

Public Housing

Public housing is affordable housing provided in buildings that are usually owned by the federal Department of Housing and Urban Development (HUD) or local governments and managed by local Public Housing Agencies (PHAs). Public housing comes in all sizes and types, from scattered single-family houses to high rise apartments.

Last updated on February 25, 2025.

Am I Eligible?

Public housing is limited to low-income families and individuals. A PHA determines your eligibility based on:

1. annual gross income;
 1. PHAs use [income limits](#) developed by HUD. HUD sets the **lower income** limits at 80% and **very low-income** limits at 50% of the median income for the county or area in which you choose to live. [Income limits](#) vary from area to area so you may be eligible at one PHA but not at another. The PHA in your area can give you the income limits for your area and family size, or you can also find the [income limits](#) here on the internet.
2. whether you qualify as elderly, a person with a disability, or as a family; and
3. U.S. citizenship or eligible immigration status. Eligible noncitizens include:
 1. Lawful permanent residents (people with “green cards”),
 2. “Violence Against Women Act” (VAWA) self-petitioners,
 3. Asylees, Refugees, and Parolees
 4. Persons granted withholding of removal/deportation,
 5. Certain Victims of trafficking,
 6. Individuals who entered under the Compacts of Free Association with the Marshall Islands, Micronesia, and Palau, and
 7. Immigrants admitted for lawful temporary residence prior to January 1, 1982

If you are eligible, the PHA will check your references to make sure you and your family will be good tenants. PHAs will deny admission to anyone whose behavior might negatively affect other tenants or the housing environment.

How Do I Apply?

If you are interested in applying for public housing, contact your [local PHA](#). If you have trouble contacting the PHA, contact the local [HUD Field Office](#).

The application must be written. Either you or the PHA representative will fill it out. A PHA usually needs to collect the following information to determine eligibility:

1. Names of all persons who would be living in the unit, their sex, date of birth, and relationship to the family head;
2. Your present address and telephone number;
3. Family characteristics (e.g., veteran) or circumstances (e.g., living in substandard housing) that might qualify the family for tenant selection preferences;
4. Names and addresses of your current and previous landlords for information about your family's suitability as a tenant;
5. An estimate of your family's expected income for the next twelve months and the sources of that income;
6. The names and addresses of employers, banks, and any other information the PHA would need to verify your income and deductions, and to verify the family composition; and
7. The PHA also may visit you in your home to interview you and your family members to see how you manage the upkeep of your current home.

After getting this information, the PHA representative should describe the public housing program and its requirements and answer any questions you might have.

Will I Need To Produce Any Documentation?

Yes, the PHA representative will ask for documents (like birth certificates and tax returns) to confirm the information on your application. The PHA will also get direct verification from your employer, etc. You will be asked to sign a form that allows the PHA to gather this important information.

When Will I Be Notified?

A PHA must give you written notification. If the PHA determines that you are eligible, your name will be put on a waiting list, unless the PHA is able to help you right away. Once your name is reached on the waiting list, the PHA will contact you. If it is determined that you are ineligible, the PHA must say why and, if you wish, you can request an informal hearing.

Will I Have To Sign A Lease?

If you are offered a house or apartment and accept it, you will need to sign a lease with the PHA. You also might have to give the PHA a security deposit. You and the PHA representative should go over the lease together. This will give you a better understanding of your responsibilities as a tenant and the PHA's responsibilities as a landlord.

Are There Any Selection Preferences?

Sometimes there are. Giving preference to specific groups of families allows a PHA to focus their limited housing resources to the families with the greatest housing needs. Since the demand for housing assistance is often greater than the limited resources available to HUD and the local PHAs, long waiting periods are common. In fact, a PHA may close its waiting list when there are more families on the list than can be assisted in the near future.

Each PHA can set its own preferences to reflect needs in its own community. These preferences will be included in the PHAs written policy manual. You should ask what preferences they honor so you will know whether you qualify for one.

How Is Rent Determined?

Your rent, which is referred to as the Total Tenant Payment (TTP) in this program, is based on your family's expected yearly income before taxes, minus certain deductions if they apply.

HUD allows PHAs to take out certain amounts from your yearly income. They can remove \$480 for each child you have, \$400 if you're elderly or have a disability, and some medical costs if you're elderly or disabled. The PHA representative who helps you will decide if any of these deductions apply to your income. Your annual income is all the money you expect to get in a year from you, your spouse, and each person in your family who's 18 or older.

The TTP is calculated as the highest of these four options, rounded to the nearest dollar:

1. Thirty percent of the monthly adjusted income. (Monthly Adjusted Income is annual income minus deductions allowed by the regulations);
2. Ten percent of monthly income;
3. Welfare rent, if it applies; or
4. A \$25 minimum rent or higher amount (up to \$50) set by a PHA.

When there are changes in a family's income, composition, or circumstances in between the yearly recertifications, the PHA may conduct what is called an "interim rent reexamination".

- The PHA may do this if your income is likely to increase by 10% or more (Total Tenant Payment will go up)
- You may request the PHA do this if your income is likely to decrease (Total Tenant Payment will go down)

These interim rent reexaminations may result in your monthly Total Tenant Payments fluctuating if you do not have consistent income.

What Is The Role Of The PHA?

A PHA manages and operates the public housing program in its area. They may also operate other types of housing programs.

