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Housing Law Handbooks: Legal Self-Help for the Intended Beneficiaries

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HOUSING LAW HANDBOOKS:
LEGAL SELF-HELP FOR THE INTENDED BENEFICIARIES

by

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Introduction

The Housing Law Handbook Project originated from an article on San Francisco urban renewal¹ published in the *Golden Gate Law Review*, Volume 1. That study concentrated on the Yerba Buena Project as an example of relocation methods and their effects. It reached several tentative conclusions. One such conclusion was that although both federal law² and California statutes³ provide ample protection regarding relocation for displaced residents, there is a gap between the law and its enforcement. The gap appears to arise because the redevelopment interests of many influential segments of the community are impaired and delayed by strict compliance with the protective provisions of the law, and because area residents whose protection is sought by the laws are politically weak and are uninformed about their rights.

One obvious problem is that the project area residents are not effectively informed of their rights regarding relocation. If SFRA [San Francisco Redevelopment Agency] notices of land acquisition and the necessity for residents to move were promptly followed by handbooks setting forth the relocation rights of residents in comprehensible terms, residents might pursue their rights with more assurance and effect. Such handbooks could be prepared by a poverty law or Law Review project.⁴

1. *San Francisco Urban Renewal - Relocation and its Problems*, 1 GOLDEN GATE LAW REVIEW 9 (1971).
2. Federal Housing Act of 1949, 42 U.S.C. §1401 et seq.
3. California Community Redevelopment Law, CAL. HEALTH & SAFETY CODE §33000 et seq. (West 1967).
4. *San Francisco Urban Renewal - Relocation and its Problems*, 1 GOLDEN GATE LAW REVIEW 9, 60 (1971).

This project's goal was to produce the handbooks and to establish community contacts for distribution to redevelopment communities.

Several areas of residents' rights, where it appeared that handbooks might fill a community need, were considered and explored. The first area, of course, was relocation rights. The staff summarized those rights from the law⁵ and attempted to reproduce them in lucid and simple language for residents' use. Technical assistance with the production was obtained, and the handbook *Why Move?* was published. See p. 463 *infra*.

The second area considered for a handbook was tenants' rights as they affect the landlord-tenant relationship in federally-funded housing projects. That handbook, *Who Is In Charge Here?*, which is reproduced in this article (See p. 485 *infra*), will be published in May and distributed to residents.

The third area considered involved project area residents' rights to affect the redevelopment agencies' distribution of land to sponsors (profit and nonprofit developers) so as to exercise some control over the nature of projects to be constructed. The results of preliminary research revealed that in this area enforceable rights are not intended by law.

All redevelopment projects require a master plan⁶ including detailed

5. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, HUD RELOCATION HANDBOOK (P.L. 91-646) UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. §4621 et seq. See also NATIONAL INSTITUTE FOR EDUCATION IN LAW AND POVERTY, HANDBOOK ON HOUSING LAW (1971).

6. Housing and Urban Development Act, 42 U.S.C. §1401 et seq. Specifically §1451(c)(1); §1452(a)(1)(B); §1452(d)(1); §1453(d)(5); §1455(a)(b)(i). The same policy is reflected in California law. See CAL. HEALTH & SAFETY CODE Ch. 3, Ch. 4, Ch. 6 §33974 (West 1967).

overall planning for each project area. Parcel-by-parcel changes in response to tenants' demands might destroy the overall redevelopment plans and result in piecemeal development. HUD regulations⁷ permit local public agencies to initiate changes in the overall project plans so long as they are not arbitrary and adhere to procedures that guarantee no piecemeal development. *Shannon v. HUD*⁸ enforced these regulations by requiring a determination that the local public agency's changes be minor, or if major, that the HUD procedures for planned change be followed. The role of project area residents is confined to ensuring that the local public agencies follow HUD procedures when initiating change or to challenging the changes as piecemeal development. This overall development planning is so important that resident participation in land distribution is not even contemplated. California's policies are equally as strong.

The California provisions for disposition of project area land to sponsors are explicitly stated in the Health and Safety Code.⁹ An express policy against piecemeal planning or changes parcel by parcel is reflected in the decision in *Hunter v. Adams*.¹⁰ Without some statutory change in the policies reflected in these cases, it seems clear

7. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, URBAN RENEWAL HANDBOOK, RHA 7206.1, Ch. 3 (December 1968).

8. 436 F.2d 809 (3d Cir. 1970).

9. Community Redevelopment Act, CAL. HEALTH & SAFETY CODE §33267(d), §33268, §33272, and §33273 (West 1967).

10. 180 Cal.App. 2d 511, 4 Cal. Rptr. 776 (1st Dist. 1960).

that project area residents cannot effect a piecemeal change in the overall plan.

The fourth area for which some compelling legal authority was sought was that of employing project area residents on construction jobs for which they are qualified. Although there is federal legislative policy of a precatory nature suggesting that residents should be employed "to the greatest extent feasible,"¹¹ there is no law, except under the Model Cities Program, requiring sponsoring agencies to hire them. A handbook useful in implementing the expressed policy would have to be a social action handbook rather than one summarizing the law. Although there is no reason why such a handbook is not an appropriate undertaking for a law review, the qualifications of this particular staff did not lend themselves to it.

The only Model Cities redevelopment project in progress in San Francisco appears to be fully implementing its policy of employing area residents. It is operated through the Mission Model Neighborhood Corporation. The program includes a hiring hall and job training. The organization itself is community oriented, fully informed and equipped to reach its intended beneficiaries.¹² Any attempt to supplement the work of this organization would have been presumptuous.

The fifth area--opportunities for residents living in federally-funded housing to manage the projects, set rental policies, establish

11. 1969 U.S. CODE CONG. & AD. 1524, P. 1573.

12. MISSION MODEL NEIGHBORHOOD CORPORATION, FIRST ACTION YEAR--
COMPREHENSIVE DEVELOPMENT PLAN, MISSION AMENDMENT (1971-1972) Ch. 11 (1971).

desirable social services, and employ qualified residents to perform necessary maintenance, security protection and other services--currently has no basis in law. But these rights could evolve as residents' organizations become more assured in exercising their existing rights.

WHY MOVE?

At an ever increasing rate, federal funds have become the partial or total source of financing public actions involving the exercise of the right of eminent domain. This led to the enactment of legislation¹³ establishing uniform policies regarding relocation of persons displaced by land acquisition for urban renewal, federally-assisted freeways, governmental installations, and major public works projects.

Subchapter II of the new Uniform Relocation Assistance Law, Section 4621,¹⁴ Declaration of Policy, states the purpose of the legislation:

...to establish a uniform policy for the fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

The sections¹⁵ that follow set forth specific rights, including the right to housing that meets standards of decency, safety and sanitation, as well as the rights to financial assistance in moving and rent subsidies

13. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §4261 et seq.

14. *Id.*, Subchapter II.

15. *Id.*

where necessary.

Section 4633 of Subchapter II¹⁶ requires heads of federal agencies to consult with each other to establish regulations and procedures for implementing policies enunciated in the above sections. Federal agencies are also responsible for establishing regulations designed to ensure that the payments and assistance authorized under Subchapter II are administered fairly and reasonably. Heads of federal agencies must ensure that relocation programs are uniformly administered to guarantee that displaced persons, upon proper application, receive promptly payments and assistance to which they are entitled. They are to receive payments in advance when necessary, and aggrieved persons are entitled to a review by the head of the agency.

Prior to this legislation, the relocation rights of persons displaced through urban renewal land acquisition were scattered throughout the federal housing law¹⁷ and its amendments.

The HUD regulations that implement the stated policy of Section 4633 are set forth in the HUD Relocation Handbook.¹⁸ The document is comprehensive; its complicated regulatory language and concepts comprise some 150 pages. The handbook was the primary legal source for the pamphlet *Why Move?*

16. *Id.*

17. Federal Housing Act of 1949, 42 U.S.C. §1401 et seq.

18. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HUD RELOCATION HANDBOOK (P.L. 91-646) UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. §4621 et seq. (1971).

A difficult aspect in preparing the pamphlet was the need for restraint so that residents' rights would not be overstated. The objective was to provide a basis on which they could safely act. Based on the premise that litigation is not a viable solution to the grievances of displacees (its cost to residents, the agency and the public is prohibitive, and it is a peculiarly unpersuasive form of dialogue), the authors avoided generalizations about rights that could be enforced only by litigation. That meant limiting the information conveyed to the basic essentials--that displacees need not move unless they have been afforded their relocation rights. These rights then become virtually self-enforced by the displacees' refusal to move.

An equally serious problem was how to communicate information that would spark to action readers who were unknown to the writers. The difficulty of that problem might have been reduced by involving in the preparation of the pamphlet leaders of the community for which it was designed. The problems of content, design, and composition would have been attacked with greater confidence if participation and prior approval of the destined users had been secured.

As it was, the Adult Education Division of the Education Department of the City and County of San Francisco suggested the reading level to which the text should be aimed. Professionals in publication rendered valuable technical assistance with design, layout, language, photography, and the graphics necessary to produce a pamphlet that would capture and hold the interest of the intended reader. It is the hope of this staff

that the help that these volunteers gave in moving through the non-legal channels necessary for publication will bear further fruit in subsequent publications.

WHO IS IN CHARGE HERE?

At one time, it was the public policy enforced by the courts that public agencies, such as housing authorities acting in the capacity of landlords, had the same arbitrary rights in matters of tenant selection, tenancy termination, and the fixing of rents as those enjoyed by private landlords. In addition, the agencies had certain immunities that protected them from liability for the wrongful acts of their agents and employees.

Subsequent court action and legislation have gradually limited the freedom of public agency landlords and imposed special duties on them. Tenants first successfully attacked public agencies' immunity from liability for the tortious conduct of an agency employee that resulted in the loss or destruction of personal property of a tenant who had been summarily evicted.¹⁹

In 1953 in *Banks v. The Housing Authority*,²⁰ the unrestrained right in selection of qualified tenants was successfully attacked. The California Court of Appeal held that the Housing Authority's denial of

19. *Muses v. City and County of San Francisco*, 83 Cal.App. 2d 489, 189 P.2d 305 (1948).

20. 120 Cal.App. 2d 1, 260 P.2d 668 (1953).

housing to financially eligible applicants on the basis of an arbitrary classification (race, in this instance) denied equal protection under the Fourteenth Amendment. Subsequent legislation²¹ prohibited discrimination against rental applicants in privately- and publicly-funded housing on the basis of race, color or creed.

