use. In cases where PHA pays the allowance directly to the utility company and if the tenant conserves, the bills will be less than the allowance and a credit will appear on the utility bill. Over time, the credit can become large. The credit belongs to the tenant and the tenant can ask the utility company to refund the credit.

### **How to find out the amount of the utility allowance**

PHA adjusts the utility allowances periodically in order to reflect the changes in the gas and electric rates. Where PHA sets the rent off against the allowance, the amount of the allowance can be found in PHA’s standard notice of the amount of rent after a recertification. If PHA pays the allowance to the utility company, the amount of the allowance can be found in the monthly credits that appear on the utility bills.

### **What to do if the utility allowance is not enough to pay the bill**

If utility bills exceed the amount of the utility allowance by more than 20% as a result of circumstances beyond the tenant’s control, PHA must provide the tenant with “individual relief” by paying the actual amount of the bills.

If PHA fails to do this, after receiving a tenant request to do so, the tenant can file a grievance hearing request form. In order to document the need for individual relief, the tenant will either need a complete set of utility bills or a printout from the utility company covering the full time period where the bills were too high. A grievance hearing request form is available [here](#).

## PHA Public Housing: **Transfers**

### **Transfers**

PHA will transfer families to appropriate units in a number of circumstances:

1. Emergency transfers where conditions pose an imminent danger;
2. Where handicap or disability must be accommodated; (link to accessibility issues)
3. Where family composition has changed such that the unit is too small or too large;
4. Split-family transfers;
5. Relocation from an accessible unit (when the accessible unit is no longer needed);
6. To escape domestic violence;
7. Voluntary transfers after the family has lived in the unit for at least one year.

Emergency transfers are mandatory. If the family refuses the transfer offer, it will no longer be deemed an emergency. Tenants must be current on their rent to obtain a transfer. In the case of an emergency, the tenant must enter into a payment schedule if there is a rent balance. PHA will pay for the costs of moving if the transfer is required by PHA.

To obtain a transfer, the tenant must request that the manager fill out the transfer request forms and forward them to the Admissions Department. If the manager refuses to complete the forms or if the Admissions Department refuses to approve the transfer, the tenant can file a grievance hearing request form available [here](#).

## PHA Public Housing: **Repairs**

### **Repairs**

Under PHA's lease, PHA must do these things within 48 hours of receiving a report of repair needs:

- Inspect the unit;
- Complete all necessary work orders to initiate correction of the condition;
- Give a copy of the paperwork to the tenant;
- Complete all non-emergency repairs within 5 working days of the inspection; and
- If the work cannot be timely completed, provide the tenant with a written repair schedule for the completion of the work.

### **Emergency Repairs**

If the repair involves a condition that is hazardous to life, health and safety, and if the repair cannot be completed in a reasonable time, PHA must provide standard alternative accommodations (a transfer to another unit), if available. The tenant must also receive a rent abatement to reflect the diminished use of the rental unit.

### **Who to contact to make repairs**

Repair needs should be promptly reported to both the manager and the maintenance department. The report should result in a computer-generated work order. Always ask for the work order number and write it down, along with the date that the repair is reported. This information will be of great use, if, in the future, there is a dispute about whether the repair need was properly reported. If PHA does not respond within a reasonable time, the repair need should be reported again.

### **Who pays for repairs?**

PHA must pay for repairs caused by reasonable wear and tear. PHA must also pay for all repairs, beyond reasonable wear and tear, unless caused by the tenant, household members or guests of the tenant or household members, in which case the tenant is responsible to pay.

If PHA determines that a tenant is responsible to pay for the repair, it must provide written notice of this determination as well as the cost to be charged to the tenant in advance of placing the charge on a tenant's account. If the tenant disputes this determination, the tenant can file a grievance hearing request form available [here](#).

## PHA Public Housing: **Pet Policy**

### **Pet Policy**

PHA's pet policy went into effect on April 1, 2001. Tenants who owned a pet prior to this date may keep that pet for the lifetime of the pet. PHA must allow any assistive animal as a reasonable accommodation for people with handicaps or disability.

Other than assistive animals, no pet may exceed 25 pounds. To have a pet, the tenant must fill out an application, pay any fees, and get permission from the manager. PHA allows only dogs, cats, canaries, turtles and tropical fish.

### **PHA has maximum numbers for pets:**

- 1 cat per unit
- 1 dog per unit
- 2 birds per unit
- 1 single aquarium, not to exceed 20 gallons, for fish
- Combinations:
  - 1 dog and 1 aquarium or
  - 1 dog and 1 bird
  - 1 cat and 1 aquarium
  - 1 cat and 1 bird

### **PHA does not allow the following breeds of dogs:**

- Doberman Pinscher
- Pit Bull
- German Shepard
- Rotweiller
- Any mixed breed with characteristics of the four listed dogs.

PHA has many rules about how the pet should be handled. Tenants should familiarize themselves with those rules. Failure to obtain permission from PHA for the pet or failing to follow the rules could constitute grounds for termination of the lease.

