Subsidized and public housing generally refers to rental housing in which the tenant or tenant family pay a reduced rent under a federal housing program. Federal housing programs may be divided into three main types:

1. Tenant-based subsidized housing,
2. Site-based subsidized housing, or
3. Public housing.

The tenant-based program is called the Section Eight Housing Choice Voucher Program or, more commonly, Rent Assistance. Under this program, funding from the U.S. Department of Housing and Urban Development (HUD) is distributed to Public Housing Agencies (PHA’s) who distribute vouchers and administer the program on the local level. A participant in the Voucher Program is issued a “voucher” which permits the participant to seek a private landlord who is willing to rent to her under the Voucher Program. A landlord who is willing to rent to a voucher holder must follow the program guidelines (the Housing Assistance Payments contract). The participant pays approximately 30% of his income for rent. The local Voucher Program, using HUD funding, pays the rest of the rent to the landlord up to a ceiling. The obligations between the owner, tenant and public housing agency form a triangle. (See diagram attached). After one year, the participant may move to another location, (even out of state), taking her voucher with her.
In contrast, under a site-based subsidized housing program a tenant enjoys the benefits (rent reduction) only while living in the rental premises which are subsidized. If the tenant moves from the subsidized rental unit he loses the benefits (unless, of course, he moves to another subsidized building or is admitted to the Voucher or Public Housing program). In either of these categories, tenant-based or site-based, the landlord is usually private rather than a government entity. The portion of the rent paid by the tenant, in site-based housing, is usually 30% of the tenant’s income (as in the Voucher program).

The third type of federal housing is known as Public Housing. Typically, the building or development is owned by a municipality and administered by a Public Housing Authority. The Public Housing program is comparable to the site-based subsidized housing program in that the benefit stays with the unit rather than with the tenant. Again, rent is usually 30% of the tenant’s income.

Note: the waiting list for admission to site-based subsidized housing or to the other two programs can be quite long. A five-year waiting list is not uncommon. Once admitted, a participant can, potentially, enjoy the benefits for a lifetime.

State and federal law applies to the termination of any tenancy under the above housing programs. There are often requirements relating to the service and content of termination notices that go beyond the requirements of the state landlord-tenant statute, (Wis. Stat. Ch. 704). The first task of an advocate dealing with a termination issue is to determine what kind of housing program is involved. Usually a client will know whether she is in public housing or a Voucher (Rent Assistance) program. If the subsidy is site-based, however, the advocate will need to find out the name of the development and then consult WHEDA (Wisconsin Housing
and Economic Development Authority) or the local HUD office in order to determine the particular site-based program. Once the program is determined the advocate can research the applicable statute, regulation or HUD Handbook. An excellent guide to HUD housing programs, including applicable legal authority, is *HUD Housing Programs: Tenants’ Rights* (3d ed.), (2004), along with the Supplement (2010), published by the National Housing Law Project ([www.nhlp.org](http://www.nhlp.org)). Regulations for most HUD subsidized programs, (including Public Housing), are located throughout Volumes 5 and 24 of the Code of Federal Regulations. For example, the regulations governing the Public Housing Program are located at 24 CFR Part 960, and those governing the Section Eight Housing Choice Voucher Program are found in 24 CFR Part 982. Statutory authority for both programs may be found at 42 U.S.C. 1437, *as amended*, (the United States Housing Act of 1937). The HUD Handbook applicable to site-based housing is 4350.3. Guidebooks are available for the Voucher and Public Housing programs, as well, from HUD.

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