The Hawkins Act,²² extending the prohibition against racial discrimination to all "publicly-assisted" housing, was upheld in *Burks v. Poppy Construction Co.*²³ But, the rule of *Banks* was broader than the Hawkins Act because it imposed a duty to admit qualified applicants to public housing without regard to any *arbitrary classifications*, whereas the Hawkins Act prohibited only racial discrimination. *Banks* was extended to prohibit the arbitrary termination of tenancies. In an action in unlawful detainer,²⁴ the Los Angeles Housing Authority maintained that it, like a private landlord, was free to terminate a month-to-month tenancy by giving the requisite notice, with or without cause. The court rejected the argument in language that set the standards in California for public-agency landlords in tenancy terminations and tenancy selections:

We believe it fairly obvious that a public body, a housing authority as here, does not possess the same freedom of action as a private landlord, who is at

21. Discrimination in Housing Law, CAL. HEALTH & SAFETY CODE, §§35700-35741 (West 1967).

22. *Id.*

23. 57 Cal.2d 463, 20 Cal. Rptr. 609, 370 P.2d 313 (1962).

24. *Housing Authority of the City of Los Angeles v. Cordova*, 130 Cal. App. 2d Supp., 279 P.2d 215 (1955).

liberty to select his tenants as he pleases, and in the absence of a letting for a prescribed term, may terminate their tenancy either without any reason or for any reason regardless of how arbitrary or unreasonable it may be.... A housing authority, however, has no such freedom of action. (Citing *Banks*.) And if it may not discriminate arbitrarily between persons and classes in leasing its premises, we see no reason why like considerations do not preclude arbitrary discrimination between existing tenants in their right to continue such occupancy.

It does not appear that federal cases are as stringent as California cases in limiting the arbitrary right of management to select tenants from among those qualified by income and statutory preferences. But a federal court has held that residence requirements in housing infringe upon the constitutional right to travel unrestricted interstate.²⁵ A recent Fourth Circuit case²⁶ announced the standards for applying due process principles of the Administrative Procedure Act²⁷ to terminations of tenancies and evictions from federally-financed or federally-assisted housing:

State-created, federally-funded, locally-administered housing authorities are constrained to conduct their operations within the limits of the due process clause of the Fourteenth Amendment.

In applying the standards of due process as derived from the

25. *Cole v. Housing Authority of the City of Newport*, 435 F.2d 807 (1st Cir. 1970).

26. *Caulder v. Durham Housing Authority*, 433 F.2d 998, 1002 (4th Cir. 1970).

27. 5 U.S.C. §553a, 554.

Administrative Procedure Act and *Goldberg v. Kelly*²⁸ to eviction from federally-funded housing, the *Caulder* court enumerated minimum requirements:

1. The timely and adequate notice detailing the reasons for the proposed eviction;
2. An effective opportunity to defend and to confront adverse witnesses;
3. A right to be represented by retained counsel (no requirement that counsel be provided for indigents exists);
4. A decision based on evidence adduced at the hearing and findings setting forth the basis; and
5. An impartial decision-maker.

In the same year, the Court of Appeals for the District of Columbia²⁹ established that the same standards of due process apply to the termination of any tenancy or any imposition of fines on tenants or assessments of damages to the premises. In addition, HUD regulations specify and limit the grounds for eviction.³⁰

Rent schedules cannot be set by negotiations between management and tenants, nor on the basis of "what the traffic will bear."³¹

28. *Goldberg v. Kelly*, 397 U.S. 254, 25 L.Ed. 2d 287 (1970), deals with the right of a welfare recipient to receive notice of contemplated termination of his welfare benefits and the reasons therefor. The court laid down guidelines for pre-termination hearings. The guidelines announced have been carried over into cases ranging from coporation law to juvenile hearings and, in *Caulder*, were applied to termination of tenancy in federally-funded housing.

29. *Escalara v. Housing Authority*, 425 F.2d 853 (D.C. Cir. 1970).

30. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, HUD RENEWAL HANDBOOK, RHA 7211.1 Ch. 3, RHA 7384.1 Ch. 7 (December 1968).

31. *Langevin v. Chenango Court Inc.*, 447 F.2d 296 (1971).

California expressly provides that public housing cannot be operated at a profit but, on the contrary, that rents are to be set at a rate sufficient to meet the expenses specified in the code³² and no more. Public housing is housing where the landlord is a public body--typically a housing authority or a municipality. In ruling on a challenged rent increase,³³ the California Court of Appeal held that the rent provisions of a section³⁴ of the Temporary Housing Law³⁵ had to be construed in the light of California Health & Safety Code §34321 as limiting rents to an amount necessary to meet the expenses enumerated in the code. The decision held that a rent increase was subject to challenge by the affected tenants and could not be sustained unless it were initiated to avoid having to dip into the general funds.

Under federal regulations for 221(d)(3) housing³⁶ (involving non-profit landlords), FHA approval is required for rent increases, and statutory limits are placed on the mortgagor's interest rates on his investment. Under these circumstances, a public hearing is not required for a rent increase.³⁷ There appears to be a split of authority³⁸

32. CAL. HEALTH & SAFETY CODE §54321 (West 1967).

33. *Tyree v. Housing Authority of the City of Pleasanton*, 7 Cal.App. 3d 130, 86 Cal. Rptr. 461 (1st Dist. 1970).

34. CAL. HEALTH & SAFETY CODE §35489 (West 1967).

35. *Id.*, §§35450-35546.

36. 12 U.S.C. §1715 1(d)(3) (Supp. 1969).

37. *Hahn v. Gottlieb*, 430 F.2d 1243 (1st Cir. 1970).

38. *McKinney v. Washington*, 442 F.2d 726 (D.C. Cir. 1970), which denied

regarding the necessity for a hearing to authorize a raise in rents when there are no statutory mechanics³⁹ for prior approval of a management-initiated increase. It is clear that in California there must be a determination that an increase is necessary in a statutory sense, and such a determination is subject to challenge.

In housing provided by private corporations under the California Limited Dividend Housing Corporations Law⁴⁰ or the California Land Chest Act,⁴¹ rent increases must be approved by the Housing Commissioner⁴² or by the corporations commissioner.⁴³ The rent charged is limited to an amount necessary to meet "actual costs" and "fixed charges" as these terms are defined in the law.⁴⁴ Rents in excess of such amounts are subject to judicial challenge.⁴⁵

The duty of management to be responsible for adequate maintenance, for safe structures, and for security guards where reasonably required

an order restraining a rent increase and refused to order an administrative hearing, but see *Marshall v. Romney et al*, Civil No. 2288-70 (D.D.C., filed August 14, 1970).

39. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, INSURED PROJECT MANAGEMENT GUIDE, HM G 4351.1 Ch. 4, §7 at 209.

40. CAL. HEALTH & SAFETY CODE §34800 et seq. (West 1967).

41. *Id.*, §35100, et seq. (West 1967).

42. *Id.*, §34863, §34911 (West 1967).

43. *Id.*, §35191 (West 1967).

44. *Id.*, §34804, §34805 (West 1967).

45. *Id.*, §34916, §35203 (West 1967).

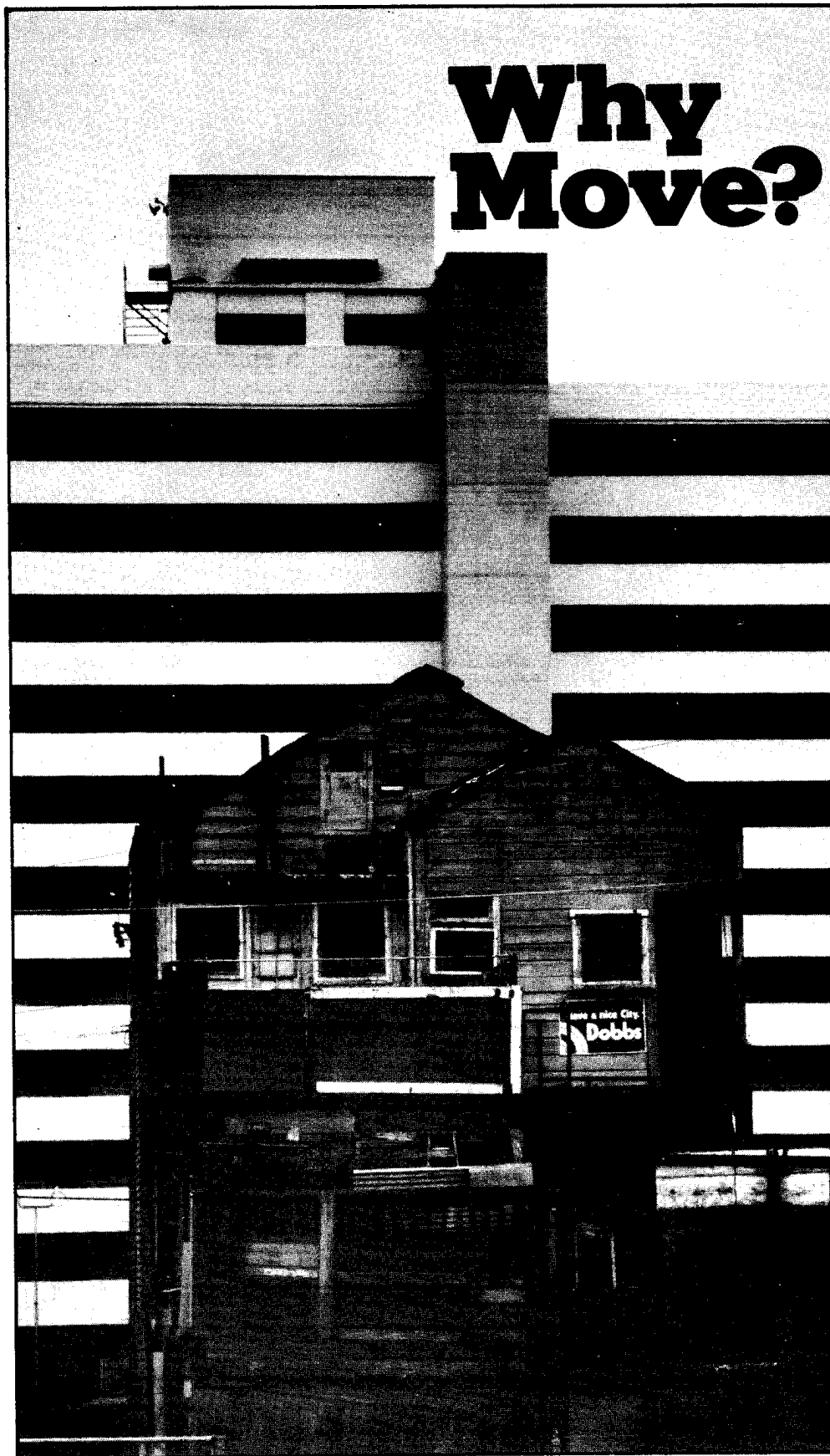
is codified in HUD regulations that have the force of law.⁴⁶

Generally speaking, a local public agency, once it has conveyed title of real property to a sponsor, has no interest in nor obligation to the project or its residents. The sponsor becomes the owner of the development and the landlord. California, however, places an affirmative continuing duty on the local public agency to give advice and help to those tenants seeking aid with problems arising out of their tenancy.⁴⁷ Tenants can turn to the agency with problems requiring basically social service solutions, such as rent delinquency due to unemployment.

