

## **Exhibit H-3**

### **Termination Reasons – Family**

This exhibit discusses reasons AHFC may terminate a family's participation or reasons a family may terminate a lease.

- See the Termination Reasons – AHFC exhibit for termination actions that are not due to owner or family failure to act.
- See the Termination Reasons – Operator exhibit for termination actions that are due to owner failure to act or not act.

#### **1. Notice of Termination**

##### **Alaska Statute 34.03.290**

Periodic Tenancy and Holdover.

(a) While rent is current, the landlord or the tenant may terminate a week to week tenancy by a written notice given to the other at least 14 days before the termination date specified in the notice.

(b) The landlord or the tenant may terminate a month to month tenancy by a written notice given to the other at least 30 days before the rental due date specified in the notice.

##### **AHFC Policy**

An owner or family must give notice in accordance with the terms stated in the lease or in accordance with the law above.

#### **2. Family Noncompliance**

As the Operator of the Adelaide Building, NeighborWorks Alaska will develop its own policy regarding reasons for family terminations in addition to the ones listed below.

##### **AHFC Policy**

AHFC will terminate assistance for the following action or inaction on the part of the participating family, household members, or other persons under the family's control. The action or failure to act includes but is not limited to: engaging in or threatening abusive or violent behavior toward AHFC personnel.

## 2.A Absence from the Unit

### HUD Handbook 4350.3, Chapter 6

Section 6-9(B)(2) Extended absence or abandonment.

As part of a property's house rules, owners may establish rules specifying when tenants give up their right to occupancy because of their extended absence or abandonment of the unit. Under these rules, owners may initiate action to terminate tenancy in response to an extended absence or abandonment of the unit by the tenant or individual listed on the lease for that unit.

a. Owner discretion. The decision to establish rules regarding extended absence or abandonment of a unit as part of a property's house rules rests solely with the owner.

b. Requirements and guidelines. If owners elect to establish such rules, they must be consistent with the requirements and guidelines listed below:

(1) Rules regarding extended absence and abandonment must be consistent with state and local law.

(2) Guidelines for rules regarding extended absence from a unit. Owners may establish a house rule defining extended absence as the tenant being absent from the unit for longer than 60 continuous days, or for longer than 180 continuous days for medical reasons. Owners may allow exceptions for extenuating circumstances.

(3) Guidelines for abandonment of a unit. If abandonment of a rental unit is not addressed by state or local law, owners may establish a rule for declaring a unit abandoned. Rules regarding abandonment must be consistent with state and local law regarding nonpayment of rent, specify the actions that the owner will take to contact the tenant, and describe the handling and disposition of any tenant possessions left in the unit.

### Alaska Statute (AS 34.03.150)

Unless otherwise agreed, the tenant shall occupy the dwelling unit only as a dwelling unit. The rental agreement shall require that the tenant notify the landlord of an anticipated extended absence from the premises in excess of seven days; however, the notice shall be given as soon as reasonably possible after the tenant knows the absence will exceed seven days.

### Alaska Statute (34.03.230)

(a) When the rental agreement requires the tenant to give notice to the landlord of an anticipated extended absence in excess of seven days as required in AS 34.03.150 and the tenant willfully fails to do so, the landlord may recover an amount not to exceed one and one-half times the actual damages.

(b) During an absence of the tenant in excess of seven days, the landlord may enter the dwelling unit at times reasonably necessary as provided in

AS 34.03.140. The landlord may reenter the dwelling unit and, if there is evidence that the tenant has abandoned the dwelling unit, unless the landlord and tenant have made a specific agreement to the contrary, the landlord may terminate the rental agreement.

**AHFC Policy**

A tenant is expected to reside continuously in the dwelling unit and may only be absent for brief periods.

**2.B Alcohol Abuse**

**HUD Regulation 24 CFR 882.518(c)(4)**

Terminating assistance for alcohol abusers.

The PHA must establish standards that allow termination of assistance for a family if the PHA determines that a household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

**2.C Drug-Related or Criminal Activity**

**HUD Regulation 24 CFR 882.518(c)(1)**

Terminating assistance for drug criminals.

(i) The PHA may terminate assistance for drug-related criminal activity engaged in on or near the premises by any tenant, household member, or guest, and any such activity engaged in on the premises by any other person under the tenant's control. In addition, the PHA may terminate assistance if the PHA determines that a household member is illegally using a drug or when the PHA determines that a pattern of illegal use of a drug interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(ii) The PHA must immediately terminate assistance for a family under the program if the PHA determines that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

**HUD Regulation 24 CFR 882.518(c)(2)**

Terminating assistance for other criminals.

(i) The PHA must establish standards that allow the PHA to terminate assistance for a family if the PHA determines that any household member is engaged in criminal activity that threatens the health, safety, or right of peaceful enjoyment of the premises by other residents or by persons residing in the immediate vicinity of the premises.

(ii) The PHA may terminate assistance for a family if the PHA determines that a member of the household is:

(A) Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony under the laws of the place from which the individual flees, or that, in the case of the State of New Jersey, is a high misdemeanor; or

(B) Violating a condition of probation or parole imposed under Federal or State law.

#### **HUD Regulation 24 CFR 882.518(c)(3)**

Evidence of criminal activity.