PHA developments are allowed to adopt more restrictive pet policies. To find out if there is a more restrictive pet policy, the tenant should check with the manager.

## PHA Public Housing: **Grievance Process**

### **Grievance Process**

PHA has a grievance process to allow a tenant to dispute, within a reasonable time, any PHA action or inaction that adversely affects the tenant's rights, duties, welfare or status. This could include, among other things, repair issues, rent calculation disputes, transfer issues and lease terminations. To request a grievance hearing, tenants must complete a grievance hearing request form available [here](#).

The tenant requesting a grievance hearing should make two copies of the grievance hearing request form and give the original to the manager. The tenant should keep one copy for his or her records.

To make sure that the hearing is scheduled, the tenant should also send a copy to:

Grievance Hearing Coordinator  
PHA Legal Department  
12 S. 23rd Street  
Philadelphia, PA 19103

If there is some delay in scheduling the hearing, the tenant can call 215-684-4427.

NOTE: If the dispute is about the correct calculation of rent, the tenant must pay or escrow the rent while the grievance is pending. Failure to do so can result in dismissal of the grievance.

### **Tenants' grievance hearing rights**

PHA Tenants have these rights:

1. To receive adequate notice of any grounds for eviction;
2. To have a representative accompany them at the hearing;
3. The opportunity to review, before the hearing and upon request, any PHA records that relate to the dispute;
4. To dispute any PHA evidence and to cross-examine any witnesses;
5. To present any relevant evidence of their own; and
6. To receive a decision from the arbitrator on the merits of the evidence.

### **Emergency grievance hearing requests**

Where the grievance involves an emergency, PHA must schedule and hold the grievance hearing within 7 working days.

### **Escrowing rent**

Tenants may escrow their rent at the Urban League of Philadelphia if they have filed a grievance hearing request. To open an escrow account, the tenant should contact the Urban League at 215-561-6070. The Urban League will set up an appointment for the tenant to fill out the necessary paper. The Urban League's office is located at 1801 Market Street, 20th Floor. Tenants should not go into the office without an appointment.

## **Grieving lease termination notices**

If PHA sends the tenant a lease termination notice, the tenant has ten days from the date on the notice to request a grievance hearing. If the tenant timely requests a grievance hearing, PHA may not proceed with the eviction process unless and until the grievance arbitrator has ruled that PHA may proceed. If the tenant does not request the grievance hearing within those ten days, PHA may proceed with the eviction process, without waiting for a ruling from the arbitrator.

*Note: PHA is not required to provide a grievance hearing in cases where it is seeking to terminate the lease because of alleged drug or criminal activity.*

It is not uncommon for PHA to mail the lease termination notice after the date on the notice. A tenant should always save the envelope in which the notice is sent. The postmark date on the notice will establish when the ten day period started to run.

## **What happens at grievance hearings**

The tenant will be sent written notice of the hearing date, location and time. PHA pays for an arbitrator, who listens to all of the evidence and arguments and makes a decision. Usually, the arbitrator does not state the decision at the conclusion of the hearing, but rather goes back to the arbitrator's office and prepares a written decision that is then mailed out to the tenant and the PHA legal department.

Typically, PHA is represented by a lawyer at the hearing. The manager and maintenance personnel may also attend.

## **How to prepare for the hearing**

The tenant should ask PHA to look at any PHA records or documents in advance of the hearing. In particular, the tenant should ask to review any documents that PHA will use against the tenant at the hearing. This will help to prepare any needed response.

The tenant should also prepare to bring any evidence to the hearing. This could include pictures, L & I reports, the grievance hearing request form, rent receipts, lease termination notices, letters, and other others documents that would support the claim.

Tenants may bring witnesses. Tenants may also bring a representative to assist them at the hearing.

## **After the Grievance Hearing**

The arbitrator should send the tenant a written decision called an "Award" within two weeks of the hearing. If the tenant is not satisfied with the Award, he or she can appeal the decision in the Court of Common Pleas.

## PHA Public Housing: **Recertification**

### **Recertification**

PHA “recertifies” most public housing tenants every two years. Tenants who have no income are recertified more frequently.

Tenants receive written notice to attend a meeting with the manager or a rent reexamination clerk. The tenant will be required to bring in proof of the family’s income and composition. If they have not already been furnished, PHA will also request copies of birth certificates and Social Security cards for all family members.

If tenants fail to reasonably cooperate in the recertification process, PHA can raise the rent to a ceiling amount. For more information about ceiling rents, click [here](#).

After all of the necessary documentation is obtained, PHA will send out a notice about the amount of the rent and when any increase or decrease will take effect. Tenants should look at the notice closely. It will list the source and amount of income, as PHA has calculated it, for each family member. It will list any deductions from income that PHA has allowed. It will also list all of the “authorized” occupants of the unit.

If the income or family composition information is not accurate, the tenant should talk to the manager. Any family member living at the unit and not listed on this notice will be deemed as “unauthorized.” It is a violation of the lease to have unauthorized people living in the unit.