The legal rights of tenants in federally-funded housing and the duties of their landlords are gradually developing. Those that have crystallized through case or statutory law are summarized in the handbook, *Who Is In Charge Here?*

46. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, NEIGHBORHOOD DEVELOPMENT PROJECT HANDBOOK, RHA 7384.1 Ch. 4(5)(1), Ch. 5 (December 1968).

47. CAL. HEALTH & SAFETY CODE §33386 (West 1967).





Why Move?

Have you been asked to move?
Is redevelopment taking place or
about to happen?

This booklet is to help you
decide:

Do you have to move at all?

When do you have to move?

If you move, what payments can
you expect?

Do you have to move at all?

Can you be evicted?

1

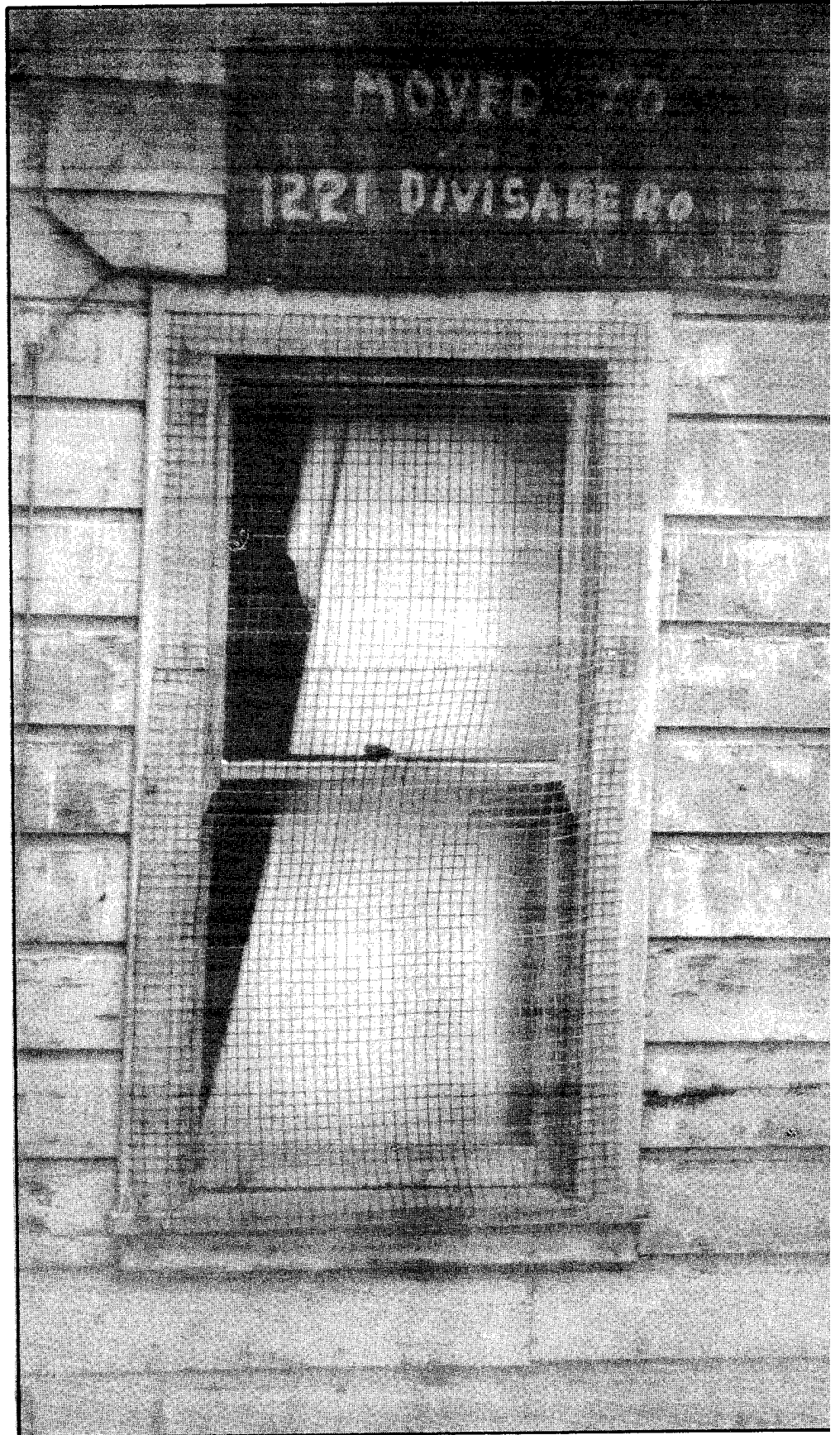
YES, but ONLY if proper housing is made available.

You CANNOT be forced to move just because you receive welfare or social security or other governmental assistance.

If you don't move, payments you now receive CANNOT BE REDUCED.

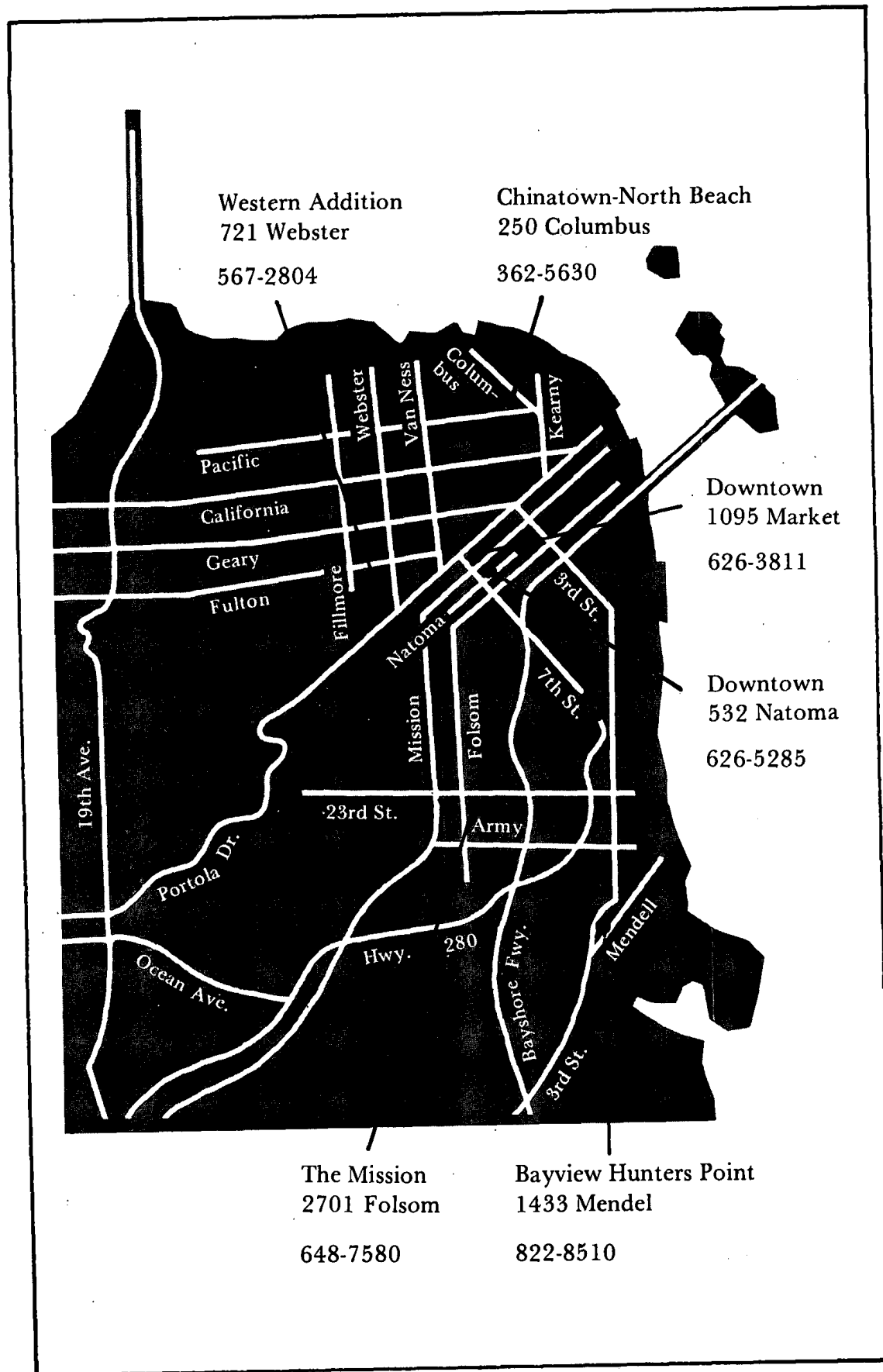
NO. No more than ANY tenant. Just be sure that the rent is paid. The only thing you MUST do is inspect housing that is offered.

Do not let anyone threaten you.



Who can answer your questions?

The law **DOES** protect you.
If you feel that you are not being
treated fairly, **SPEAK TO SOME-**
ONE at one of the following
San Francisco Neighborhood
Legal Assistance Offices.





Do you have to move?

What if someone says, "There is housing. You must move." What should you do?

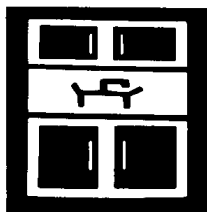
ASK TO SEE IT.

You have the right to see the housing before you move. Promises that there will be housing are not enough.

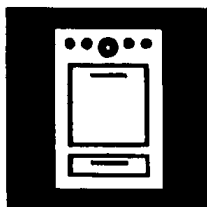
3

All replacement housing must meet certain standards:

Houses and apartments?



kitchen with a sink



stove or connection for a stove



bathroom (toilet, shower or tub, sink with hot and cold water)



a working heating system

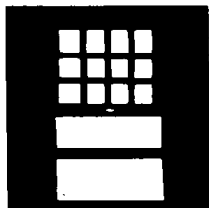
Hotels, boarding houses and sleeping rooms?



sink with hot and cold water



bathroom on each floor



window ventilation



permanent source of heating (portable heaters are not sufficient)

What kind of housing does not meet the standards?

