

violation of certain terms of the lease, such as the following:

- Non-payment of rent
- Failure to fulfill household responsibilities (as stated in lease)
- Criminal activity or alcohol abuse on or near the property by members of the household or their guests
- Violating a condition of probation or parole
- Fraud, such as not reporting income or providing false information during application or re-certification
- Failure to accept SFHA's offer of a change to an existing lease with proper notification (30 days)
- If any member of the household has ever been convicted of drug-related criminal activity
- A person who is not a part of your household but uses your address when arrested or stopped by the police
- Manufacture or production of methamphetamine in public housing

### **What is the Eviction Process?**

You will first receive a 3-day, 14-day or 30-day notice (described in detail above). If you received a 14- or 30- day notice you have the right to request a grievance hearing. You must request the hearing within 10 days. If you receive a 3-day notice, you do not have the right to a grievance hearing. If you do not or can not request a hearing or the SFHA still decides to evict after the hearing, they will file an eviction with the courts.

A written notice to vacate (the unlawful detainer) must be properly delivered to you. First your manager must try to find you and hand the notice to you. If your

your manager can't find you, the notice may be handed to a person over 18 at your home or work. A copy must be mailed to you as well. If your manager can not find a suitable person to leave the notice with, they can post it in a visible place at your unit and mail a copy to you.

When the Unlawful Detainer is served, you have five days (weekends count, holidays don't) to file a response. To file your response you should immediately seek legal assistance from the Eviction Defense Collaborative, 995 Market/ 6th St, 12th Floor (9:30 - 11:30 am, 1 - 3 pm). If a response is not filed on time, the SFHA may obtain a default judgment, which means the courts automatically vote in the SFHA's favor.

After you respond, the Court will set up a settlement conference, when you and a lawyer from SFHA can present your arguments and possibly come to an agreement. You do NOT have to agree to a settlement at this conference. If you do not, the case will go to a jury trial. Only after the SFHA wins at trial can the court order you to vacate.

If the SFHA wins the court decision or if you don't answer the summons, the decision must be taken to the Sheriff who will post a five-day "Eviction Notice" on your door. After five days, the locks on the doors can be changed. If your belongings are not out of the apartment when the locks are changed, they will be put into storage and you will have to pay for the cost. You will have 14 days to get them. If you don't, the SFHA can sell or destroy them.

# **Your Eviction Rights in Public Housing**



427 South Van Ness  
SAN FRANCISCO, CA 94103  
415-703-8634  
[WWW.HRCFSF.ORG](http://WWW.HRCFSF.ORG)

**TENANTS RIGHTS COUNSELING:**  
MONDAY-THURSDAY, 1-5PM  
415-703-8644

**PUBLIC HOUSING RENTER'S  
RIGHTS  
HOTLINE:**  
415-354-6353

For the Housing Authority to evict you, they must give you a notice in writing. This is a first warning to you. The eviction has not yet been filed in court. You should respond immediately, according to what is in the notice, to prevent a formal eviction that will go to court.

### **Types of Eviction Notices:**

There are three types of eviction notices you may receive.

#### **3 Day Notice**

You will receive a 3-Day Notice for the following violations:

- Threat to the health and safety of other tenants
- Any member of the household has engaged in drug-related criminal activity or violent criminal activity
- Any member of the household has been convicted of a felony

#### **14-Day Notice**

If the eviction is for non-payment of rent, your notice will say "14 day notice to pay or quit" at the top.

#### **30-Day Notice**

Any other reason will be a "30 day notice to cure or quit". This means it is a "correctable" offense that you should be able to change.

### **What to Do When you get an Eviction Notice?**

#### **3-Day Notice:**

This falls under the "one-strike" policy of the Housing Authority which means you do

not have grievance rights. You will be served with official eviction papers from the court, called an unlawful detainer (UD). When you receive those papers, you should immediately go to the Eviction Defense Collaborative, 995 Market/ 6th St, 12th Floor (9:30 - 11:30 am, 1 - 3 pm).

#### **14 Day Notice:**

Pay the rent immediately if you have the money. This will stop the process and they will not file with the courts. If you disagree with the amount the manager claims you owe, immediately request a meeting with the manager in writing, within ten days of receiving the notice.

If you do owe the amount on the notice but do not have the money, you should:

1. Contact your building manager to arrange for a payment plan.

A payment plan is an agreement between you and your manager that you will pay extra on your future rent to make up for what you owe in back rent.

Make sure the arrangement is realistic for you. If you miss a payment in the future, you could be evicted immediately. Make sure the agreement is in writing including what you owe, what you will pay monthly and when you will be finished paying.

2. Seek rental assistance. There are programs that will help you to pay your rent if you are low-income and at risk of losing your home. You can find a list of rental assistance programs on our website or in our office.

#### **30-day Notice:**

- Stop the behavior that you have been charged with.
- Demonstrate that the behavior will not happen again in the future
- Show that the charges are false (if you are being wrongly accused)
- Write a letter to management responding to the notice within ten days of receiving it. The letter should provide evidence that the behavior has improved and that you are committed to ensuring the incident will not happen again in the future.

Always hand deliver your letter to the office (get it date stamped) and mail letters (certified or return receipt is safest) and make sure to keep a copy for your records.

- If you believe that the eviction is unfair or illegal, you can file a grievance. This allows you to challenge the charges against you and to present your side of the story. It also serves to stop the clock on the eviction temporarily. You can find out more on about the grievance procedure on our website.

### **What Are The Reasons I Can Be Evicted?**

You must be given "good cause" for eviction in Public Housing. This means that there are only specific reasons why a tenant can be evicted. If you receive an eviction notice that does not meet these good cause requirements, you are facing an illegal eviction attempt.

You can only be evicted legally if you have seriously or repeatedly been in