

MOVE-OUT PROCESS

Voucher Families can move with continued assistance if they have lived in the unit at least 12 months and have given a minimum 30 calendar day notice to the CHA and the Owner. Note: you must be in program and lease compliance before doing so.

A *Notice to Vacate* (refer to Exhibit 7.1) is required before an RTA is accepted at any Satellite Office. Once such notice is received from either the Owner or Voucher Family, an *Acknowledgement to Vacate Notice* will be mailed to both the Owner and Voucher Family outlining the intended move-out date (refer to Exhibit 7.2). Please conduct your housing search before submitting a Notice to Vacate. As you prepare to move out, the clock will begin once notice is given. Make sure you are reasonably sure that the unit you select will pass inspection.

REMEMBER! You have 30 days to complete the following steps in the process:

- Family must pass a criminal background check
- Attend a briefing each time when moving from one unit to another
- Pass unit inspection
- Negotiate rent
- Sign the contract and lease
- Complete move-out inspection with the Property Owner at the previous residence
- Move into the new unit

Time is of the essence. If you need a move-out extension, the Owner must agree before the CHA will grant it.

Exceptions to early move-outs (during the first 12 months of the lease) include the following:

- To protect the health or safety of a family (domestic violence, sexual violence, witness protection)
- Building/unit foreclosure
- Emergencies (fire, flood, etc.)
- Reasonable accommodation for persons with disabilities
- Relocates



Exhibit 7.1: Notice to Vacate Form

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CHICAGO HOUSING AUTHORITY
HOUSING CHOICE VOUCHER PROGRAM

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NOTICE TO VACATE

I, *(name of Head of Household)* _____
hereby give notice to vacate the residence located at the address below:

I will return all keys to the Owner/Management and all of my personal belongings
and furniture will be out of the unit on: _____

(Move Out Date)

My reason for vacating my house/apartment is:

Family	Owner/Management (O/M signature only)
Name:	Name:
Voucher #	
Signature:	Signature:
Phone Number:	Phone Number:

"A participant Family who wants to move must vacate the unit in compliance with the lease, provide landlord at least a 30 days notice and CHA with a copy of that written notice. CHA conducts a criminal background check for all household members who are 18 years of age and older prior to approving the issuance of moving papers. The Family must be in good standing with no lease violations before a Voucher is issued to lease a new unit."

Exhibit 7.2: Acknowledgement to Vacate Notice Form

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ACKNOWLEDGEMENT TO VACATE NOTICE

If you need this letter in a different language or **LARGER FONT** or if you need a reasonable accommodation (persons with disabilities), please call 312.935.2600 or TTY 312.461.0079. Advance notice of seven business days is required in order to arrange for interpreter services.

Date _____

Owner Name and Number _____

Address _____

Participant Name and Number _____

Address _____

Please be advised that the Chicago Housing Authority (CHA) has received the attached "Notice to Vacate" for the above referenced Family. No further Housing Assistance Payment (HAP) will be made by CHA beyond the move out date of *(date inserted here)*. As a result of this notice, the HAP Contract and Lease for the unit will also terminate on this date. Please notify CHA in writing as soon as the unit is vacated, if different from the move out date.

It is the responsibility of the Family to return all keys to the Owner; leave the unit in the same or better condition as when they moved into the unit and pay any rent amount due per the lease and program rules and regulations.

Owners are encouraged to assess any damages to the unit in determining the disposition of the Security Deposit. Please conduct a move-out inspection with the Voucher Family.

If you have any questions, please call us at 312.935.2600.

SECURITY DEPOSITS

Can a Security Deposit Be Used as the Last Month's Rent?

No, unless your landlord gives you permission to apply your security deposit to your last month's rent. Otherwise, you cannot "live out" your security deposit. If you don't pay your last month's rent, your landlord may sue you. If you do get your landlord's permission to use your security deposit as rent, be sure to get it in writing to serve as proof of the agreement.

What If the Landlord Sells the Building?

The return of your deposit becomes the obligation of the new landlord at the time of sale, whether or not the old landlord transferred existing deposits to the new landlord. If the landlord sells the building, you must be told in writing the name, address, and telephone of the new landlord who will be responsible for your deposit and the building.