6

Replacement housing MAY NOT

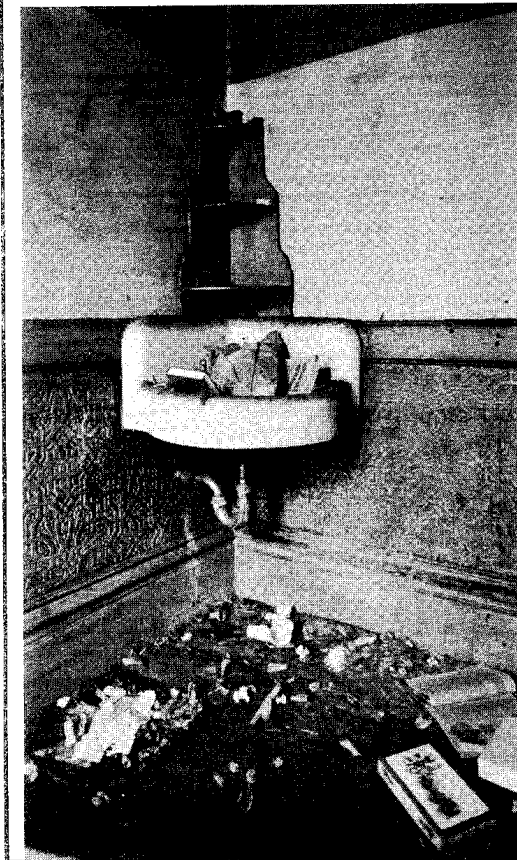
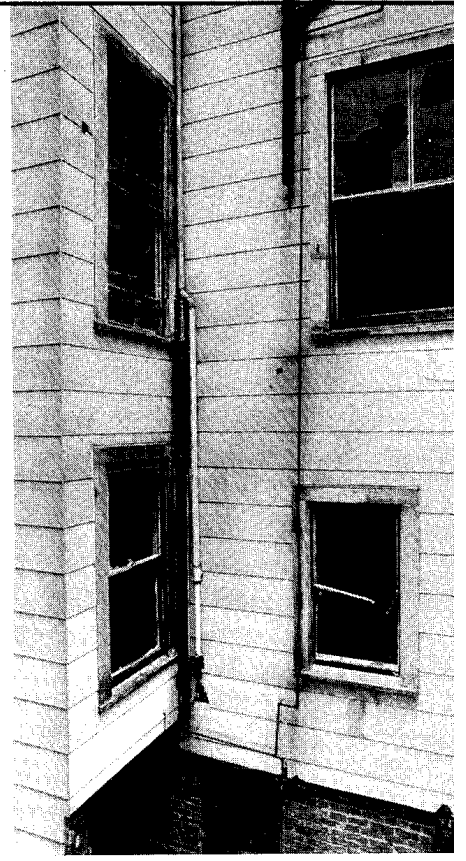
have exposed wiring

have unsafe stairs

be rat infested

have other dangerous conditions

be where there is no public transportation or where transportation would cost too much



How much rent should you pay?

7

Is the rent of the replacement housing more than you should pay? How can you find out?

ADD up all the money that the people in your household get each month, except money earned by students.

MULTIPLY by 95. Cross out the last two digits in your answer. (See the example).

SUBTRACT \$25 for each dependent. Include yourself.

DIVIDE by 4.

Your final answer is the amount you can pay. Otherwise you **MUST** be given rental assistance payment.

Example

1. Add

Suppose that your total income ADDS up to \$400.

2. Multiply

MULTIPLY:
$$\begin{array}{r} 400 \\ \times 95 \\ \hline 2000 \\ 3600 \\ \hline 38000 \end{array}$$

(Cross out the last 2 digits)

3. Subtract

If, for example, there are four dependents, that means you subtract \$100. ($4 \times \$25 = \100)

SUBTRACT:
$$\begin{array}{r} 380 \\ -100 \\ \hline 280 \end{array}$$

4. Divide

DIVIDE by 4:
$$\begin{array}{r} 70 \\ 4 \overline{) 280} \end{array}$$

Your answer, \$70, is the most you should pay without government rental assistance.

25%, or $\frac{1}{4}$, of your adjusted income (all the money your family gets less a standard deduction) is what people should pay for rent. The arithmetic shown here lets you find out how much that is.

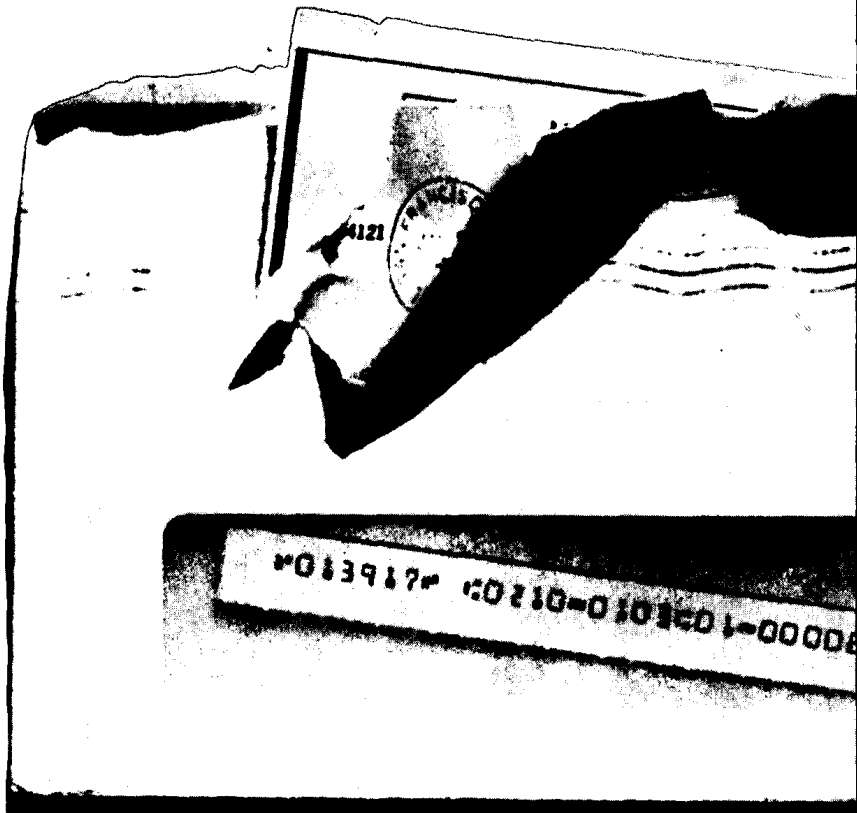
Should you be getting rental assistance payments?

YES, if you move on account of redevelopment and the rent you will have to pay

is more than you pay now

or is more than 25% of your adjusted income

The difference between the rents will determine the amount you will get.



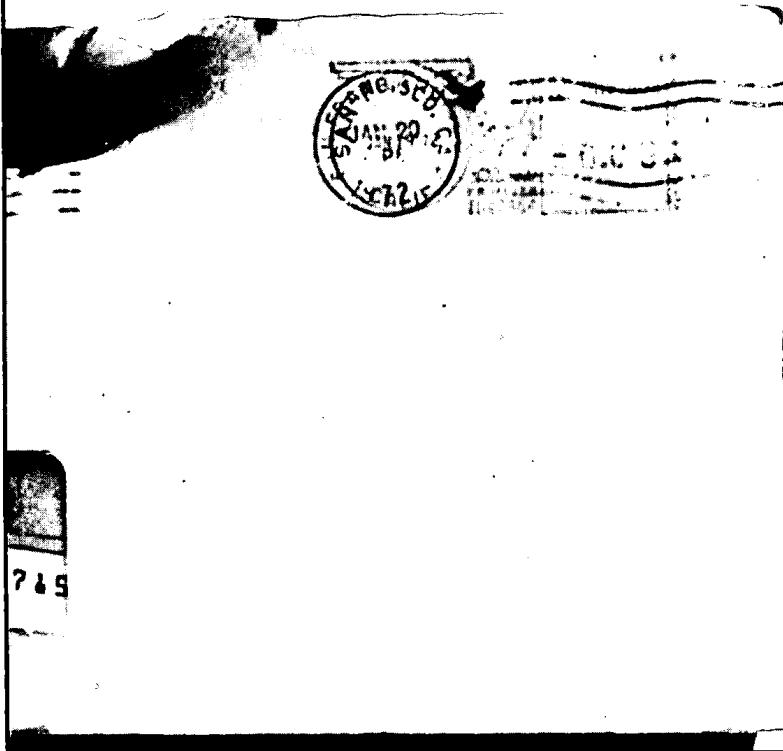
How will rental assistance payments be made?

Payments are figured for a four-year period.

Total amounts less than \$500 are paid in one lump sum.

Total amounts more than \$500 are paid in four equal parts, once a year for four years.

9



Will your moving expenses be paid?

YES. You are entitled to an outright payment of \$200. This is for your trouble of moving.

ALSO, if you move, you have the choice of someone moving you or of doing the moving yourself.

If someone moves you **KEEP ALL THE RECEIPTS** you get. The Redevelopment Agency **MUST** repay you for your expenses up to \$300.

If you move yourself you will be paid according to how far you move. **ASK** to see a table at the Redevelopment Agency showing payments. The Redevelopment Agency must repay these expenses up to \$300.

EVEN THOUGH YOU ARE ENTITLED TO RECEIVE ANY OR ALL OF THESE PAYMENTS, YOU MUST APPLY FOR THEM AT THE REDEVELOPMENT AGENCY.



What are your rights?

These are the important things to keep in mind.

1.

You only have to move if proper housing is available.

2.

Any replacement housing offered must meet certain standards.

3.

Your moving expenses, up to \$300 will be paid. An added \$200 is given for the trouble of moving.

