

# Housing Issues

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Medical Legal Partnership of Southern Illinois

Land of Lincoln Legal Aid



# Types of Housing





# Types of Rental Housing

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- Private Landlord/Tenant Housing
- Public Housing
- Housing Choice Voucher (“Section 8”)
- Mobile Home Park
- Contract for Deed



# Public Housing & Housing Choice Vouchers



# Public Housing vs Housing Choice Voucher

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- **Public Housing**

- Housing units owned & managed by a local housing agency
- Evictions by housing authority
- Rent is income-based or at an affordable flat rate

- **Housing Choice Voucher (“Section 8”)**

- Housing owned & managed by a private landlord
- Evictions by private landlord
- Rent is paid partly by the tenant and partly by the local housing authority’s subsidy

**If patient applied for but was denied housing or voucher, refer them to us!**

# Leases

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# Written vs. Oral Leases

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- **Written lease**- when the terms of tenancy are in a written document signed by tenant and landlord
- **Oral lease**- if someone pays rent to a landlord, then they have a tenancy— even if there is not a written lease
  - Most oral leases renew monthly (also called month-to-month leases).
  - The landlord must still follow the eviction process through the courts to evict!

A hand holding a set of keys, including a large black key and a smaller silver key, against a blurred background of a room with a chair and a plant. The image is framed by a dark grey border with white inner lines and black tabs on the left and right sides.

# Tips for Renters

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# Tenants should get everything in writing.

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- Pay rent with check, money order, or get a receipt if paying cash
  - If no receipts available, get written or electronic acknowledgement of rent
- Get all promises or agreements in writing.
- Save copies of everything
  - Lease, rent & security deposit receipts, notices, pictures/videos of unit at move-in, pictures of needed repairs, and any communications between tenant and landlord.

# Security Deposits

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# Security Deposits

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- Landlords can deduct money for the cost of damages or rent owed.
- **Landlords do not have to apply the security deposit to tenants' rent if they fall behind & can still evict the tenant.**
- If tenant doesn't receive security deposit back within 30 days of move out, they should send a written letter by certified mail requesting deposit back.

# Landlord Responsibilities

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# What landlords must do (and **NOT** do)?

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- Keep the home in livable condition
- **NOT** enter the home without advance notice
- Give notice before ending a lease
- Follow terms set forth in the lease



# Rental Repairs

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# Repairs

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## Landlords must make sure:

- The home is livable.
- Conditions are not a threat to health or safety.
- The home complies with the housing code.
- The home complies with the terms of the lease.
- **NO** leaking roof, floor falling in, broken heat, wires, pests, lots of mold, etc.

# What to do when repairs are needed?

## Initially, tenant should:

- Take pictures of the issue and tell the landlord by phone.
- Follow up in writing and keep a copy of the letter.

## After making several requests with no repairs made,

- Report the issue to local building & zoning departments.
- If it may violate the housing code, call the housing inspector.

**If patient requested repairs that haven't been made, refer them to us!**

**Tenant should  
beware of  
withholding  
rent... could be  
evicted if done  
improperly!**



The image features four white, three-dimensional house models with red roofs, arranged in a line on a dark wooden surface. The models increase in size from left to right. The word "Evictions" is written in a white serif font across the middle of the houses, with a thin white horizontal line underneath it. The entire scene is framed by a white border, and the background is a textured, light brown surface.

# Evictions

# Consequences of Eviction

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- An eviction may affect a tenant's future ability to rent because potential landlords can typically see the eviction record.\*
  - \*Most evictions occurring during COVID are being sealed (ends March 31, 2022).
- If evicted from public housing, tenant will be removed from public housing program.
- If evicted while on a Housing Choice Voucher ("Section 8"), tenant will lose their voucher.



# Eviction Process

Landlords must follow the proper legal steps in order to evict a tenant:

1. Give a written termination notice & wait until the notice period ends.
2. File an eviction lawsuit. The tenant should receive court summons.

**If a patient receives a termination notice or eviction court summons, refer them to us!**

*If the tenant doesn't attend the eviction hearing, the judge will likely grant the eviction order & they may be given less than 1 week to move.*

# Eviction Notices

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- **Private Landlord:**
  - 5-Day Notice—for failure to pay rent
  - 10-Day Notice—for a lease violation
  - 30-Day Notice—for monthly & oral leases with no reason needed
- **Public Housing:** *generally, must also offer a grievance process to tenant*
  - 3-Day Notice—for criminal or drug activity
  - 14-Day Notice—for failure to pay rent or putting health/safety of others at risk
  - 30-Day Notice—for another lease violation



# Constructive Eviction

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- When a landlord changes the locks, shuts off the utilities, removes tenants' belongings, or tries to force them to move out without a court order.
- Also known as an **illegal eviction** or **lockout**
- If they want to evict, landlords must get an eviction order from the court.
- Only law enforcement can enforce the eviction order.

**If a constructive eviction occurs, refer the patient to us!**

A photograph of a smiling female nurse with curly hair, wearing blue scrubs and a stethoscope. She is holding a clipboard and looking towards the left. The background is a blurred hospital setting with other staff members. The image is framed by a dark border with two black horizontal bars on the left and right sides.

# What to Refer

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# What to Refer: Review

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- Uninhabitable conditions (that the landlord is refusing to fix)
  - Leaking roof, floor falling in, broken heat, wires, lots of mold, many pests, etc.
- Constructive (illegal) evictions = patient is locked out, utilities shut off, belongings removed, or otherwise forced out of home without a court order.
- Patient received a notice to terminate tenancy or an eviction court summons.
- Patient applied for public housing or housing choice voucher and was denied.
- Patient's housing choice voucher or public housing eligibility is being terminated.

## What to Refer: Other Issues

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- Landlord denied a domestic violence survivor's request to break a lease for a home shared with the abuser.
- Patient is at risk of defaulting on their mortgage.
- Patient is facing foreclosure.
- Patient has a contract for deed and is at risk of losing their home.
- Patient wants return of security deposit, sent a demand letter to the landlord about it, and received an unsatisfactory or no response within 10 days.



# Issues that are Not a Referral

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- There is no application pending for public housing/housing choice voucher.
  - Example: patient wants us to fill out an application for public housing and has not yet been denied any services.
- Patient is a landlord and wants to evict their tenant.
- Patient is already represented by an attorney.



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PARTNERSHIP**  
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# Questions?

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