What Kinds of Repairs Can a Landlord Charge For?

It is important when you move into your new apartment that you conduct a move-in inspection with the Owner, make a list identifying the condition of items in the apartment, or take pictures to document the condition of the apartment. If needed, you can use the pictures or the list to prove that you did not cause damages that were already there when you moved into the unit.

Your landlord cannot charge you for normal wear and tear in your apartment. The landlord can charge for any damage caused by you, your family, or your guests. Your landlord can charge you for breaking something, like a window, but not for normal redecorating.

What if Some of the Security Deposit is Used?

If your landlord takes money from your security deposit for repairs, the landlord must send you a written list of the damage you caused within 30 days from the time you move. If you don't hear from the landlord within 30 days after you move, your landlord cannot deduct money from your security deposit for damages.

Your landlord can deduct unpaid rent from your deposit without notification. To protect yourself, you should give your landlord your new address as soon as possible so that the landlord knows where to send your deposit.

If your landlord sends you estimated costs of repairs with the list of damages within 30 days of this notice, the landlord must send you the paid receipt for the repairs. Regardless of why money is deducted from your security deposit, the rest of your deposit must be returned to you within 45 days after you move out.

PROTECTION FOR VICTIMS OF DOMESTIC VIOLENCE

Victims of domestic and sexual violence often find their housing rights are jeopardized or terminated because of the actions of the abuser. For example, when a husband physically assaults his wife, it often creates noise and commotion, frequently disturbing neighbors. In the past, Property Owners have used such acts of violence to either deny the victim housing or evict the victim from the home. Two laws which protect the housing rights of victims of such violence are the Violence Against Women Act and the Safe Homes Act.

Violence Against Women Act (VAWA)

VAWA is a federal law that protects victims of domestic violence, dating violence, and stalking who live in public housing, project-based Section 8 housing, or private housing with a Voucher. The law covers *both* the head of household and immediate family members living in the household. In a nutshell, the law states that Property Owners cannot:

- Deny housing to individuals solely because they are victims of domestic violence
- Evict or terminate individuals solely because they are victims of domestic violence

Property Owners can, however, evict or terminate the housing rights of the perpetrator.

If you are a victim of domestic abuse or violence and wish to seek protection under the law, you must provide documentation to your landlord. Acceptable types of documentation include:

- Police reports or court records
- HUD Form 50066 to certify that you are a victim of such abuse or violence. (The HUD form requires you to provide the name of the perpetrator. This form may be found in Tab I of the Appendix.)
- Documentation signed and attested to by an employee or volunteer of a victim services organization, medical professional, or attorney from whom you sought assistance

Refer to Table 7.1 for contact information for organizations who offer assistance for domestic violence.

Safe Homes Act

The second law which protects the housing rights of victims of violence is the Safe Homes Act. This law gives you and/or anyone in your household (including children) who are victims of domestic violence, dating violence, stalking, or sexual violence the following rights:

- The right to end your lease early if you or a member of your household is under a credible, imminent threat of domestic or sexual violence at the time of vacating your unit. To seek protection under this law, you must notify the Property Owner in writing at least three days before or after fleeing (vacating) the unit. Voucher Holders who follow the proper procedure will not be held responsible for any rent due after leaving the unit. In order to keep your HCVP assistance, you must also notify CHA in such instances within three days of vacating your unit.
- The right to change the locks to keep the abuser out of the home in an emergency. You can only do this if you have a written lease and the abuser is not on the lease. You must also provide the landlord with written notice requesting the lock change. This written request must be signed by all tenants on the lease and provide supporting evidence as outlined above.

Table 7.1: Organizations Assisting With Domestic Violence Issues

<i>Organization</i>	<i>Phone Number</i>
Domestic Violence Help Line	1-877-863-6338
Rape Crisis Hotline	1-888-293-2080
Legal Assistance Foundation of Metro Chicago	(312) 341-1070
Coordinated Advice Referral Program for Legal Services	(312) 738-9200

BUILDING OR UNIT FORECLOSURE (New Law as of May 20, 2009)

Legislation signed into law on May 20, 2009 provides protection from sudden eviction to Voucher Families whose building or unit is in foreclosure. This law requires renters be provided a minimum 90 day notice to vacate due to foreclosure.

If the new “successor in interest” of the property (most likely the lender) does not wish to live in the unit after foreclosure, the Voucher Family may continue to occupy the unit until the end of their lease term. However, if this new “successor in interest” will occupy the unit as a primary residence, the lease can be terminated after the family is provided 90 days notice.

Specific restrictions and requirements apply based on the type of loan and ultimate sale of the property after foreclosure. Contact your Housing Specialist if you receive a notice to vacate due to foreclosure from the Property Owner or lender.

GROUNDINGS FOR TERMINATION

Please note: HUD requires the CHA to terminate assistance for certain violations or if the participant no longer requires or is eligible for assistance. Refer to Exhibit 7.3 below listing for possible reasons for termination.

Should any of these items exist or occur, the family will receive an *Intent to Terminate Notice* which outlines the specific violations and also gives the family the right to an informal hearing. A sample of this notice is featured in Exhibit 7.4.

Exhibit 7.3: Possible Reasons for Termination from the HCVP

- The Voucher Family has failed to comply with any Family Obligations under the program. See Exhibit 1.2 for a listing of Family Obligations and related CHA policies.
- Any household member has been convicted of child molestation and/or arson.
- Any household member is subject to the State of Illinois 10-Year Sex Offender Statute and/or any other state registration requirement where the family member is known to have resided.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family has breached the terms of a repayment agreement entered into with the CHA or another PHA.
- A family member has engaged in or threatened violent or abusive behavior toward CHA personnel or its agents.
- Failure to recertify and/or submit required documentation including Social Security Numbers for household members.
- Failure to supply proof of citizenship.
- Criminal activity including but not limited to drug and alcohol abuse.
- Is convicted or has a previous conviction of manufacturing or production of methamphetamine.
- If CHA pays zero HAP for 6 consecutive months because your income went up, you will automatically be terminated.

Exhibit 7.4: Intent to Terminate Notice Based on Violation of Family Obligations

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INTENT TO TERMINATE NOTICE (VIOLATION OF FAMILY OBLIGATIONS)

If you need this letter in a different language or **LARGER FONT** or if you need a reasonable accommodation (persons with disabilities), please call 312.935.2600 or TTY 312.461.0079. Advance notice of seven calendar days is required in order to arrange for interpreter services.

Date: _____

Participant Name and Voucher Number: _____

Address _____

City, State, Zip Code _____

We are proposing termination of your participation in the Chicago Housing Choice Voucher Program for violation of the following Family Obligation(s):

[State specific family obligation(s) and the specific reasons they have violated them here.]

You have a right to request an Informal Hearing regarding this proposed decision. You must request an Informal Hearing in writing within 10 calendar days from the date of this letter. If you fail to request a hearing within 10 calendar days, the decision will become final and you will be terminated from the HCV Program. As a convenience, you may sign and make a copy of this notice to serve as an Informal Hearing request. You may mail, fax, or drop off your written request at any CHA HCV Program Offices listed below.

You have a right to examine all documentation related to this proposed termination. You also have the right to representation by legal counsel and/or other representatives.

If you have any questions, contact us at (312) 935-2600.

I request an Informal Hearing for the following reasons:

Signature _____ Contact Phone #: _____

Criminal Activity

If you or your guests engage in criminal activity, not only is the law being violated, you may be violating your lease and may be at risk for being terminated from the program.

Your landlord may evict you and/or you may be terminated from the program if any member of your household, a guest or another person under your control commits a criminal activity. Refer to Exhibit 7.5.

The Owner may terminate the lease and your tenancy or CHA may terminate you from the program if it is determined that the criminal activity has occurred, regardless of whether an arrest or conviction for such activity has occurred.

The Voucher Family will receive an *Intent to Terminate Notice* (Exhibit 7.4) outlining the violations and giving the family the right to an Informal Hearing. The Voucher Family must request a hearing within 10 days after receipt of the notice.