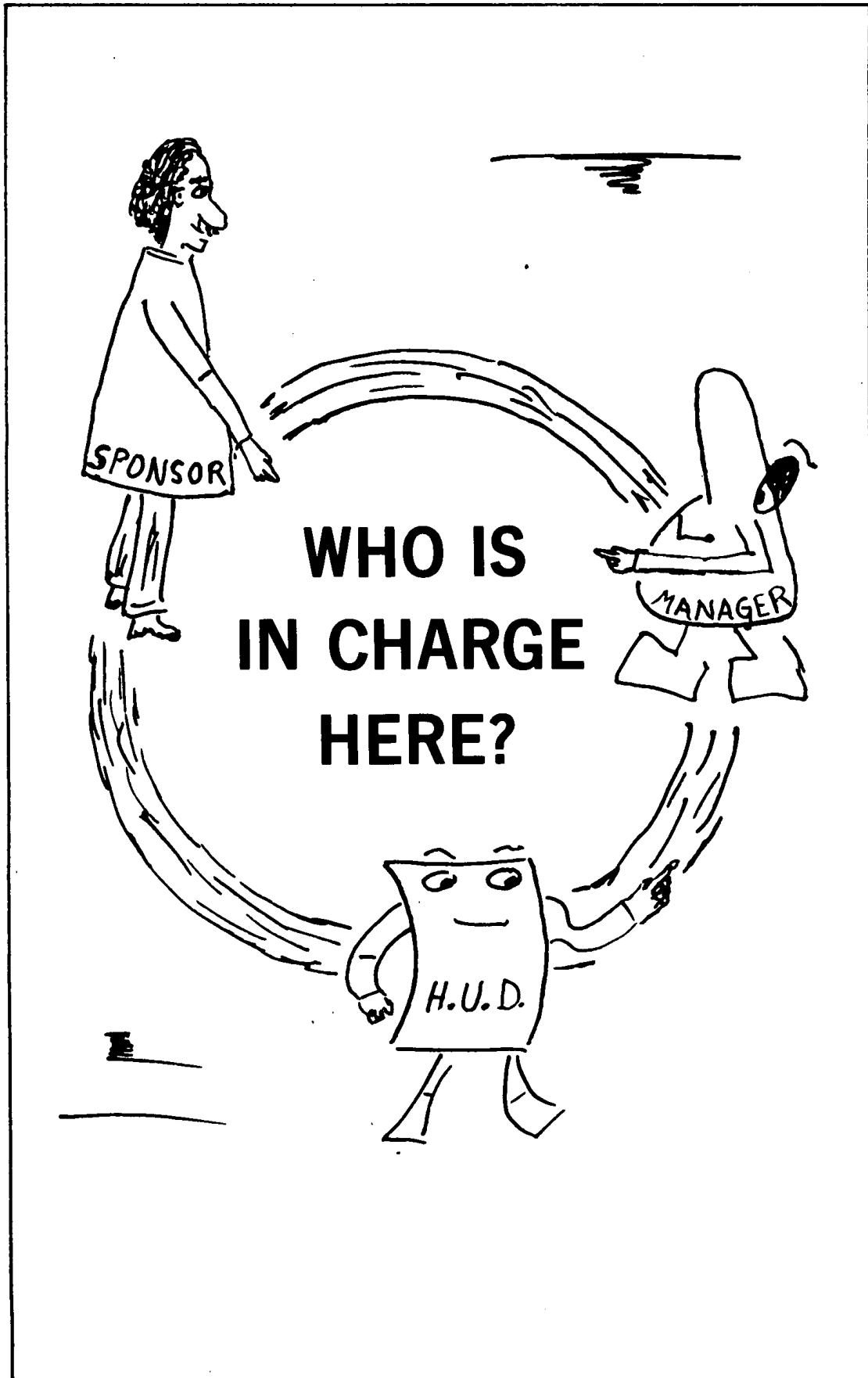
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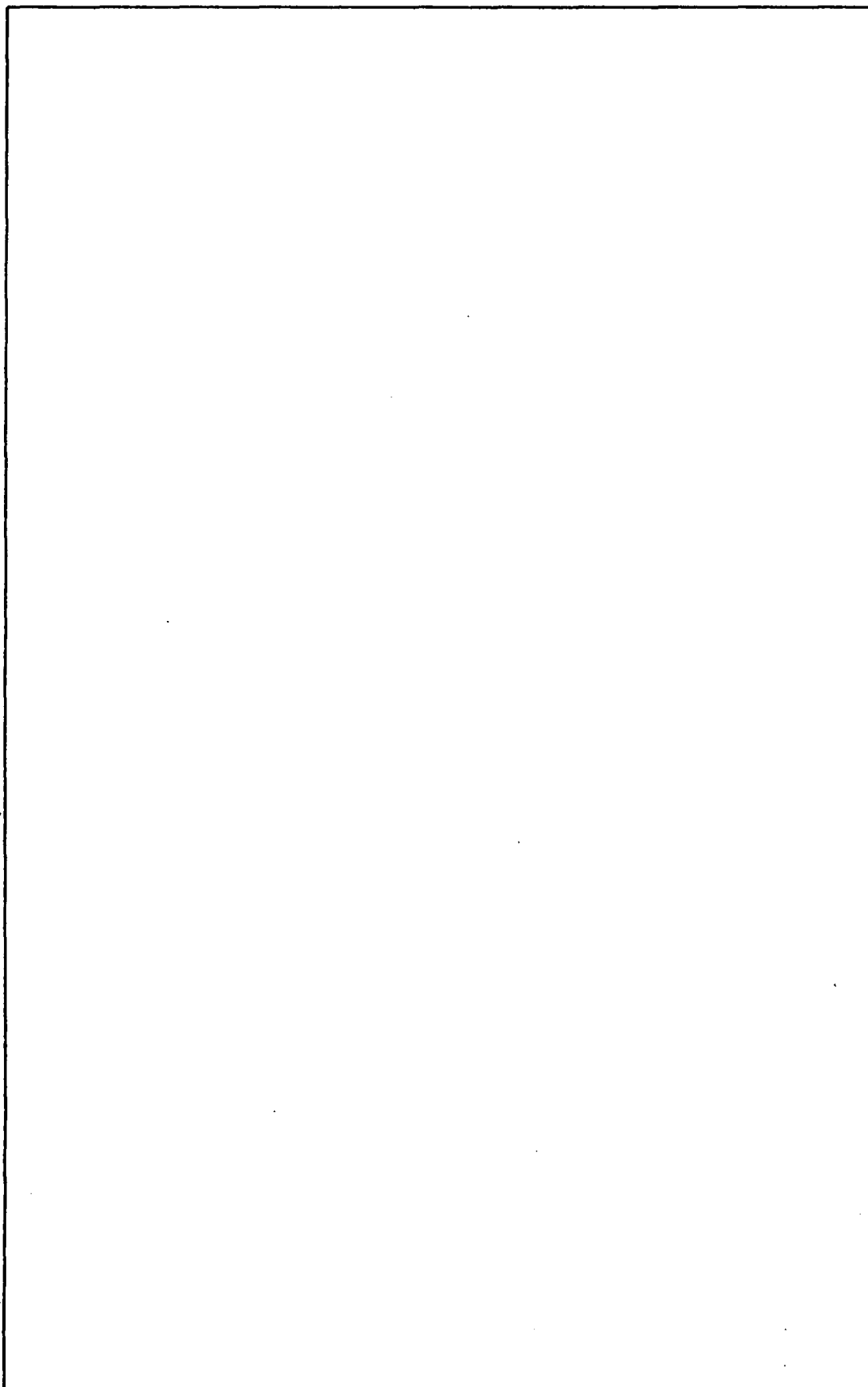
You must apply to the Redevelopment Agency for any payments.

Golden Gate College Law Review

WHY MOVE?

1. 24 C.F.R., pt. 42, §42.120(a) (December 1968).
2. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, RELOCATION HANDBOOK, RHA 1371.1 Ch. 2, ¶18(d) (July 1971).
3. 24 C.F.R., pt. 42, §42.120(b); U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, RELOCATION HANDBOOK, RHA 1371.1 Ch. 6, §4 (July 1971).
4. 24 C.F.R., pt. 42, §42.20(c)(1) (December 1968).
5. Id., §42.20(c)(2). Regulations require that hotels, boarding houses, and sleeping rooms conform to local code standards, cf., San Francisco Bldg. Code.
6. 24 C.F.R., pt. 42, §42.20(b) (December 1968).
7. 24 C.F.R., pt. 42, §42.120(a)(6); U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, RELOCATION HANDBOOK RHA 1371.1 Ch. 2, ¶3(b)(2) (July 1971).
8. 24 C.F.R., pt. 42, §42.95 (December 1968).
9. 24 C.F.R., pt. 42, §42.95(d)(2)ii; U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, RELOCATION HANDBOOK, RHA 1371.1 Ch. 6, §4 at 56 (July 1971).
10. 24 C.F.R., pt. 42, §42.80 (December 1968).





DO **YOU** LIVE IN GOVERNMENT FUNDED
HOUSING? *

DO **YOU** HAVE COMPLAINTS THAT HAVE
NOT BEEN GIVEN ATTENTION?

DO **YOU** WANT TO KNOW MORE ABOUT
YOUR RIGHTS AS A TENANT?

Then this booklet is for you.

It tells you

WHAT YOU CAN COMPLAIN ABOUT,

and

WHO YOU SHOULD COMPLAIN TO.

* This booklet deals with federally-financed housing. If you are not sure whether the information in this booklet applies to your situation, it is always advisable to obtain free legal help.

1

**DOES EVERYTHING IN
YOUR APARTMENT
WORK?**

The Management **must** maintain plumbing, heaters, wiring, locks, and anything else needed for "habitable" housing.

1

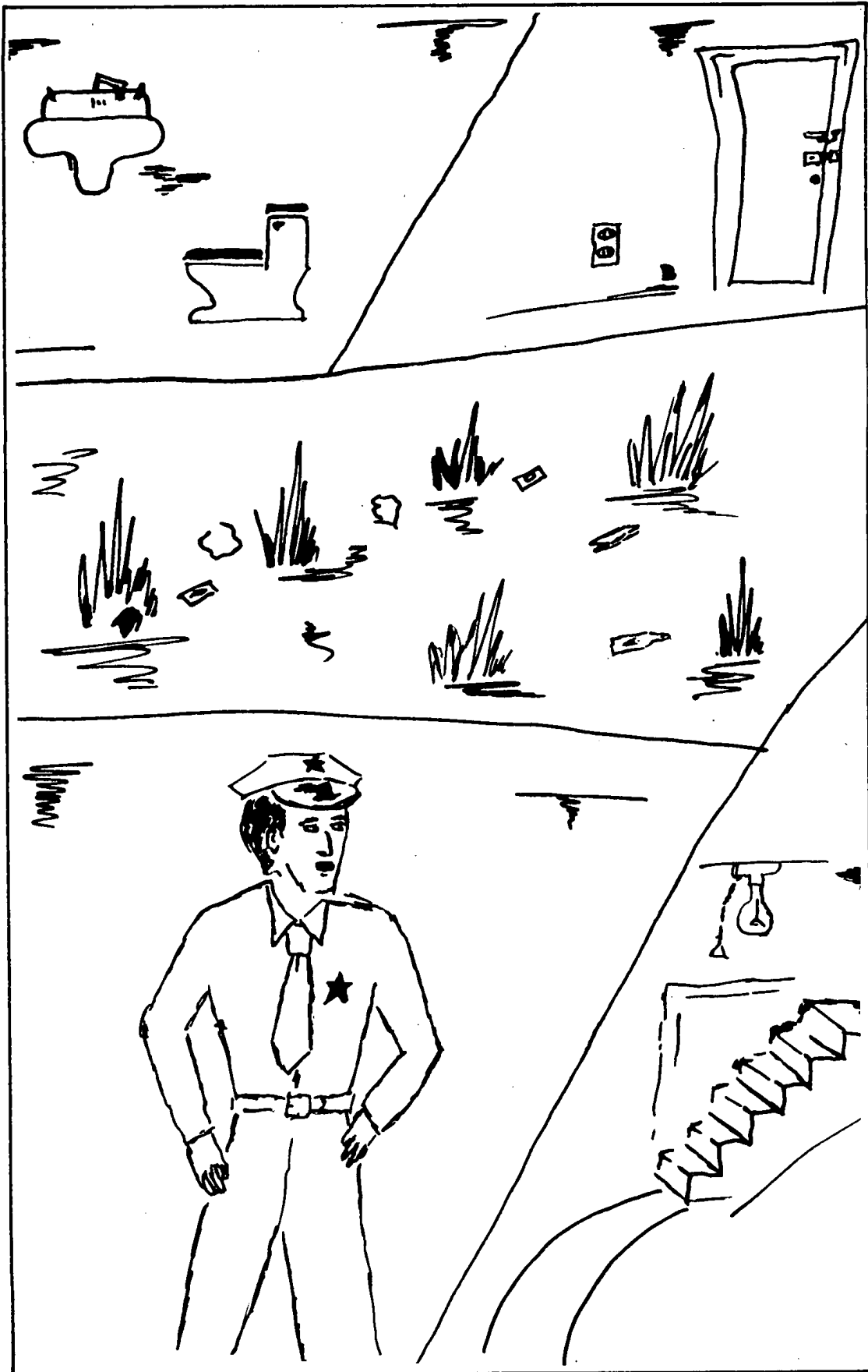
**ARE THE GROUNDS
KEPT CLEAN AND
NEAT?**

The Management **should** keep your surroundings attractive.

