



# MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203  
www.legalaction.org | tel 414-278-7722 | toll-free 888-278-0633 fax 414-278-7126

2015 FEB -6 PM 4:29

JOSEPH J. CZARNEZKI  
MILWAUKEE CO. CLERK

February 6, 2015

Shanin Brown  
Administrative Determination Review Committee  
Committee on Economic and Community Development  
Milwaukee County  
901 North 9th Street  
Milwaukee, WI 53233

Re: Lynette Moore Appeal of Termination from the  
Milwaukee County Housing Choice Voucher Program

Dear Ms. Brown,

Lynette Moore asks the Committee to reverse the decision of the Milwaukee County Housing Authority to terminate her from the federal Section Eight Housing Choice Voucher Program ("program"), under Milwaukee County Ordinance § 110.09(3), as it is "unreasonable, representing its will and not its judgment." The unreasonableness stems from a combination of an unnecessarily short notice period that the Milwaukee County Housing Authority ("MCHA" and "the agency") allows landlords to give to terminate their participation in the rent assistance program, the difficulty of a single, working mother with children to find a new unit on such short notice within the school district of her children, and the agency's shifting reasons for terminating Moore's rent assistance.

The narrow legal issues are whether MCHA had sufficient evidence to terminate Moore from the program and whether a program participant who holds over after the landlord decided not to renew her lease has committed a "serious lease violation." As discussed below, MCHA had only inconclusive and incomplete information, which was insufficient to determine whether and how Moore violated her lease, and holding over is not a "serious lease violation" because, when the landlord terminates a lease at the end of the lease term, there no longer exists a valid lease to be violated.

Serving Milwaukee and Waukesha Counties

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties  
**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties  
**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties  
**Migrant Project** Statewide  
**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties  
**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127  
tel 608-785-2809 | toll-free 800-873-0927  
tel 608-256-3304 | toll-free 800-362-3904  
tel 608-256-3304 | toll-free 800-362-3904  
tel 920-233-6521 | toll-free 800-236-1128  
tel 262-635-8836 | toll-free 800-242-5840



## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

The broader policy question is whether it is reasonable for MCHA to terminate a valuable benefit that secures safe, decent, affordable housing when certain MCHA policies and practices guarantee the program will not operate as intended by the federal Department of Housing and Urban Development, which created and funds the program.

It is necessary to review some background about the program, MCHA, and Lynette Moore to understand the relationship between the agency's policies and procedures and its October 29, 2014, decision to terminate Moore.

### THE SECTION EIGHT HOUSING CHOICE VOUCHER PROGRAM

The federal Section Eight Housing Choice Voucher Program ("the program"), also known as "rent assistance," or simply "section eight," was created under the Housing Act of 1937 to remedy "the unsafe housing conditions and the acute shortage of decent and safe dwellings for low-income families." In the program, the U.S. Department of Housing and Urban Development ("HUD") gives money to smaller, local agencies called public housing agencies ("PHAs"). Those PHAs then provide financial assistance to low-income tenants for rent. A program participant pays a reduced amount of rent – generally not more than 40% of her income – and the PHA pays the rest.

The main device of the program is a piece of paper called a voucher. When the participant is first accepted into the program, the PHA issues a voucher. With that voucher, the participant contacts private landlords. Significantly, vouchers *must* be valid for *at least 60 days*. 24 C.F.R. § 982.303(a). In other words, the participant must be given at least 60 days to find housing. The PHA *may* make vouchers valid for longer than 60 days. If the participant cannot find housing in the voucher term, the PHA can extend the voucher for any amount of time and grant other extensions after the first one expires. However, the *minimum* "life span" of a voucher is, by federal law, 60 days.

Serving Milwaukee and Waukesha Counties

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

If the voucher-holder finds a landlord willing and able to rent to her, all three parties sign agreements. The participant signs an agreement with the PHA to abide by certain rules. The landlord and the tenant sign a lease for at least one year. The landlord and the PHA sign an agreement that commits the PHA to pay a portion of the rent.

The PHA can terminate a participant from the program, thereby cutting off her rent assistance, if the participant violates the program rules. Before a PHA terminates a participant however the PHA must provide the family written notice stating the reason for the termination and give the family a chance to request a hearing about the termination. After the hearing, the PHA then must issue a written decision detailing the reasons for either upholding or reversing the termination decision.

Under federal law, a participant may lose her rent assistance for an eviction, depending on the reason for eviction. The regulations state that the participant must be terminated if she is “evicted from housing assisted under the program for [a] serious violation of the lease.” Therefore, the eviction must be from “housing assisted under the program” and it must be “for [a] serious violation of the lease.”