Any family member who is no longer living in the unit should not be listed on the lease. If the manager will not change the notice to reflect the accurate income or family composition, the tenant can file a grievance hearing request form available [here](#).

### **Changes in Income**

Presently, PHA does not require tenants to report changes in income between recertifications. Therefore, tenants living in PHA public housing are not required to report an increase in income between recertifications.

However, if a tenant’s household income goes down between recertifications, the tenant should promptly report this to the designated service representative and provide proof. A decline in income will usually result in lower rent, but not until it has been reported by the tenant. For a change in income, the tenant can provide a letter from the employer, pay stubs, notice of changes in welfare, Social Security, SSI, unemployment compensation and other public benefits.

### **Changes in Family Composition**

Tenants must report changes in family composition (where a family member moves in or out of the unit) when they occur. **Failing to do this could be grounds for termination of the lease.** The changes should be reported to the manager or rent reexamination clerk as soon as possible. The tenant should also provide something to document the changes.

For changes in family composition, tenants should provide something that shows that a family member has moved out or moved in. This might be a lease or a bill at the new address for a family member who has moved out. It might also be a birth certificate for a newborn child who has just moved in.

## PHA Public Housing: **Handicap or Accessibility Issues**

### **Handicap or Accessibility Issues**

PHA must take reasonable steps to make sure that units meet the tenant's medical needs. This might include installation of new equipment, such as hold bars in the bathroom or chair lifts for the stairs, or a transfer to a unit that meets the medical need. Tenants must complete a disability accommodation form to get assistance. Tenants can get a disability accommodation form from the manager.

The tenant requesting a disability accommodation should make two copies of the accommodation request form and give the original to the manager. The tenant should keep one copy for his or her records.

The tenant should also send a copy to the PHA Accessibility Coordinator:

PHA Accessibility Coordinator  
12 S. 23rd Street, Fifth Floor  
Philadelphia, PA 19103

If a tenant is not satisfied with PHA's response to this request, the tenant can file a grievance hearing request form available [here](#).

### **Need for Someone to Assist Because of a Medical Problem**

If a tenant needs someone to live at the unit to assist with the ordinary activities of daily living, such as cooking, cleaning, shopping, washing up, dressing or getting around, the PHA must allow that tenant to have a "Live-In-Aide." If needed PHA must provide the tenant with a unit with enough bedrooms to accommodate the Live-In-Aide and/or the tenant's medical equipment.

The Live-In-Aide's income will not be used in calculating the amount of the monthly rent. Unlike other household members, the Live-In-Aide is not allowed to succeed the tenant as head of household should the tenant leave the unit for any reason. For more information about moving out voluntarily, click [here](#).

## PHA Public Housing: **Eviction**

### **Eviction**

Tenants in PHA public housing can be evicted for nonpayment of rent or breach of a condition of the lease.

### **Lease termination notice**

In almost all cases PHA must provide a tenant with a written lease termination notice 30 days in advance of starting the eviction process. If the eviction is based upon threats to health, safety or security, PHA may provide 15 days advance notice.

PHA's lease termination notice is long and has a large red seal in the lower right-hand corner. The notice must state the reason for the termination and the effective date.

The notice must also state that the tenant is entitled to file grievance hearing request form and that PHA will not commence the eviction process if the tenant requests a grievance hearing within 10 days of the date on the notice. However, PHA is not required to provide a grievance hearing for evictions based upon criminal activity. A grievance hearing request form is available [here](#).

### **Grounds for lease termination**

The grounds for termination of the lease include:

1. Non-payment of rent
2. Serious or repeated violation of the lease;
3. Any criminal activity or drug or alcohol abuse;
4. Violations of federal, state or local law that directly relate to the tenancy; and
5. Other good cause which is defined as a material violation of a provision of the lease or repeated non-material breaches.

### **Not grounds for lease termination**

PHA must renew the lease, unless there is good cause for termination. PHA may not evict a tenant unless the tenant has materially violated a provision of the lease. PHA may not evict a tenant because the lease term has expired. PHA may not evict a tenant because they do not wish to continue the tenancy or because they do not like the tenant.

### **Municipal Court Eviction Process**

If PHA wins at the grievance hearing or if a hearing is not requested by the tenant, PHA may only evict the tenant by filing in Municipal Court. For information about the court eviction process in Philadelphia, click [here](#).

## **PHA Public Housing: Voluntarily Moving Out**

### **Voluntarily Moving Out of a PHA Public Housing Unit**

A tenant may terminate the lease at any time by providing 15 days written notice to PHA. The tenant should also see the manager to sign a “vacate slip.” If a tenant moved out of PHA without taking these steps, the tenant may, in the future, find that PHA continued to bill the tenant for rent for a period of time after the tenant had moved.

### **What Happens To Family Members If the Head of Household Moves Out**

If the head of household moves out of the unit, other than through eviction, the remaining family members can stay in the unit as long as they were listed on the lease and there is an adult family member (18 years of age or older) to sign a new lease with PHA.

If the head of household knows that other family members will remain, the tenant should inform the manager of this and request that an appropriate family member be made the new head of household.