2

**ARE YOU AFRAID
TO WALK HOME
AT NIGHT?**

The Management **should** provide security guards if your neighborhood is dangerous. Walkways, stairs, and garages must be well lighted at all times.



A MAN'S HOME IS HIS CASTLE

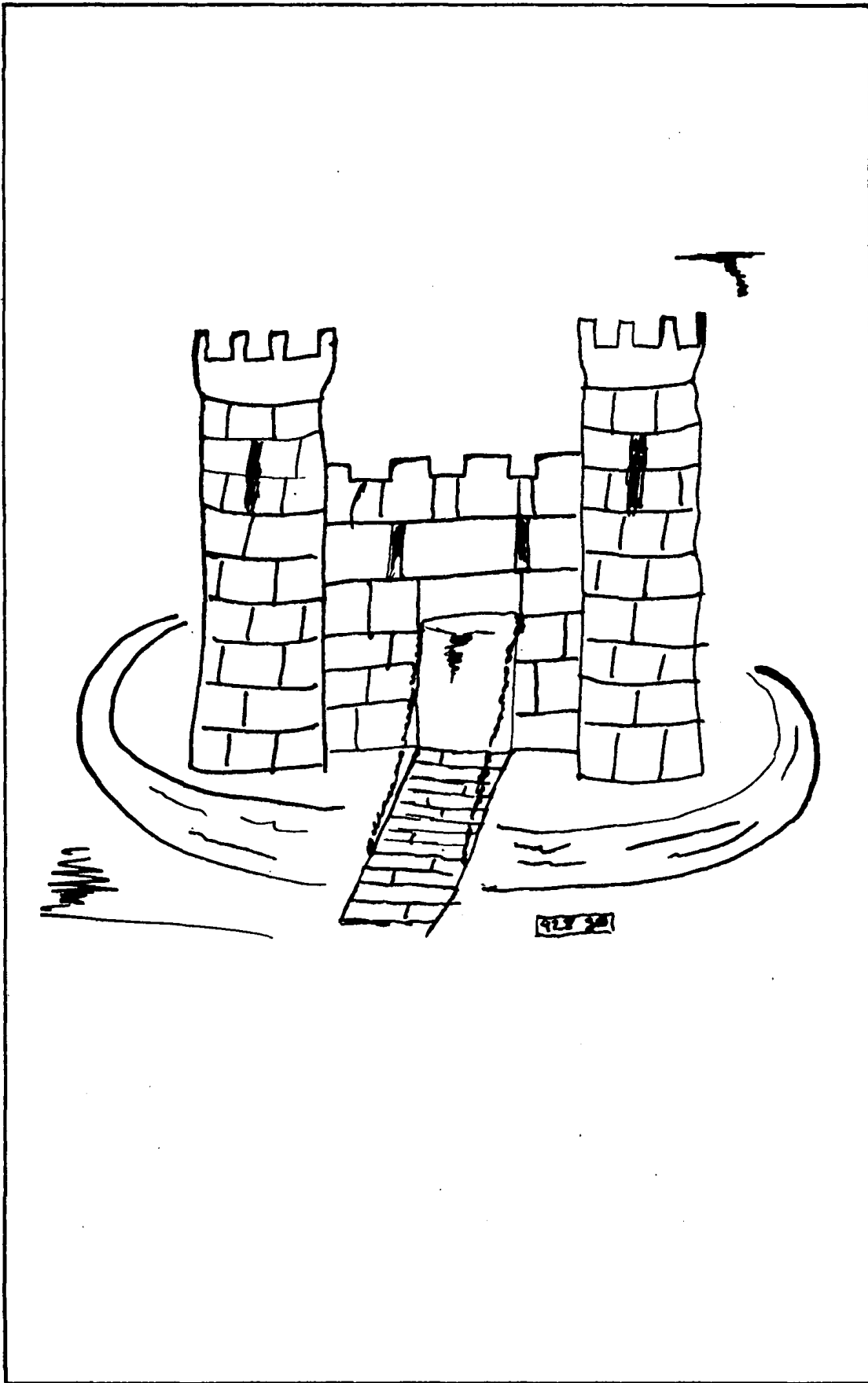
and

A WOMAN'S IS TOO!

3

The Manager **cannot** disturb you in your apartment except under special circumstances, which **must** be listed in your lease.

Any limits on what you may do in your apartment **must** be listed in your lease.



WHAT DO YOU DO IF THEY RAISE YOUR RENT?

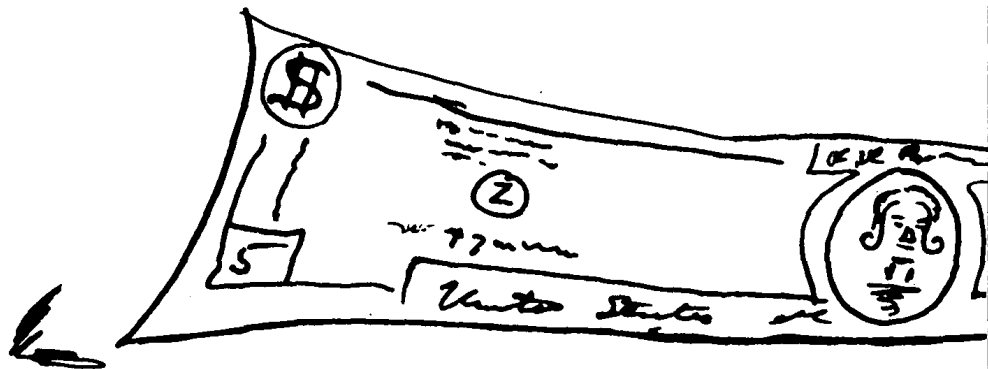
4

You **can** complain
about rent increases

if **you** feel the raise is unfair.

Isn't it true that

the cost of your apartment is
the most important thing in
your budget?
It **is** worth fighting for.



DON'T GIVE UP TOO EASILY

If your landlord is the housing authority or the city;

You have a right to ask for a hearing.

Ask for it.

When the hearing is held, bring your friends and neighbors with you.

There is strength in numbers.

5

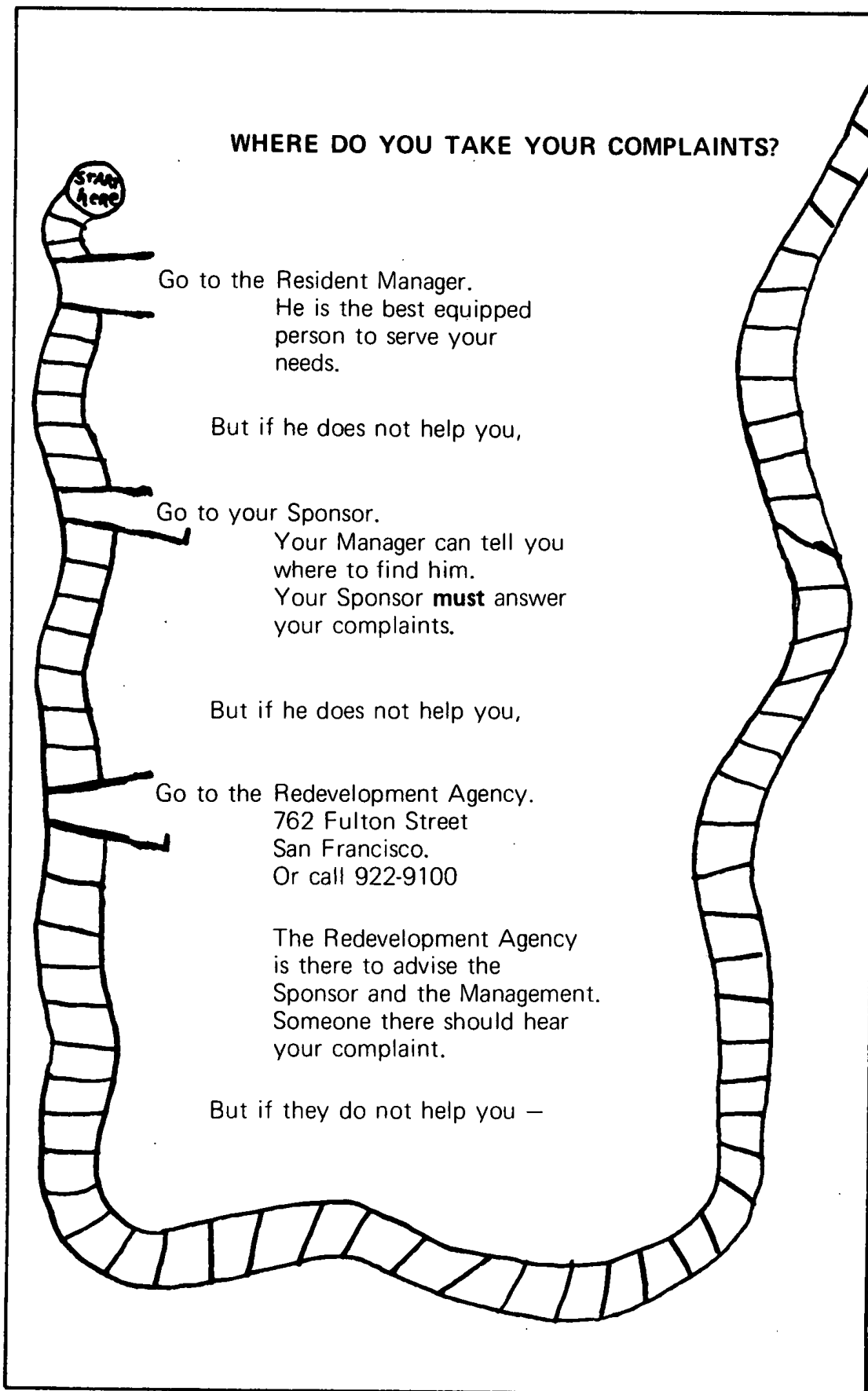
If your landlord is a realtor, a company or other private persons;

