



U.S. Department of Housing and Urban Development

Kansas City Regional Office, Region VII
Gateway Tower II
400 State Avenue
Kansas City, Kansas 66101-2406

January 3, 1991

Terry Daley Schwartz, Attorney
Meramec Area Legal Aid Corp.
PO Box 135
Highway 635 and Lanning Lane
Rolla, MO 65401

Dear Ms. Schwartz:

SUBJECT: Termination of Leases and Eviction - Continuation of
Section 8 Existing Housing Rent and Utility Subsidies

This letter is intended to address certain issues which you raised in your October 24, 1990, memorandum to Area Housing Authorities entitled "Termination of Leases".

As you know, termination of tenancy under the Section 8 Existing Certificate and Voucher Program is governed by 24 CFR 882.215(c). Counsel is of the opinion that these regulations do not authorize a public housing authority to discontinue a tenant's rental and utility subsidies under the Section 8 Existing Housing Program until a court of competent jurisdiction has authorized the tenant's eviction and the tenant's appeal rights are exhausted.

Moreover, we agree with your memorandum when you state that "[Section 8] existing housing landlords may not, under federal law, refuse to renew tenants' leases without good cause and proper notice under the regulations."

If you have any questions, please contact Ken McDonald of this office at (816) 236-2177.

Sincerely,

A handwritten signature in cursive script, appearing to read "William G. Nichols".

William G. Nichols
Associate Regional Counsel