

# ***Being a Tenant in Affordable Housing: What Can You Expect and What Can Be Expected of You?***

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After searching through apartment guides or web, you have located an apartment community that appears to meet your needs. The answers to the following common questions should help you navigate the rental application process and your time as the renter of an affordable apartment home.

## **I. Application**

### **1. *Is it necessary to fill out the forms completely and accurately?***

YES. The landlord is required to make sure the forms are complete and accurate by both State and/or Federal authorities that oversee affordable housing. Inaccurate or incomplete forms may get the landlord in trouble with government authorities. In addition, applicants who intentionally provide inaccurate information do so under penalty of perjury and threat of prosecution for fraud by the Department of Justice, as well as grounds for eviction if the property is subject to rules of either the Department of Housing and Urban Development (HUD) or the IRS Low Income Housing Tax Credit Program (LIHTC or Tax Credit).

### **2. *Does this mean I must disclose all of my income and assets?***

YES. Most affordable housing programs are only for persons who meet income eligibility guidelines. The landlord agreed to these income limits in exchange for receiving assistance from State and/or Federal government. An intentional failure to disclose information about your income or assets could be viewed as fraudulent and could subject you to criminal prosecution in addition to eviction.

### **3. *Must I declare my student status?***

YES. The rules regarding whether one can be a tenant and be a student are complex, confusing and often misunderstood and applied. However, the tenant should not be part of the problem and should fully disclose their student status, be it part-time or full-time attendance at a “bricks and mortar” campus or online.

## **II. Requirements Once You Are a Tenant**

### **1. *Must I allow my landlord to inspect my unit?***

YES. As long as the landlord provides you reasonable notice (at least 24 hours) and has a reasonable purpose and does so at a reasonable time, the landlord may enter your unit.

**2. *Is there a limit on what a landlord can ask for a security deposit?***

YES, if you live in a HUD property. If you live in a HUD property, the security deposit can be no more than an amount equal to one month's rent or \$50, whichever is greater. In Ohio, there is no limit on deposits in Ohio landlord-tenant law. The market controls the limits. However, if a landlord charges more than one month's rent, the landlord must pay 5% interest per year on the amount greater than one month's rent if the tenant stays there at least six months, which is why most landlords cap the security deposit amount at one month's rent

**3. *Can a landlord require a deposit for cleaning when renting a community room/space?***

YES. But the landlord cannot charge for using the facility if the property was built using the Tax Credit program. In fact, an owner usually cannot charge for the use of any of the amenities or facilities, like a fitness center or computer room, at a tax credit property.

**4. *Can a landlord require a deposit for key fobs?***

YES. Owners of projects not assisted by federal housing programs can charge a fee for items such as key fobs. Projects with assistance through, for example, the Low Income Housing Tax Credit Program, may also require a nominal deposit (repaid to the resident when the fob is returned) for a key fob that provides access to a fitness center on site.

**5. *Can a landlord require me to pay damages or withhold my security deposit to pay for damages that are ordinary wear and tear?***

NO. This is considered a normal business expense and must be borne by your landlord. Your landlord can require you to pay for damages in excess of normal wear and tear. There is no definition in either law or regulation of normal wear and tear.

**III. Special Issues Related to Section 8**

**1. *Can my landlord require me to make additional payments ("side payments") in addition to the rent I pay if I have a Section 8 Housing Choice Voucher?***

NO. Side payments are illegal. Making side payments can result in both the landlord and you being kicked out of the Section 8 voucher program. This is considered fraud and can result in Federal prosecution. If your landlord asks for a side payment, you should immediately report this to your Section 8 caseworker.

**2. *May I or my landlord backdate or falsify documents to ensure that I qualify for Section 8?***

NO. It is fraud for any party that backdates or falsifies documents. Both the landlord and the resident risk being kicked out of the program and/or face Federal prosecution if they participate in fraud.

**3. *Can my landlord evict for “no cause?”***

NO, if you live in a HUD or LIHTC property. There are regulations from both HUD and the IRS that forbid eviction for “no cause”. Your landlord must have a reason (“just cause”) and demonstrate that you failed to fulfill some obligation as a tenant as defined by the lease or Ohio law. Your landlord cannot simply say “the lease has ended, so I want you to move.” Most landlords in Ohio can ask a tenant to leave and evict them if they fail to leave after getting proper notice at the end of the lease or month-to-month agreement. If you have a Housing Choice Voucher, your landlord can ask you to leave for no reason at the end of the lease. **BUT** you get to take your voucher with you to find another place to live that will be affordable.

**4. *If I live in a HUD or LIHTC property, do Fair Housing laws apply to landlords and tenants?***

YES. Fair Housing laws apply to almost ALL landlords and tenants. A landlord may not discriminate against a tenant either when they are applying for or living in the property. Under Federal law, it is illegal to discriminate on the basis of familial status, race, sex, disability, color, religion, or national origin. In Ohio, it is also illegal to discriminate on the basis of ancestry or military status.

**IV. The Landlord-Tenant relationship**

**1. *What expectations should a tenant have of the owner/manager?***

The owner/manager should:

- a. Follow all program (LIHTC and HUD) rules and regulations;
- b. Comply with all federal, state, and local laws, including Fair Housing laws;
- c. Provide decent and safe housing as required by HUD rules, state law and local housing and health codes;
- d. Promptly respond to requests for repairs.
- e. Require all residents to follow the terms of the lease.

## V. Obtaining Assistance

### 1. *If I need help as a tenant, where can I go for assistance?*

- a. Legal Aid—if you are financially eligible, your local Legal Aid program may be able to help you. To get help in being directed to your local legal aid, call 1-866-LAW-OHIO (1-866-529-6446) or go to the Ohio Legal Services website at <http://www.ohiolegalservices.org/programs>.
- b. HUD—if you live in a property subsidized by HUD, you can call your closest HUD field office:
  - i. Cincinnati (513) 684-3451
  - ii. Cleveland (216) 357-7900
  - iii. Columbus (614) 469-5737
- c. Ohio Housing Finance Agency (OHFA)—if you live in a Low Income Housing Tax Credit property, go to <http://www.ohiohome.org> or telephone (614) 466-7970.
- d. United States Department of Agriculture—if you live in a property subsidized by Rural Development, go to <http://www.rurdev.usda.gov/oh/do-list.htm> or telephone (614) 255-2400.

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