1. On-going functions:
 1. Making sure everyone follows the lease, which must be signed by both the PHA and the tenant,
 2. Setting other charges like security deposits, fees for extra utilities, and repair costs,

3. Checking each family's income at least once every 12 months,

Note: Some PHAs check income more often when it is irregular, and others retroactively increase or decrease rent at the end of the year.

Note: One way PHAs check income is by checking a tenant's self-reported income against reports from Equifax, then investigating further if they spot any differences between the two.

4. Transferring families from one unit to another, in order to correct over/under crowding, make repairs or renovations, or because of a resident's request to be transferred;

5. Terminating leases when necessary; and

6. Maintaining the development in a decent, safe, and sanitary condition.

2. PHAs may also offer other services, like helping qualified families buy a home, providing job training and special programs for residents, and offering support programs for elderly residents.

How Long Can I Stay In Public Housing?

In general, you can stay in public housing as long as you follow the rules in the lease.

If, at reexamination, your family's income is high enough to pay for housing on the private market, the PHA may determine whether your family should stay in public housing.

Termination of Tenancy

Federal rules provide some extra protections for tenants when it comes to eviction from public housing. PHAs may terminate tenancies only for:

- Serious or repeated violations of important lease terms
- Earning more than the income limits for the program
- Other good cause, which includes:
 - Criminal activity or alcohol abuse
 - The local housing authority learning about something that makes you ineligible for a subsidy after you've moved in

- The local housing authority learning about false statements or fraud in your application or recertification
- You not doing community service required in your rental agreement
- Failure to accept the PHA's offer of a lease revision to an existing lease.

Notice of the Termination

As a tenant in public housing, you have the right to get notice of the lease termination. This notice must meet certain requirements for people who have limited English skills or visual impairments. The notice must state:

- The date the owner wants you to move out

Important: PHA deadlines are different from those under Wisconsin state law. For example, private housing is allowed to give tenants a 5-day notice to pay rent or vacate, while the the PHA is required to give a 14-day notice if the tenant is behind on rent.

- The specific reason(s) for eviction

Remember: Tenants of public housing have special protections that limit the reasons they may be evicted (see Termination of Tenancy, above)

- That you have the right to examine your file, and copy it (at your expense)
- Whether you have the right to a grievance hearing to appeal the termination
 - You must send the PHA a written note asking for an appeal by the deadline in the lease termination notice. This deadline is typically 10 days.
 - If the tenant is allowed to request a grievance hearing, the PHA may not terminate the lease until the time period to request such a hearing has expired, or, if the grievance hearing is requested in a timely manner, until the grievance process has been completed. This rule holds even if any notice to vacate under state or local law has expired.

If the lease is being terminated because of a criminal record, the PHA must provide the tenant and the person whose record it is with a copy at no cost. If the PHA also has information that may help prove a household member is innocent, this must be provided to the tenant as well.

These protections are important, because if you are evicted from public housing you may lose the chance to receive federally assisted low-income housing in the future. Even if you are able to receive assistance in the future, you will again be at the end of the waitlist.

Denial of Application for Admission to Housing

Whenever a PHA rejects an application for admission to public housing, it must promptly notify the applicant of the rejection and of the basis for the determination. Notices of denial or termination must state the specific grounds for denial or termination. This means the notice must include: who committed the violation, based on what conduct, when the incident occurred, what policies or rules the conduct violates, how the conduct fails to comply with rules or policies, and what evidence the PHA has that leads it to believe the violation occurred.

Substance Abuse or Criminal Activity

PHAs are required to exclude from public housing:

1. People who, within the past three years, have been evicted from federally assisted housing because of drug-related criminal activity.
2. People who the PHA determines are illegally using a drug.
3. People whose illegal use or pattern of illegal use of a drug, or abuse or pattern of abuse of alcohol, the PHA has “reasonable cause to believe” may interfere with other residents’ health, safety, or right to peaceful enjoyment of the premises.
4. People convicted of methamphetamine production.
5. People subject to sex-offender-registration requirements

In 2015, HUD issued a notice clarifying its position regarding admissions of people with criminal records. The notice clarified that HUD does not mandate “one-strike” policies prohibiting admission to anyone with a criminal record, emphasized that arrest records alone are not sufficient evidence to support a denial based on criminal activity and the importance of protecting the due-process rights of applicants, and offered PHAs guidance on the use of criminal records in program screening processes.

U.S. Dep't of Hous. & Urban Dev., Office of Public & Indian Hous., Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrests in Housing Decisions, HUD PIH Notice 2015-19 (Nov. 2, 2015), <https://www.hud.gov/sites/documents/PIH2015-19.PDF>

Appeal Rights

Applicants who are denied admission to public housing are entitled to an informal hearing. The hearing must be held before an impartial decision-maker. At the hearing, the applicant must be given an opportunity to contest the stated rationale for the PHA's decision. After the hearing, the Hearing Officer must issue a written decision stating the reasons for the decision and the evidence relied on. The decision must be based solely on rules of law and evidence presented at the hearing.

Special Rules Relating to Household Pets

PHAs may adopt reasonable rules to govern the keeping of pets, and may require a reasonable pet deposit in addition to a security deposit. The pet deposit may be paid in installments. These rules cannot be applied to limit the rights of applicants or residents with disability to have assistance animals.

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