



**U.S. Department of Housing and Urban Development
Public and Indian Housing**

Special Attention of:

Directors of HUD Regional and Field
Offices of Public Housing; PIH Program
Center Coordinators; Public Housing Agencies
Administering Housing Choice Voucher Programs

Notice PIH 2009-18 (HA)

Issued: June 22, 2009

Expires: June 30, 2010

Cross References:

Subject: State and Local Law Applicability to Lease Terminations in the Housing Choice Voucher (HCV) Program

- 1. Purpose.** This notice provides clarification on the applicability of State and local laws in the Housing Choice Voucher (HCV) Program regarding termination of tenancies by the owner for other good cause at 24 CFR 982.310.
- 2. Background.** The HCV program regulations provide at 24 CFR 982.310 that during the term of the lease, the owner may not terminate the tenancy except for the following grounds: (1) serious violation (including but not limited to failure to pay rent or other amounts due under the lease) or repeated violation of the terms and conditions of the lease; (2) violation of federal, State, or local law that imposes obligations on the tenant in connection with the occupancy or use of the premises; or (3) other good cause.

The regulation at 24 CFR 982.310(d) provides that “other good cause” may include, but is not limited to, any of the following examples:

- (1) Failure by the family to accept the offer of a new lease or revision;
- (2) A family history of disturbance of neighbors or destruction of property, or of living or housekeeping habits resulting in damage to the units or premises;
- (3) The owner’s desire to use the unit for personal or family use, or for a purpose other than as a residential unit; or
- (4) A business or economic reason for termination of the tenancy (such as sale of the property, renovation of the unit, or desire to lease the unit at a higher rental.)

The regulation further provides that the owner must give the tenant a written notice that specifies the grounds for termination of the tenancy during the term of the lease. This notice may be included in, or may be combined with, any owner eviction notice to the tenant. The eviction notice is a notice to vacate, or a complaint or other initial pleading used under State or local law to commence an eviction action. The owner may only evict the tenant from the unit by instituting a court action. (See 24 CFR 982.310(a) and (e)).

- 3. Other good cause under 24 CFR 982.310(d) and State and local law.** State and local governments may enact rent control and tenant protection laws and ordinances. In such instances these rental protections operate along with the HCV program regulations. The regulation at 982.310(d)(1)(vi) provides that other good cause “may include, but is not limited to, any of the following examples...”. The use of ‘may include’

means that “other good cause” *may* or *may not* include the examples, as opposed to listed examples constituting good cause in all circumstances.

For example, while good cause “may include” a business or economic reason (e.g., there is no State or local law prohibiting termination of tenancy for such cause), in other circumstances it may *not* include a business or economic reason. If a State or local law prohibits the termination or tenancy for a business or economic reason such as a desire to lease the unit at a higher rental, then that specific grounds for termination of the tenancy does not constitute “other good cause” under 24 CFR 982.310(d) in that particular instance. Therefore, the owner may not terminate the tenancy of the participating voucher family for that reason.

In summary, nothing in 24 CFR 982.310(d)(1) pre-empts any applicable State or local laws that restrict or prohibit the termination of tenancy. This applies to all HCV vouchers.

In addition, it is further noted that Section 8(t) of the United States Housing Act of 1937 provides that a family that receives an enhanced voucher may elect to remain in the same project in which the family was residing on the date of the eligibility event for the project. A family that receives an enhanced voucher has the right to remain in the project as long as the units are used for rental housing and are otherwise eligible for HCV assistance (e.g., the rent is reasonable, unit meets HQS, etc.). The owner may not terminate the tenancy of a family that exercises its right to remain except for a serious or repeated lease violation or other good cause.

- 4. Further Information.** Any questions pertaining to the notice may be addressed to the Housing Voucher Management and Operations Division at (202) 708-0477.

/S/

Paula O. Blunt, General Deputy Assistant Secretary
for Public and Indian Housing