

1. Tell your side of the story;
2. Correct any misinformation;
3. Better understand why you were denied;
4. Dispute the facts used against you; and
5. Prove that a situation has been resolved (For instance, if you were denied for an outstanding debt, you can bring in your proof of payment after you pay the bill).

At your hearing be prepared to present your case and to provide as much written material as possible to support your position. You may want to bring a witness and/or take notes during your meeting. It is your job to show that the information on which the decision was based is untrue or that you will not have an adverse effect on other tenants, the property or the financial stability of the project if you were admitted.

At the hearing, you can explain that the reason you are being denied is not accurate, there is more to the story or things have changed (like you have been in treatment or you got a steady job). It is always best to come prepared with a statement in writing so your explanation is clear and becomes part of the record. You should be provided with the decision of your hearing within 5 working days.

For more info about the grievance process see our grievance brochure.

Examples of Supporting Materials

Below are some examples of what to bring to with you depending on the reason for denial:

Criminal History: Bring a current rap sheet, letters from probation officers or other correctional staff, certificates from treatment programs and letters of testimony from employers, community leaders, etc. (letters from friends or family will not be sufficient. Teachers, clergy, social workers tend to be viewed as more credible.)

For more on this, see our brochure on denial for criminal activity.

Evictions: Proof of recent good rent history such as letters from landlords, rent receipts and/or employment history (to show that you will be able to pay the current rent) or court records that show you were illegally evicted or that the evictions attempt was unsuccessful.

Debt: Bring statements from utility companies, etc. showing that you have made regular payments and/or that the amount showing that you owe has been paid off.

Bad credit: Bring a corrected copy of your credit report and/or paperwork from a consumer credit agency that is assisting you to repair your credit.

If you have poor credit, you can get help to improve it from Consumer Credit Counseling 1-800-777-7526. To get a free copy of your credit report you can go to: www.annualcreditreport.com

Have you Been Denied Admissions to Public Housing?



427 South Van Ness
 SAN FRANCISCO, CA 94103
 415-703-8634
WWW.HRCFSF.ORG

TENANTS RIGHTS COUNSELING:

MONDAY-THURSDAY, 1-5PM
 415-703-8644

PUBLIC HOUSING RENTER'S

RIGHTS

HOTLINE:

415-354-6353

Challenging a Denial

According to federal law (24 CFR 960.205), you have the right to challenge the Housing Authority's decision to not admit you into public housing.

When you are denied admission to public housing, the Housing Authority must notify you in writing and explain the reasons for your denial. If you are told verbally of a denial, do not assume that this is true. Always ask for the denial in writing. This way you will be less likely to be discriminated against and you will know whether the reason for denial is legal and whether you have grounds for an appeal.

The written notice should state the reason for your denial and that you have the right to request an informal hearing to challenge the decision within 10 days.

Sometimes you will be denied because you have not provided enough paperwork or the necessary information to show that you are eligible. When this is the case, you will receive a notice that will inform you of deficiencies in your application and will ask you to provide more information, such as check stubs or SSI print outs.

You should produce the requested materials as soon as possible and hand deliver them to 440 Turk Street. Keep copies and get them date stamped to prove you did submit them.

Legal Reasons for Denial

There are some reasons that the Housing Authority can deny you legally. These reasons are:

- * You earn too little or too much income

- * You are not a US citizen
- * You owe money to the SFHA
- * You have been evicted
- * You owe utility payments
- * You have poor credit
- * You use illegal drugs or abuse alcohol
- * You have a criminal history. (For more on this, see our brochure on denial for criminal activity.)

IMPORTANT: If you are on a lifetime sex offender list or you have been convicted of manufacturing "meth" in HUD housing, not only can you be denied but you do not have the right to a hearing.

Illegal Denials

Sometimes people are denied for reasons that are against the law. Usually the only way to prove this is if you are told this verbally or in writing by management. Below are some reasons that are illegal:

- * The size of your family (or because you are pregnant) [San Francisco Municipal Police Code Article 1.2]
- * Because you have a mental or physical disability.
- * Because of your race, color, religion, age, sex, marital status, parental status, political ideology, ancestry, national origin or gender.

- * Because of your source of income (If you are on welfare or SSI or have a Section 8 voucher, for instance)
- * Because of your sexual orientation

Disputing Charges

Although the above reasons are legal, sometimes the Housing Authority has wrong or incomplete information. For instance, you are denied due to an eviction on your record, but the eviction was actually for someone with a similar name; or they find a negative criminal history but you actually have a clean record.

If this is the case, you have the right to challenge the facts. You should ask for a hearing and submit any documentation that proves that the information the SFHA has used is incorrect.

Additionally, the SFHA must also take into account "mitigating circumstances". This means that you have the chance to show that you will be a good tenant, even if you have had problems in the past. You have the chance to remedy problems before you are completely denied (like pay money owed). The SFHA will not immediately close your case file. You must, however, give them the required information within a year.

Hearings

If you believe that you were unfairly denied, ask for an informal hearing in writing, within ten days of receiving your denial letter. A hearing will allow you to: