

Constituent Questions on Housing

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I can't afford my rent. Are there any government programs that can help me?

All cities and towns in Massachusetts have housing authorities that run certain types of rental assistance programs, such as public housing or Section 8. You should apply to as many housing authorities as you can, because their waiting lists are very long. There are also several non-profit housing agencies throughout the state that administer some Section 8 vouchers. For a list of affordable housing programs, housing authorities and regional non-profit housing agencies in Massachusetts, go to www.mass.gov/hed/economic/eohed/dhcd/how-to-obtain-housing-assistance.html.

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My landlord couldn't pay the mortgage and the bank foreclosed on the house. Do I have to move out?

Under a law that became effective in August 2010, foreclosing owners are prohibited from evicting bona fide tenants unless there is just cause or a binding purchase and sale agreement. All tenants in foreclosed buildings must get at least 90 days notice from the bank (or whoever bought the building at the foreclosure sale) saying that the owner wants to evict them. After that notice expires: **Tenants without leases** can then be brought to court for an eviction hearing. **Tenants with leases** can stay in their home for the rest of the lease term unless they are evicted for good cause OR unless the new owner is going to move into the home. **Remember:** Tenants do not have to move out after a foreclosure unless and until they are taken to court and either they agree to move out or are ordered to move out by the judge.

The house that I owned was **foreclosed** on when I couldn't pay the mortgage. Do I have to move out?

You do not have to move out right away. If you lost the house you owned through foreclosure, the bank can give you a notice telling you to move out (usually the notice says that they want you out in just a few days). You do not have to move out when you get that notice. After the notice expires, the bank has to bring you to court for an eviction hearing. You do not have to move out after a foreclosure unless and until you are taken to court and either agree to move out or are ordered out by the judge. Legal services lawyers have succeeded in challenging many eviction cases when lenders have not followed the law. If you have questions about your foreclosure, you should contact your local legal services program to find out if you are eligible for assistance.

I went to court for an eviction case and now I have to move. **I have nowhere to go.** What should I do?

Even if you have been evicted in a court proceeding, or you settled your eviction case by agreeing to move out, you may still be able to get more time to move. In certain circumstances, the court will grant a **stay**, which delays the eviction and allows you more time to find a place to live. If the court does not grant you a stay and you must move, there are a number of shelters for homeless individuals and families. Some of these are privately run and some are managed by the Department of Housing and Community Development through its **Emergency Assistance (EA)** program. You can apply for the EA program at your local welfare office. Call legal aid for advice and information.

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My landlord won't **make repairs** in my home, and my kids are getting sick because there's not enough heat. What can we do?

You should call the local Board of Health and ask for an inspection. The inspector will write to your landlord telling her what needs to be fixed. If it is a real emergency you should go to Housing Court and tell the clerks at the counter that you need an emergency hearing with the judge or, if there is no Housing Court in your area, go to District Court. You may also have the right to use some of your rent money to hire someone to make repairs, and you may be able to withhold some of your rent. The laws about using your rent for repairs and about rent withholding are complicated. Call legal aid for advice and information on your rights and obligations as a tenant when your landlord does not make repairs.

A lot of landlords **won't rent to me** because I have **Section 8**. What can I do?

It is illegal in Massachusetts for a landlord to refuse to rent to you just because you are on Section 8. Call legal aid for advice and information.

A lot of landlords **won't rent to me** because I have a **baby** and they say they can't afford to de-lead their apartments. What can I do?

It is illegal in Massachusetts for a landlord to refuse to rent to you just because you have a child under 6 and there is lead in the apartment. Many cities and towns have programs to help landlords with the cost of deleading. Call legal aid for advice and information.

My landlord wants to **evict me**. She says I have to get out in two weeks. I can't find a place that fast. What should I do?

Your landlord has to bring you to court if she wants to evict you. She also has to give you certain papers before she gets to bring you to court. This usually takes several weeks, and you probably do not have to move in two weeks even though that's what your landlord said. Call legal aid for advice and information on how to try to prevent your eviction or on how to ask for more time before you have to move out.

My landlord wants me to pay **more rent**. I can't afford what he is asking. What should I do?

Your landlord has to give you written notice if he wants to raise your rent, and even then you may not have to pay the new rent. Sometimes landlords and tenants can negotiate a rent increase that they can both live with. Call legal aid for advice and information on how your landlord can try to raise your rent, and what you can do about it.

My landlord won't give me my **security deposit** back, and I need it to move with. What can I do?

The security deposit law is very complicated. Your landlord has 30 days after you move out to either give your deposit back to you or to tell you, in writing, what she spent it on. Call legal aid for advice and information on when your landlord can keep your security deposit and when she must return it to you.

I was turned down for **public housing** because I have a very old criminal record from when I used to use drugs. I've been clean for years, but they still rejected my application. What can I do?

You have the right to ask the housing authority for a hearing about your criminal record. You should show them proof that you are clean and sober, maybe with letters from your current landlord or a minister, therapist, counselor or probation officer. Call legal aid for advice and information on this type of public housing denial hearing.

*This information is general in nature and not intended as legal advice. The income eligibility limit for legal aid is 125% of the federal poverty line (or \$554 per week for a family of four in 2012), although there are exceptions (e.g. elders). Federal poverty guidelines are revised each year. **Because their funding is limited, legal aid programs cannot serve all eligible callers.***

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