(i) The PHA may terminate assistance for criminal activity in accordance with this section if the PHA determines, based on a preponderance of the evidence, that a covered person has engaged in the criminal activity, regardless of whether the covered person has been arrested or convicted for such activity.

(ii) See part 5, subpart J, of this title for provisions concerning access to criminal records.

## **2.D Duplicative Subsidy**

### **AHFC Policy**

AHFC will terminate assistance to families who:

1. Knowingly receiving any other form of federal rental assistance for the same unit.
2. Knowingly receiving federal rental assistance for two or more units at the same time (“duplicative subsidy”).

## **2.E Eviction Action**

### **HUD Regulation 24 CFR 882.511(e)**

All evictions must be carried out through judicial process under State and local law. “Eviction” means the dispossession of the Family from the dwelling unit pursuant to State or local court action.

## **2.F Examination Requirement**

### **HUD Regulation 24 CFR 880.607(b)(3)**

Material noncompliance.

(ii) Failure of the family to timely submit all required information on family income and composition, including failure to submit required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5), failure to disclose and verify Social Security Numbers (as provided by 24 CFR part 5), failure to sign and submit consent forms (as provided by 24 CFR part 5), or

knowingly providing incomplete or inaccurate information, shall constitute a substantial violation of the lease.

**HUD Regulation 24 CFR 882.515(c)**

Obligation to supply information.

The family must supply such certification, release, information or documentation as the PHA or HUD determine to be necessary, including submission of required evidence of citizenship or eligible immigration status, submission of social security numbers and verifying documentation, submission of signed consent forms for the obtaining of wage and claim information from State Wage Information Collection Agencies, and submissions required for an annual or interim reexamination of family income and composition. See 24 CFR part 5.

**2.G HQS Failure**

**HUD Regulation 24 CFR 982.404(b)**

(1) The family is responsible for a breach of the HQS that is caused by any of the following:

- (i) The family fails to pay for any utilities that the owner is not required to pay for, but which are to be paid by the tenant;
- (ii) The family fails to provide and maintain any appliances that the owner is not required to provide, but which are to be provided by the tenant; or
- (iii) Any member of the household or guest damages the dwelling unit or premises (damages beyond ordinary wear and tear).

(2) If an HQS breach caused by the family is life threatening, the family must correct the defect within no more than 24 hours. For other family-caused defects, the family must correct the defect within no more than 30 calendar days (or any PHA-approved extension).

(3) If the family has caused a breach of the HQS, the PHA must take prompt and vigorous action to enforce the family obligations. The PHA may terminate assistance for the family in accordance with § 982.552.

**Alaska Statute 34.03.220**

Noncompliance with rental agreement; failure to pay rent.

(a) Except as provided in this chapter,

(1) if the tenant or someone in the tenant's control deliberately inflicts substantial damage to the premises in breach of AS 34.03.120(a)(5), the landlord may deliver a written notice to quit to the tenant under AS 09.45.100 - 09.45.105 specifying the act constituting the breach and specifying that the rental agreement will terminate upon a date that is not less than 24 hours after service of the notice; for purposes of this paragraph, damage to premises is "substantial"

if the loss, destruction, or defacement of property attributable to the deliberate infliction of damage to the premises exceeds \$400;

## 2.H HQS Inspection Requirement

### AHFC Policy

AHFC will terminate family assistance for failure to allow access to the unit or any areas under the family's control after reasonable notice.

## 2.I Ineligibility Under the Student Rule

### HUD Regulation 24 CFR 982.552(b)

Requirement to deny admission or terminate assistance.

(5) The PHA must deny or terminate assistance if any family member fails to meet the eligibility requirements concerning individuals enrolled at an institution of higher education as specified in 24 CFR 5.612.

### AHFC Policy

See the Student Rule exhibit.

## 2.J Unreported or Under-Reported Income

### PIH Notice 2018-18<sup>1</sup>

Paragraph 16, page 14. Tenant Repayment Agreement. Tenants are required to reimburse the PHA if they were charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income. The tenant is required to reimburse the PHA for the difference between the tenant rent that should have been paid and the tenant rent that was charged. This rent underpayment is commonly referred to as retroactive rent. If the tenant refuses to enter into a repayment agreement or fails to make payments on an existing or new repayment agreement, the PHA **must** terminate the family's tenancy or assistance, or both. HUD does **not** authorize any PHA-sponsored amnesty or debt forgiveness programs.

PHAs are required to determine retroactive rent amount as far back as the PHA has documentation of family unreported income. For example, if the PHA determines that the family has not reported income for a period of five years and only has documentation for the last three years, the PHA is only able to determine retroactive rent for the three years for which documentation is available.

<sup>1</sup> Public and Indian Housing Notice 2018-18 issued October 26, 2018. "Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System." This notice remains in effect until amended, superseded, or rescinded.

### **3. Protections for Victims of Domestic Violence**

**HUD Regulation 24 CFR 880.607(c)**

(5) In actions or potential actions to terminate tenancy, the owner shall follow 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

**AHFC Policy**

See the Violence Against Women Act exhibit.

#### **Numbered Memo**

21-06 Adelaide Administrative Plan Updates