

Part H

Termination of Assistance, HAP Contract, or Tenancy

This chapter discusses the responsibilities of AHFC, families, and Operator (NeighborWorks Alaska) in terminations of tenancy, terminations of assistance, and terminations of the Housing Assistance Payment (HAP) Contract.

1. Reasonable Accommodation

A person with a disability may request a reasonable accommodation if she/he believes that her/his disability is the cause for a termination action. Termination notices contain instructions, and reasonable accommodation requests are directed to the local NWA office for processing.

2. Termination Reasons

2.A AHFC

For conditions under which AHFC would terminate a Housing Assistance Payments (HAP) Contract or family participation, see the Termination Reasons – AHFC exhibit.

2.B Operator

For conditions under which AHFC would terminate an Operator or an Operator would terminate a lease agreement, see the Termination Reasons – Operator exhibit.

2.C Family

For conditions under which AHFC would terminate a family, Operator would terminate a family, or a family would terminate a lease agreement, see the Termination Reasons – Family exhibit.

3. Reduction of Contract Units

HUD Regulation 24 CFR 882.512

Reduction of number of units covered by contract.

(a) Limitation on leasing to ineligible Families. Owners must lease all assisted units under Contract to Eligible Families. Leasing of vacant, assisted units to ineligible tenants is a violation of the Contract and grounds for all available legal remedies, including suspension or debarment from HUD programs and reduction of the number of units under the Contract, as set forth in paragraph (b) of this section. Once the PHA has determined that a violation exists, the PHA

must notify HUD of its determination and the suggested remedies. At the direction of HUD, the PHA must take the appropriate action.

(b) Reduction for failure to lease to Eligible Families. If, at any time beginning six months after the effective date of the Contract, the Owner fails for a period of six continuous months to have at least 90 percent of the assisted units leased or available for leasing by Eligible Families (because families initially eligible have become ineligible), the PHA may, on at least 30 days' notice, reduce the number of units covered by the Contract. The PHA may reduce the number of units to the number of units actually leased or available for leasing by Eligible Families plus 10 percent (rounded up). If the Owner has only one unit under Contract and if one year has elapsed since the date of the last housing assistance payment, the Contract may be terminated with the consent of the Owner.

(c) Restoration. The PHA will agree to an amendment of the Contract, to provide for subsequent restoration of any reduction made pursuant to paragraph (b) if:

- (1) The PHA determines that the restoration is justified by demand,
- (2) The Owner otherwise has a record of compliance with obligations under the Contract, and
- (3) Contract authority is available.

AHFC Policy

Prior to reducing the number of units under a HAP Contract, AHFC will provide a written notice to the Operator. The notice will list the reasons for removing units from the contract as well as corrective actions and a deadline.

Numbered Memo

21-06 Adelaide Administrative Plan Updates