## MCHA’S 30-DAY LANDLORD NONRENEWAL NOTICE POLICY

Lynette Moore’s problems began with a Milwaukee County Housing Authority (“MCHA” and “the agency”) policy that conflicts with the federal law requiring a voucher term minimum of 60 days. MCHA does not require landlords to give at least 60 days notice if the landlord wants to end participation in the program. The agency only requires 30 days’ notice that the landlord will not renew the lease. Also MCHA gives tenants only 60 days – the minimum amount of time by federal regulation – to find housing once a voucher is issued.

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840



## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

To contrast, the Housing Authority of the City of Milwaukee requires landlords to give tenants 60 days' notice if they will not renew a lease and gives tenants 120 days to find housing with a new moving voucher.

The effect of MCHA's policy choice is that participants in its rent assistance program will not receive the federal minimum 60 days to locate new housing when the landlord decides to quit the program. That is what happened to Lynette Moore.

Moore is a single mother supporting two minor daughters. She works part-time but cannot afford to pay rent on her own. She has participated in the program through MCHA since at least 2007. From 2007 to May 2014, Moore and her children lived in a single-family home in Brown Deer, Wisconsin, owned by her landlord, Lungisa Msikinya. After renting to Moore for seven years, Msikinya sent a letter in late March or early April stating he would not renew his rent assistance lease. Moore therefore had to move on or before April 30.

Msikinya told Moore he was sick of dealing with MCHA. He lived in Indiana, did not come to Milwaukee often, and no longer wanted to work with the Milwaukee County agency. As such, after seven years in the same home in Brown Deer, Moore now had at most just 30 days to find a new house for her family *and* move. The agency received and processed this letter of non-renewal. Also at the end of March or in early April, Msikinya issued Moore a five-day notice for non-payment of rent. He never sent *this* notice to MCHA.

Through all of April and almost all of May, Moore tried desperately to – and believed she could – work something out with Msikinya to stay in her home, at least until her daughters could finish their school year. She went so far as to obtain the paperwork for a marriage license, hoping that if she married her boyfriend, a veteran, they could receive financial assistance for rent through the Department of Veteran's Affairs. Initially, Msikinya agreed to let Moore's family stay if she received that financial assistance. However, when the VA asked Msikinya to sign another lease with Moore so that he could receive the funds, he backed out.

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





#### MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

The lease expired on April 30. On May 12, Msikinya filed an eviction action. On May 22, Moore went to the first court date for the eviction. Mysikinya was not present, though his lawyer was. Moore and the lawyer discussed a settlement and even drafted a stipulation, which would have let Moore stay in her home until early June. However, the commissioner pushed Moore and the lawyer to go talk to the judge.

On May 28, Moore and the lawyer appeared before the judge for a hearing. Notably, the hearing lasted less than two minutes. There is nothing in the record that indicates what happened at the hearing – what testimony was taken or what evidence was presented – except that the judge issued a writ of eviction to the landlord. Also the judge dismissed the landlord’s rent and damages claims. Although Moore knew she would have had to move at that point, she did not understand she had been formally evicted or why.

#### MCHA TERMINATION OF MOORE FROM THE PROGRAM AND THE SHIFTING REASONS FOR TERMINATION

On April 18, Moore’s case worker, Andy Collura, issued a voucher and moving packet for Moore. There is a dispute as to whether Moore understood that a voucher had in fact been issued or that the voucher – because of MCHA’s policy – was only good for 60 days. In any event, the voucher gave Moore until June 17 to find new housing. Moore had not found new housing by June 17, but on that day, went to the agency office and met with MCHA employees Dena Hunt and Jackie Martinez. Hunt and Martinez did not give Moore her voucher or talk to her about a voucher extension. Instead, they stated they were terminating Moore from the program because she was evicted. Two days later, Moore faxed to MCHA a written request for a termination hearing. The agency did not respond.

On June 20, the agency issued the first Participant Termination Letter. The letter, dated May 30, states that Moore’s “participation in the program is terminated effective June 18, 2014”

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

because “[t]he Participant has been evicted from their unit.” The Letter also stated, correctly, that Moore had an opportunity to request an informal hearing: “If you wish to dispute the program determination, you have the right to request an informal hearing. You must request an informal hearing in writing within 10 business days from the date of this letter.” Moore timely requested a hearing, again, to review the termination of her rent assistance eligibility. MCHA did not respond to this second request.

