

Exhibit 6-5 Absence from the Unit

Alaska Statute (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.

HUD Regulation - 24 CFR 982.312

(a) The family may be absent from the unit for brief periods. For longer absences, the PHA administrative plan establishes the PHA policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days in any circumstance, or for any reason. At its discretion, the PHA may allow absence for a lesser period in accordance with PHA policy.

(c) Absence means that no member of the family is residing in the unit.

AHFC Policy

A tenant is expected to reside continuously in the dwelling unit and may only be absent for brief periods. Absence from the unit without prior approval from AHFC shall constitute a serious program violation.

1. Family Responsibilities

HUD Regulation – 24 CFR 982.312(d)

(1) The family must supply any information or certification requested by the PHA to verify that the family is residing in the unit, or relating to family absence from the unit. The family must cooperate with the PHA for this purpose. The family must promptly notify the PHA of absence from the unit, including any information requested on the purposes of family absences.

(2) The PHA may adopt appropriate techniques to verify family occupancy or absence, including letters to the family at the unit, phone calls, visits or questions to the landlord or neighbors.

AHFC Policy

1. The family must notify AHFC and request permission if an absence will exceed fourteen (14) consecutive days.
2. The family must notify their landlord/owner of their absence from the unit in accordance with the lease agreement.

2. Absence Types

HUD Regulation – 24 CFR 982.312(e)

The PHA administrative plan must state the PHA policies on family absence from the dwelling unit. The PHA absence policy includes:

(1) How the PHA determines whether or when the family may be absent, and for how long. For example, the PHA may establish policies on absences because of vacation, hospitalization or imprisonment; and

(2) Any provision for resumption of assistance after an absence, including readmission or resumption of assistance to the family.

AHFC Policy

3. A twelve (12) month period is defined as “twelve months from the date of an initial request to be absent”.
4. A family may not combine these unique circumstances to exceed the time limit of any one of them.
5. This policy was approved by the AFHC Board of Directors on September 24, 2009 with Board Resolution 09-29.

2.A General Absences

General absences from the dwelling unit such as family visits, vacations, are limited to thirty (30) days total in any twelve (12) month period.

2.B Medical Absences

1. Absence from the dwelling unit is limited to a maximum period of sixty (60) days in any twelve-month period due to medical treatment, hospitalization, or rehabilitation; or to provide care for a spouse, child, or parent experiencing a serious health condition.
2. AHFC may grant an extension for up to 30 additional days at the family's request.

2.C Employment

1. Absence from the dwelling unit is limited to sixty (60) days in any twelve (12) month period resulting from temporary relocation due to employment.
2. AHFC may grant an extension for up to 30 additional days at the family's request.

2.D Incarceration

Absence from the dwelling unit due to incarceration for vehicular or minor crimes is limited to thirty (30) days in any twelve (12) month period. Refer to the Terminations chapter for actions to take for crimes that are more serious.

2.E Permanently Confined Family Member¹

An individual permanently confined to a nursing home or hospital may not be named as family head, spouse, or co-head, but may continue as a family member at the family's discretion. If the family elects to include the permanently confined member, the individual is listed in the household as an adult who is not the head, spouse, or co-head, even when the permanently confined family member is married to the person who is the head of the family.

3. Tenant Disagreement with Decision

If the tenant disagrees with the evaluator's decision, the tenant may request to speak to the supervisor. The tenant may sign, date, and return the form to the evaluator.

¹ HUD Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs, June 2007.

4. Termination of Rental Assistance

HUD Regulation – 24 CFR 982.312(b)

Housing assistance payments terminate if the family is absent for longer than the maximum period permitted. The term of the HAP contract and assisted lease also terminate. (The owner must reimburse the PHA for any housing assistance payment for the period after the termination.)

Numbered Memo

20-03 Absences from the Unit