Exhibit 7.5: Criminal Activity Which is Grounds for Termination

- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of the premises by other residents (including property management staff residing on the premises)
- Any criminal activity that threatens the health or safety of, or the right to peaceful enjoyment of their residences by persons residing in the immediate vicinity of the premises
- Any violent criminal activity on or near the premises
- Any drug-related criminal activity
- Fleeing to avoid prosecution, custody, or confinement after conviction for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual flees
- Violating a condition of probation or parole imposed under federal or state law
- Engaging in alcohol abuse that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents

INFORMAL HEARINGS

Some decisions made by CHA allow participants to have the right to appeal. That appeal is called an Informal Hearing. Participants have 10 days from the written notice of the decision to appeal. The Hearing is conducted by a Hearing Officer, a person other than the one making the adverse decision. The Hearing Office has 30 calendar days to notify participant of the Hearing decision.

Informal Hearings may be requested for the following:

- A decision to deny or terminate your assistance
- Changes in your Total Tenant Payment or tenant rent, family rent to Owner or Payment Standard, or Utility Allowance Schedule used
- Unit or subsidy size
- Decisions to delay, terminate, or deny assistance because of ineligible immigration status

Informal Hearings may not be requested for the following:

- A determination that a unit does not comply with Housing Quality Standards even though the lease submitted by your landlord is acceptable.
- Extensions for your housing search.
- How CHA creates the Utility Allowance Schedule.
- General policies or class grievances.
- A decision to use or not use any right or remedy against the landlord under the landlord's contract with CHA.

Participants have the right to appeal certain decisions made by CHA. This appeal is referred to as an *Informal Hearing*. The steps in the informal hearing process are outlined in Exhibit 7.6.

An *Informal Hearing Request Form* is attached to every *Intent to Terminate Notice*. The Voucher Family, at its own expense, may be represented by a lawyer or other representative and/or bring witnesses and evidence to support their case at the Informal Hearing.

If a request for an Informal Hearing is made based on calculation of rent or unit size, the participant will receive an explanation of how the rent was calculated and unit size was determined. If the participant disagrees with the explanation, an Informal Hearing may be approved.

Refer to Exhibit 7.7 for the *Ineligibility and Right to Informal Review Notice*.

Exhibit 7.6: Steps in the Informal Hearing Process

- An *Informal Hearing Request* will be attached to every *Intent to Terminate* notice.
- The Hearing request must be submitted to CHA within 10 days of the *Intent to Terminate Notice*.
- The Participant may be represented by a lawyer or other representatives, and may also bring witnesses and evidence to support their case.
- A Hearing Officer will hear from both CHA and the Participant. CHA will explain the reason for the termination and the Participant will explain why they disagree with the termination.
- The Hearing Officer will make a determination within 30 days.
- If the Hearing Officer upholds the termination, CHA will proceed and give the Owner a 30 day calendar notice of the termination. CHA will no longer make payments on behalf of the Participant.
- If the Hearing Officer overturns the termination, the Participant will be reinstated to the HCV Program.

Exhibit 7.7: Ineligibility and Right to Informal Review Notice

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INELIGIBILITY AND RIGHT TO INFORMAL REVIEW NOTICE

If you need this letter in a different language or **LARGER FONT** or if you need a reasonable accommodation (persons with disabilities), please call 312.935.2600 or TTY: 312.461.0079. Advance notice of five business days is required in order to arrange for interpreter services.

Date:

Client name and Number
Address

This is to notify you that your application to participate in the Chicago Housing Choice Voucher Program has been denied for following reason(s).

- Criminal background check revealed a record of drug related or violent criminal activity.
- The household income that you reported exceeds HUD's current income limits for a family of your size.
- You failed to submit required information and/or documentation that was requested in our notification dated.
- You did not attend two scheduled eligibility or briefing appointments on _____ and _____.
- Other: specify _____

You have the right to request an informal review of this decision. Your written request for an informal review must be received by this office no later than 10 days from the date of this notice. As a convenience, you may sign and make a copy of this notice to serve as an Informal Review request. You may mail or drop off your written request at any CHA HCV Program Offices listed below. Please indicate your name, Client #, current address and a brief statement of the reason(s) for requesting the Informal Review.

If you have questions, please call 312.935.2600.

I request an Informal Review for the following reasons:

Signature _____ Contact Phone #: _____