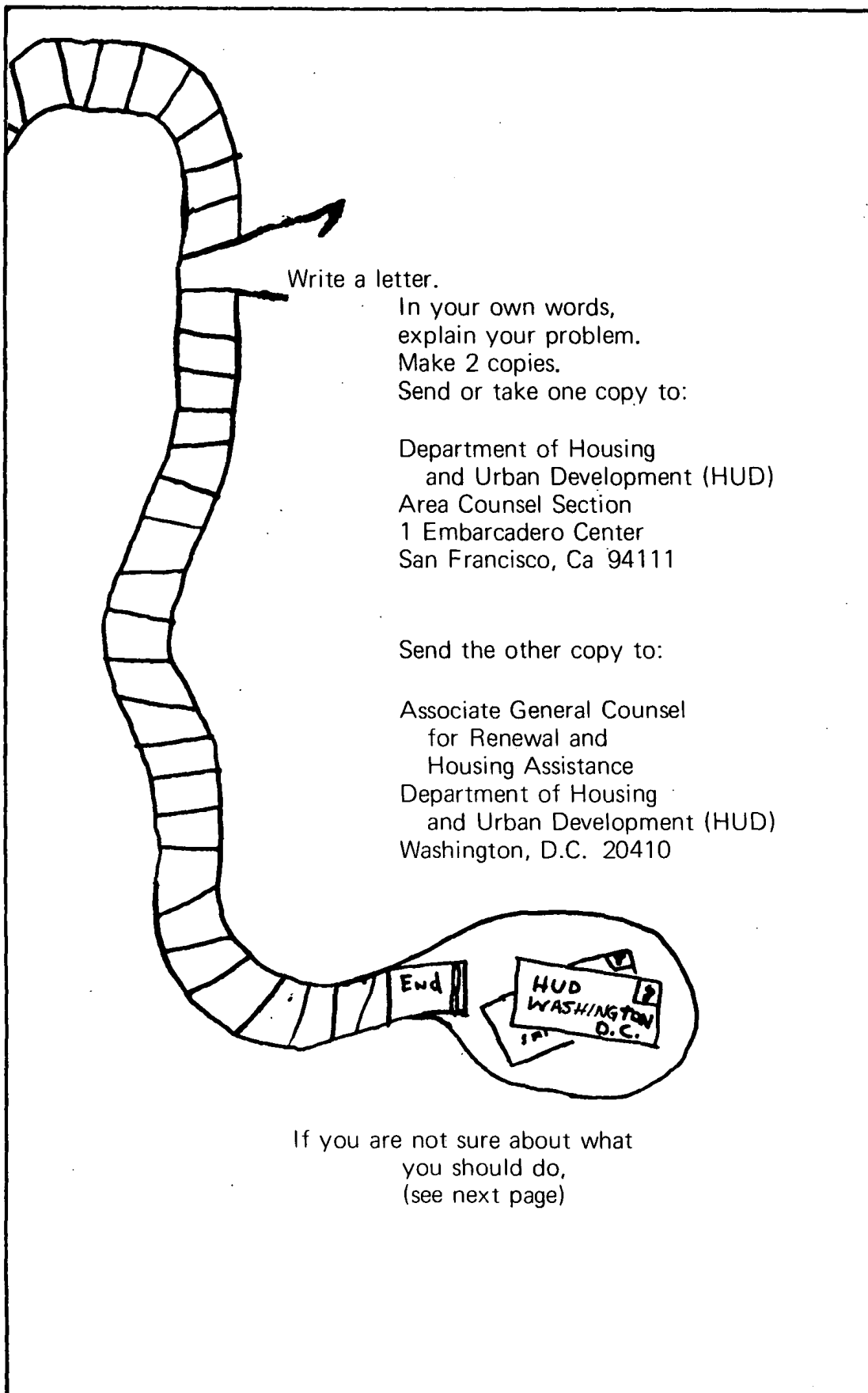
Your rent **cannot** be raised without official approval. If rents bring in more than is needed for expenses, you can challenge them in court.

Call your neighborhood Legal Assistance Office.

6







Write a letter.

In your own words,
explain your problem.
Make 2 copies.
Send or take one copy to:

Department of Housing
and Urban Development (HUD)
Area Counsel Section
1 Embarcadero Center
San Francisco, Ca 94111

Send the other copy to:

Associate General Counsel
for Renewal and
Housing Assistance
Department of Housing
and Urban Development (HUD)
Washington, D.C. 20410

End

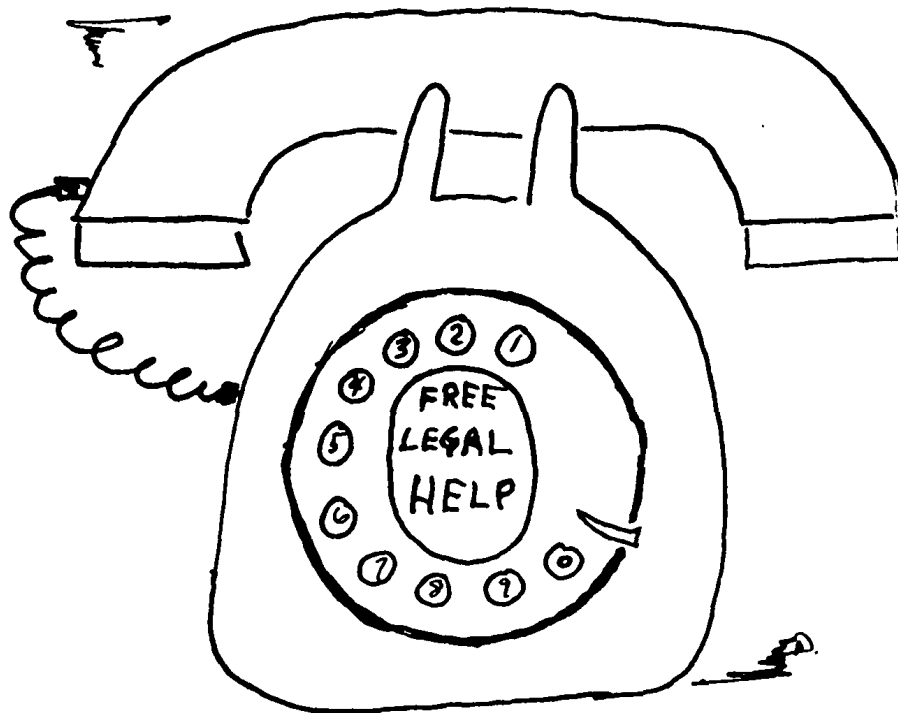
HUD
WASHINGTON
D.C.

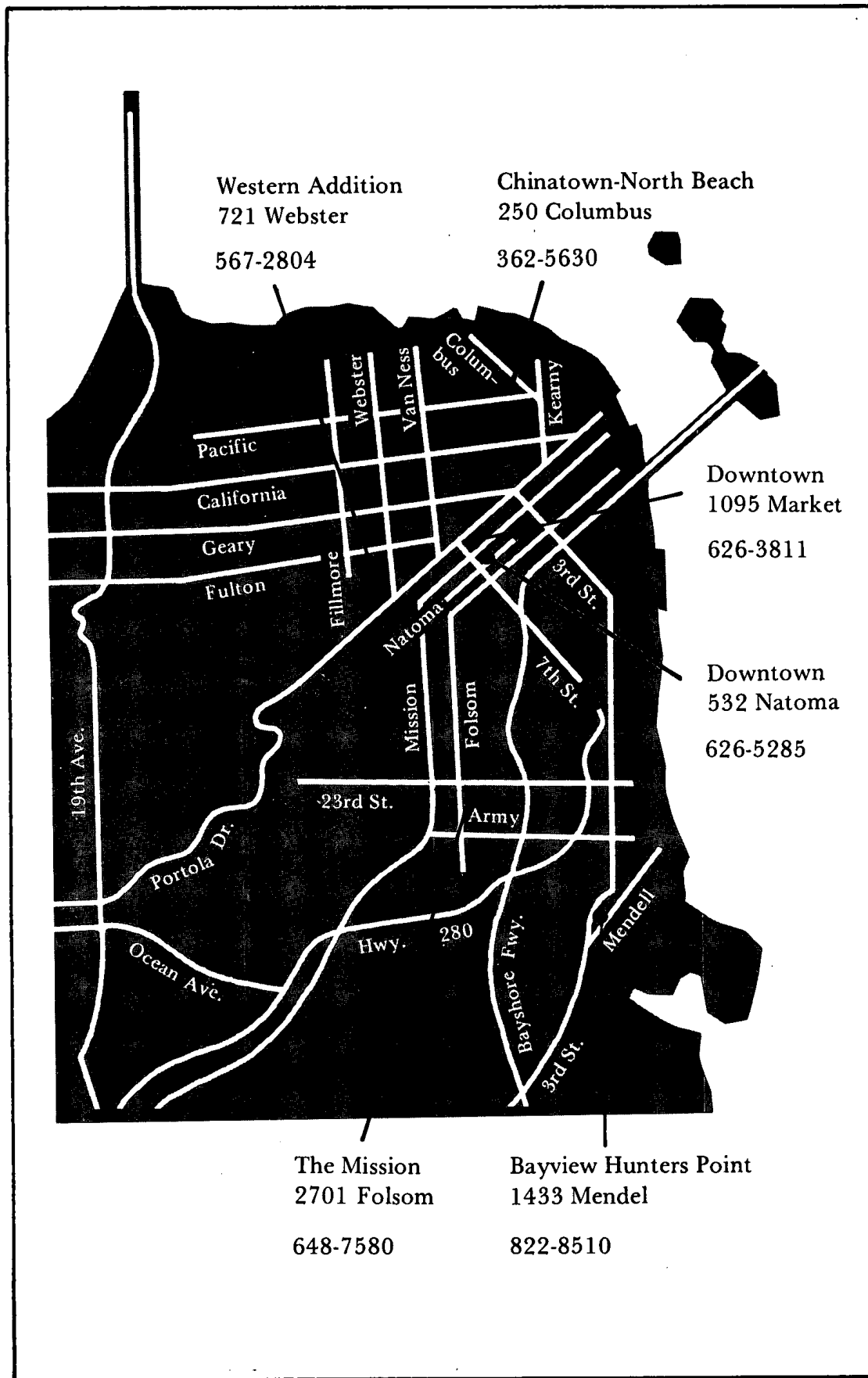
If you are not sure about what
you should do,
(see next page)

WHO CAN ANSWER YOUR QUESTIONS?

The law **does** protect you. If you are being treated unfairly, call one of the Neighborhood Legal Assistance Offices.

It is free if you cannot pay.





CAN MANAGEMENT MAKE YOU MOVE?

Not if you do not
break the rental
agreement.

If you are a good tenant
and want to stay, your
lease cannot be terminated.

No secret reasons
are allowed.