Instead, on June 24, 2014, MCHA changed its reason for terminating Moore. On June 24, Martinez (one of the MCHA employees with whom Moore spoke on June 17) issued the second Participant Termination Letter. The second Letter, dated June 18, states that Moore’s “participation in the program is terminated effective June 18, 2014,” because “[t]he Participant failed to locate suitable rental housing within the time allowed on the Voucher.” Martinez said that the second Letter replaced the first Letter, and the first one was no longer valid. This Letter did not give Moore the chance for a pre-termination hearing.

MCHA’s reason for issuing this second letter is as obvious as it is unfortunate. The agency believed that if it changed its reason for termination, it could avoid outside review of its decision. In short, by changing the grounds for its decision to terminate Moore, the agency believed it did not have to listen to Moore’s arguments for not terminating her.

Finally, on August 18, the agency issued the third Participant Termination Letter, which terminated Moore from the program, effective June 30, 2014, because she was evicted. This Letter gave Moore the opportunity to request a hearing, which she did, for the third time.

MCHA finally held Moore’s termination hearing on October 2, and on October 29 – after about four and a half months of Moore and her daughters being homeless and without a voucher – the hearing officers issued a “Notice of Final Decision.” The Decision upholds MCHA’s determination to terminate Moore, stating that Moore was evicted for non-payment of rent “and/or” failing to vacate the premises. Moore now appeals from that Decision.

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

### ARGUMENT

Milwaukee County Ordinance 110 gives an administrative review committee the authority and discretion to reverse a bad agency decision. It is an important vehicle by which unfair or unreasonable decisions of county agencies can be reviewed for fundamental fairness and reasonableness. One of the stated grounds in section 110.09(3) for reversing an agency decision is that “the action of the department [was] arbitrary, oppressive or unreasonable, representing its will and not its judgment.” It is respectfully submitted that following reasons make this agency’s decision to terminate Moore participation unreasonable and a representation of the department’s will rather than its judgment:

- The family’s seven-year long, stable, and incident-free history in their home;
- The landlord choice to stop participating in the agency’s program;
- The short notice period from the landlord;
- The timing of the lease termination just before the end of the school year;
- The agency’s change of the grounds for termination in order to evade review of its decision; and
- The agency’s failure to prove Moore committed a specific, serious lease violation.

### MCHA’s 30-Day Nonrenewal Notice Period for Landlords Is an Unnecessary and Unreasonable Policy

MCHA has an unrealistic and unreasonable policy that allows landlords to give tenants just 30 days’ notice (potentially less) that they will terminate the lease. That policy is the reason Lynette Moore was evicted. If Lungisa Msikinya had been required to, and did, give at least 60 days’ notice Moore would have had time to find a new home and move.

One measure of the unreasonableness of the 30-day notice period for landlords to cease termination is the 60-day voucher life span required by the federal U.S. Department of Housing

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840



## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

and Urban Development (“HUD”). As is evident from HUD regulations that set a minimum time of 60 days for a moving voucher, federal policy-makers have concluded a family needs at least 60 days to find new housing. Similarly, policy-makers for the Housing Authority of the City of Milwaukee have determined that landlords should give 60 days’ notice if they are going to terminate the lease.

It is unrealistic and unreasonable to expect someone like Lynette Moore – a working woman and single mother of two minor daughters – to be able to find a home for her family within the same school district in suburban Milwaukee *and* move, within 30 days. No person should be under that kind of pressure.

Now, MCHA presents Moore’s case in the narrowest light possible, without any context or explanation, to avoid exercising a reasonable amount of discretion. The agency assumes no responsibility to establish reasonable policies and administer a fair program. As a result, Moore and her two daughters lose the assistance on which they rely.

### The Department’s Decision Punishes Tenants for the Consequence of MCHA’s 30-Day Nonrenewal Notice Policy

It is somewhat understandable for the agency to take a more aggressive stance against tenants who breach existing leases with landlords who currently participate in the rent assistance program. The program is a three-way relationship in which the agency has an on-going duty to the landlord. If a tenant fails to pay rent or otherwise commits a serious lease violation with an existing program landlord, the agency’s relationship with that landlord suffers.

That relationship ends when the landlord decides to get out of the program. Thus, for this case it matters whether Moore was evicted for not paying rent or for holding over after the lease expired. Not paying rent is a lease violation. Holding over is holding over. The landlord can evict a

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

holdover tenant, but that eviction is *not* based on the violation of a valid lease. It is based on the expiration of a lease, which is no longer valid.