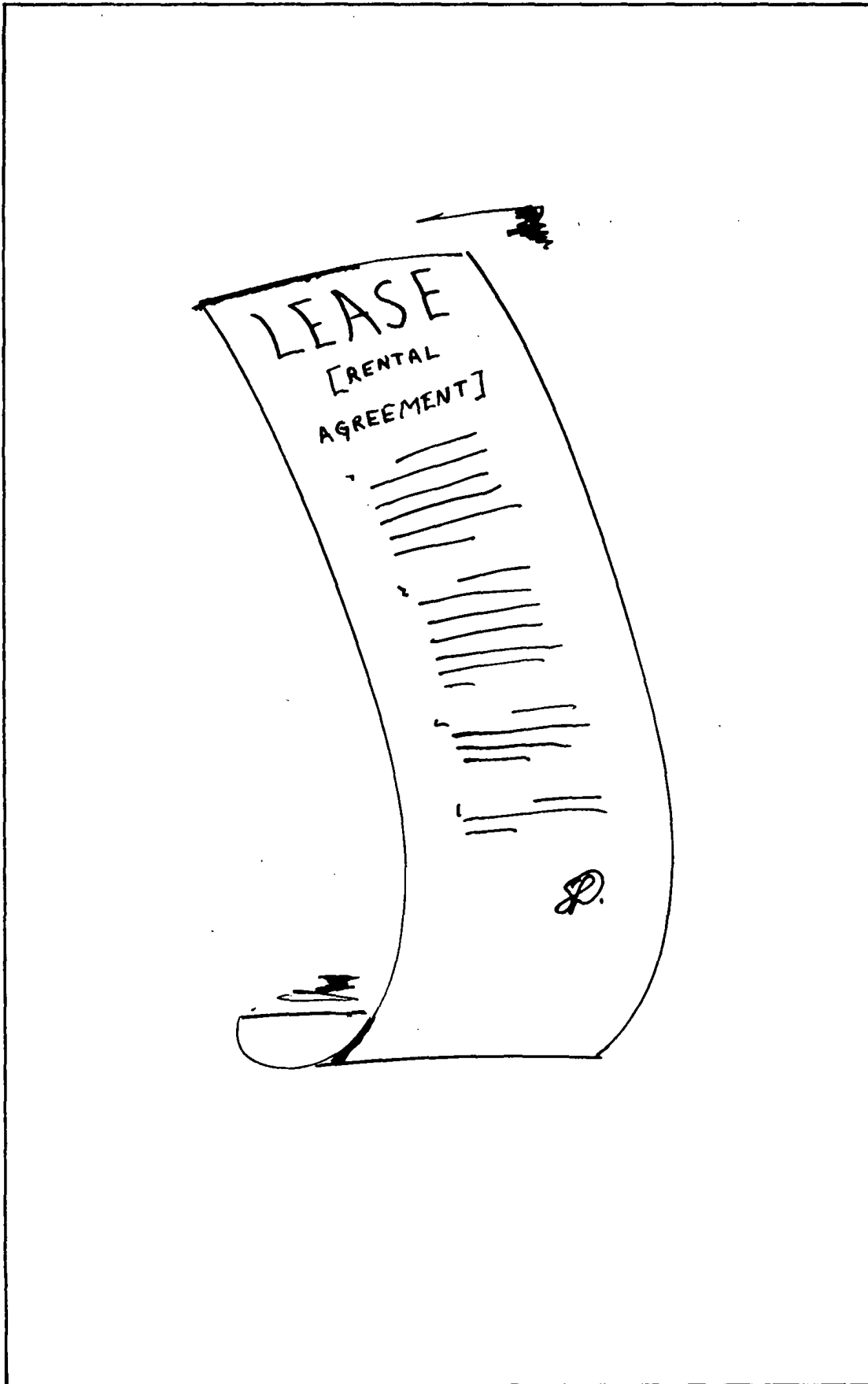
Your lease must tell you
what you may not do.

Remember:

**YOU CANNOT BE
FORCED TO MOVE
FOR FILLING OUT
COMPLAINTS OR
FOR DEMANDING
YOUR RIGHTS.**

8

9



SO . . . THE MANAGER SAYS

HE WANTS TO THROW YOU OUT!

Eviction is a
drastic measure.

The courts will **not** allow
eviction without good
reasons. .

If you do not damage
the apartment, or use
your apartment for
illegal activity,
If you are a good
neighbor, and a
good tenant,
If you pay your rent
on time,
You cannot be evicted.

Again Remember:

**YOU CANNOT BE
THROWN OUT OF
YOUR APARTMENT
FOR FILLING OUT
COMPLAINTS OR
FOR DEMANDING
YOUR RIGHTS.**

10

**IF YOU CANNOT PAY YOUR RENT,
WHAT CAN YOU DO?**

GET HELP!

Go to the
Redevelopment
Agency. They
can set up a
time plan for
back rent.

If your rent is
too high, they
can help with
public funds.

Whatever you do,
**DO NOT PUT OFF
GOING FOR HELP!**

You will **not** be
forced to pay all
back rent at once.

11

**IF YOU ARE BEING EVICTED OR
YOUR LEASE IS BEING TERMINATED . . .**

**YOU HAVE A RIGHT
TO A HEARING.**

You **must** be told the reasons why.

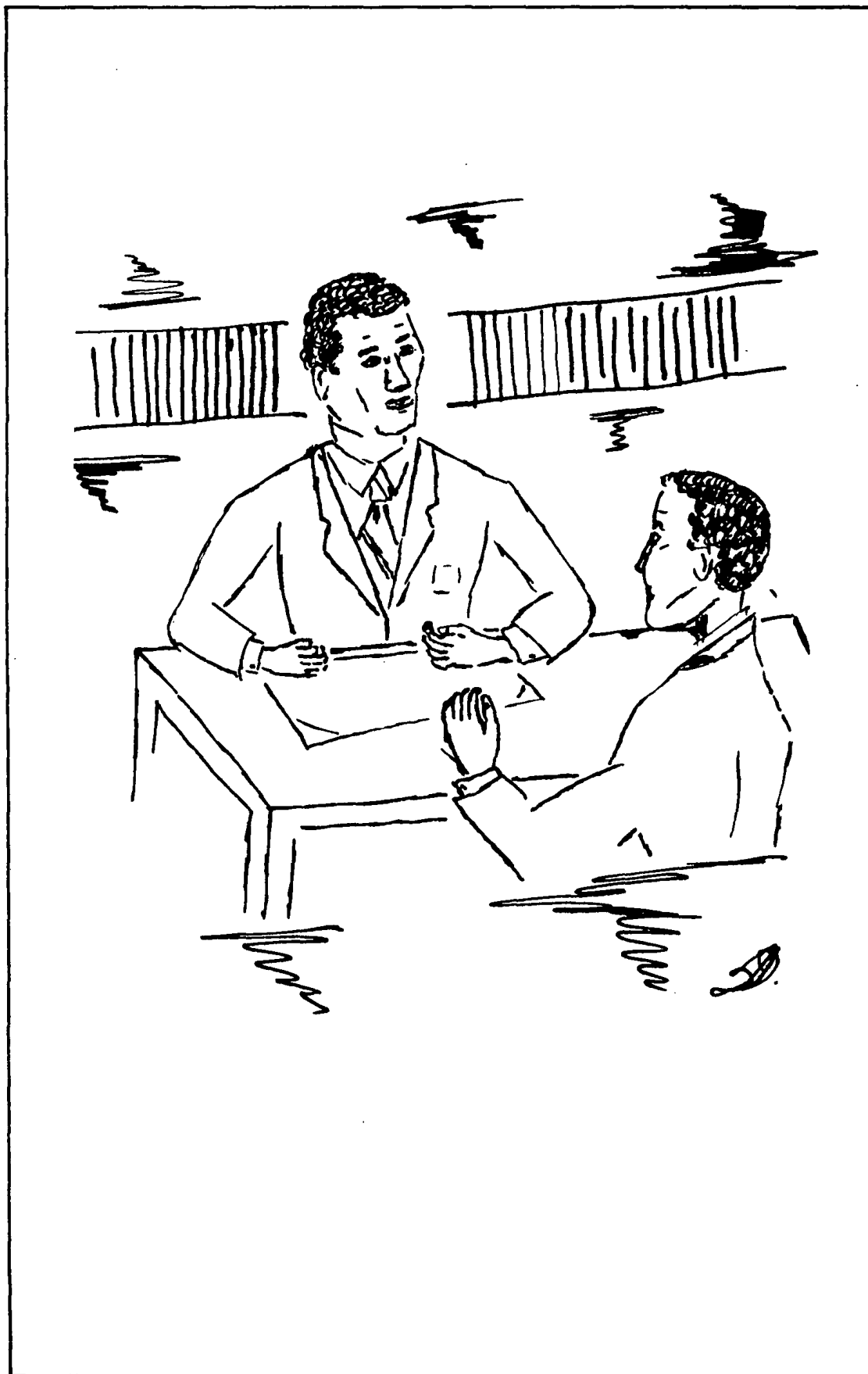
You **must** be given a chance to question anyone who has complained about you.

You need legal advice.
ASK FOR IT.
Call your Neighborhood Legal Assistance Office.

Your hearing **must** be fair. The person who holds the hearing and makes the decision must **not** be the one who is trying to evict you, nor can it be one of his friends.

You **must** be told all the reasons for the decision. If you lose, get a lawyer. You have a right to appeal.

12



WHO TO SEE

These are the important things to keep in mind.

1.

The Resident Manager is the best equipped person to serve your everyday needs.

2.

Notify the Sponsor if the Resident Manager is not doing his job.

3.

If you are being deprived of your rights or your property –
SEEK LEGAL ASSISTANCE.

Golden Gate College Law Review

WHO IS IN CHARGE HERE?

1. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, NEIGHBORHOOD DEVELOPMENT PROJECT HANDBOOK, RHA 7384.1 Ch. 5 (December 1968); HM G 4351.1 Ch. 1 §II at 10-11, Ch. 3, §IV at 141 (July 1971).
2. Id., Ch. 4, §I (December 1968); HM G 4351.1 Ch. 3, §1 at 128 (July 1971)
3. Id., RHM 7465.8 (February 1971); HM G 4351.1 Ch. 2, §V at 101-102.
4. HM G 4351.1 Ch. 4, §VII at 209 (July 1971).
5. Housing Authorities Law, CAL. HEALTH & SAFETY CODE, §34321 (West 1967); Tyree v. Housing Authority of the City of Pleasanton, 7 Cal.App. 3d 130, 86 Cal. Rptr. 461 (1st Dist. 1970).
6. Limited Dividend Housing Corporation Law, CAL. HEALTH & SAFETY CODE, §34863, §34911, §34916 (West 1967); Community Land Chest Law, CAL. HEALTH & SAFETY CODE, §35164(c), §35191, §35203 (West 1967).
7. NATIONAL HOUSING LAW PROJECT, UNIVERSITY OF CALIFORNIA, LOW RENT HOUSING HANDBOOK, pt. I, §A (1970).
8. U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT, NEIGHBORHOOD DEVELOPMENT PROJECT HANDBOOK, RHM 7465.6 (August 1970), 7465.8 (February 1971); HM G 4351.1 Ch. 5 at 249-253 (July 1971), HM G 4351.1 Ch. 2, §V at 101-102, Ch. 5, Form no. 1728, 3133, 2503A (July 1971).
9. Hosey v. Club Van Cortlandt, 299 F. Supp. 501 (S.D.N.Y. 1969).
10. Id.
11. CAL. HEALTH & SAFETY CODE, §33386 (West 1967).
12. Caulder v. Durham Housing Authority, 433 F.2d 998 (4th Cir. 1970).