Records from Moore's eviction are sparse and inconclusive as to the reason for which she was evicted. Notes from the return date show that Moore told the Commissioner she offered rent, but Msikinya would not accept it. A signed stipulation shows that Msikinya's lawyer came very close to dismissing the case. The CCAP print-out shows the hearing before the judge lasted less than two minutes. Moore was not represented by counsel. Msikinya was not present. A judgment was entered for the landlord and the landlord's claims for rent and damages were dismissed.

No records indicate what happened at the eviction hearing – what conclusions the judge drew and why he ruled for the landlord. He may have found Moore was a holdover tenant. He may have found she missed a rent payment. He may have found that both or neither allegations were true. Since the record is unclear, or at best incomplete, the officers did not have substantial evidence to terminate Moore.

In his position statement, Assistant Corporation Counsel Kuglitsch claims Msikinya's eviction complaint is proof that Moore was evicted for a serious lease violation. It is not. An allegation does not amount to a judicial finding of fact. A complaint proves nothing but one party's basis for filing an action. A judgment does not necessarily affirm any allegations or defenses in the complaint or answer. By entering a judgment, the judge is not endorsing, adopting, or making any findings of fact regarding the landlord's complaint. The judge is merely holding that the landlord has a legal basis to regain possession of the unit. Therefore MCHA cannot rely on a landlord's complaint as if it represents a complete and true history of events.

In this case, the officers could not, and did not, come to a firm conclusion about why Moore was evicted. Instead, they stated that Moore was evicted "for nonpayment of rent and/or failure to vacate the premises." This decision does not notify Moore of what precisely the officers

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

concluded or how they came to that conclusion. The officer's reluctance to firmly conclude why Moore was evicted highlights the insufficiency of the record.

### Holding Over Is Not a Serious Lease Violation

HUD allows PHAs to terminate participants who are evicted from housing only if the eviction is *for a serious lease violation*. HUD is not concerned about the tenant who gets evicted because she cannot evacuate her family of three in one month, so HUD leaves room for those evictions for non-serious lease violations to slide. The regulations show an understanding that sometimes tenants may be evicted unfairly or because of a default judgment, and that a judgment does not necessarily indicate the participant is fraudulent, dangerous, and/or a habitual offender, unworthy of rent assistance. Importantly, HUD puts the burden on the PHA to prove: (1) there was a specific lease violation; (2) the lease violation was serious; and (3) that violation was the reason for the eviction.

If Moore were evicted for holding over, she was not evicted for a serious lease violation. Holding over did not substantially harm Msikinya, who had no imminent plans to re-rent, move into, or sell the property. Moreover, Moore explained the several mitigating factors that made it difficult for her to move her family of three from their home of seven years with only one-month's notice.

### CONCLUSION

When the Milwaukee County Housing Authority terminated Lynette Moore from the rent assistance program because she was evicted, they deprived her and her daughters of the very means by which they live, without taking responsibility for how their unreasonable policy lead to Moore's eviction. Their strict and narrow view of Moore's case shows that the agency does not know how to thoroughly investigate an individual's circumstances in order to administer a program, intended to protect the indigent, in a way that serves due process and appropriately employs discretion.

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840





## MILWAUKEE OFFICE

230 West Wells Street, Room 800, Milwaukee, Wisconsin 53203

[www.legalaction.org](http://www.legalaction.org) | tel 414-278-7722 | toll-free 888-278-0633 | fax 414-278-7126

Sincerely,

Christine Donahoe  
Attorney for Lynette Moore

CC: Paul Kuglitsch, Assistant Corporation Counsel  
*by email*

*Serving Milwaukee and Waukesha Counties*

**Green Bay Office** Brown, Calumet, Door, Kewaunee, Manitowoc and Outagamie Counties

**La Crosse Office** Buffalo, Crawford, Grant, Jackson, Juneau, La Crosse, Monroe, Richland, Trempealeau and Vernon Counties

**Madison Office** Columbia, Dane, Dodge, Green, Iowa, Jefferson, Lafayette, Rock and Sauk Counties

**Migrant Project** Statewide

**Oshkosh Office** Adams, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, Waushara and Winnebago Counties

**Racine Office** Kenosha, Racine and Walworth Counties

tel 920-432-4645 | toll-free 800-236-1127

tel 608-785-2809 | toll-free 800-873-0927

tel 608-256-3304 | toll-free 800-362-3904

tel 608-256-3304 | toll-free 800-362-3904

tel 920-233-6521 | toll-free 800-236-1128

tel 262-635-8836 | toll-free 800-242-5840