

Exhibit 8-3

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 – Owner exhibit for termination actions that are due to owner failure to act or not act.

1. Notice of Termination

Whenever AHFC terminates a HAP Contract or a family's participation, a written notice is provided. An owner or family that provides a written notice to the other party is responsible for providing a copy of the notice to AHFC.

1.A Notice After HAP Contract Initial Term

The party that is interested in terminating the agreement must provide proper, written notice to AHFC and the other party. Notice must be given in accordance with the terms in the lease or in accordance with the Alaska Landlord-Tenant Act. Even if a notice specifies that a family will be vacating a unit on a day other than the last day of the month, the HAP Contract is cancelled effective the last day of the month.

Once the notice is processed, staff will determine if the family is eligible to continue rental assistance.

HUD Regulation 24 CFR 982.309(c)

Family responsibility.

(1) If the family terminates the lease on notice to the owner, the family must give the PHA a copy of the notice of termination at the same time. Failure to do this is a breach of family obligations under the program.

(2) The family must notify the PHA and the owner before the family moves out of the unit. Failure to do this is a breach of family obligations under the program.

HUD Regulation 24 CFR 982.354(b)

When family may move. A family may move to a new unit if:

(3) The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach, or otherwise).

HUD Regulation 24 CFR 982.551

Obligations of participant. (f) Family notice of move or lease termination. The family must notify the PHA and the owner before the family moves out of the unit, or terminates the lease on notice to the owner. See §982.354(d).

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

1. An owner or family must give notice in accordance with the terms stated in the lease or in accordance with the regulations above.
2. Although good practice, neither the owner nor the family must provide a reason to terminate the lease after the HAP Contract initial term unless otherwise stated in the lease.

1.B Agreement to Terminate Lease

The owner and family may agree to terminate the lease prior to the end of the initial term. AHFC requires the parties to complete AHFC's form **OR** submit a written statement signed by both the owner and family (head of household, spouse, or co-tenant) agreeing to end the tenancy.

2. Family Noncompliance

HUD Regulation 24 CFR 982.551

Obligations of participant.

(a) Purpose. This section states the obligations of a participant family under the program.

HUD Regulation 24 CFR 982.552(a)

PHA denial or termination of assistance for family. Action or inaction by family.

(1) A PHA may deny assistance for an applicant or terminate assistance for a participant under the programs because of the family's action or failure to act as described in this section or §982.553. The provisions of this section do not affect denial or termination of assistance for grounds other than action or failure to act by the family.

(3) Termination of assistance for a participant may include any or all of the following: refusing to enter into a HAP contract or approve a lease, terminating housing assistance payments under an outstanding HAP contract, and refusing to process or provide assistance under portability procedures.

(4) This section does not limit or affect exercise of the PHA rights and remedies against the owner under the HAP contract, including termination, suspension or reduction of housing assistance payments, or termination of the HAP contract.

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(i) If the family violates any family obligations under the program (see §982.551). See §982.553 concerning denial or termination of assistance for crime by family members.

(iii) If a PHA has ever terminated assistance under the program for any member of the family.

(ix) If the family has engaged in or threatened abusive or violent behavior toward PHA personnel.

AHFC Policy

Termination of assistance may include terminating or refusing to enter into a HAP Contract or approve a lease and refusing to process or provide assistance under portability procedures. 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:

1. Engaging in or threatening abusive or violent behavior toward AHFC personnel.
2. If a family received a preference for "Displacement due to Domestic Violence" and adds the perpetrator to the household without prior AHFC permission.

2.A Criminal Activity

HUD Regulation 24 CFR 982.551

Obligations of participant.

(k) Fraud and other program violation. The members of the family must not commit fraud, bribery or any other corrupt or criminal act in connection with the programs.

(l) Crime by household members. The members of the household may not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety, or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises (see §982.553). Under 24 CFR 5.2005(b)(2), criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a tenant's household, or any guest or other person under the tenant's control, shall not be cause for termination of tenancy, occupancy rights, or assistance of the victim, if the tenant or an affiliated individual of the tenant, as defined in 24 CFR 5.2003, is the victim.

(m) Alcohol abuse by household members. The members of the household must not abuse alcohol in a way that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises.

HUD Regulation 24 CFR 982.552(b)

Requirement to deny admission or terminate assistance.

(1) For provisions on denial of admission and termination of assistance for illegal drug use, other criminal activity, and alcohol abuse that would threaten other residents, see §982.553.

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(iv) If any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any Federal housing program (see also §982.553(a)(1));

(xi) If the family has been engaged in criminal activity or alcohol abuse as described in §982.553.

HUD Regulation 24 CFR 982.553(b)

Denial of admission and termination of assistance for criminals and alcohol abusers. Terminating assistance

(1) Terminating assistance for drug criminals.

(i) The PHA must establish standards that allow the PHA to terminate assistance for a family under the program if the PHA determines that:

(A) Any household member is currently engaged in any illegal use of a drug; or

(B) A pattern of illegal use of a drug by any household member 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.

(iii) The PHA must establish standards that allow the PHA to terminate assistance under the program for a family if the PHA determines that any family member has violated the family's obligation under §982.551 not to engage in any drug-related criminal activity.

(2) Terminating assistance for other criminals. The PHA must establish standards that allow the PHA to terminate assistance under the program for a family if the PHA determines that any household member has violated the family's obligation under §982.551 not to engage in violent criminal activity.

(3) 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 may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

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:

1. Prior or current commission of fraud, bribery, or any other corrupt or criminal act in connection with any federal program.
2. If a family member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
3. Commission of drug-related criminal activity, violent criminal activity, or other criminal activity that threatens the health, safety, or right to peaceful enjoyment by other residents and persons residing in the immediate vicinity of the premises, regardless of whether the household member was arrested or convicted.
4. Engaging in the abuse of alcohol or a pattern of abusing alcohol that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.
5. Fleeing to avoid prosecution, or custody or confinement after conviction, for a crime, or attempt to commit a crime, that is a felony. In New Jersey, the term for felony is "high misdemeanor."
6. Violating a condition of probation or parole imposed under federal or state law.

2.A.1. Evidence

HUD Regulation 24 CFR 982.553(c)

Evidence of criminal activity. The PHA may terminate assistance for criminal activity by a household member as authorized in this section if the PHA determines, based on a preponderance of the evidence, that the household member has engaged in the activity, regardless of whether the household member has been arrested or convicted for such activity.

2.A.2. Criminal Records

HUD Regulation 24 CFR 982.553(d)

Use of criminal record.

(2) Termination of assistance. If a PHA proposes to terminate assistance for criminal activity as shown by a criminal record, the PHA must notify the household of the proposed action to be based on the information and must provide the subject of the record and the tenant with a copy of the criminal record. The PHA must give the family an opportunity to dispute the accuracy and relevance of that record in accordance with §982.555.

(3) Cost of obtaining criminal record. The PHA may not pass along to the tenant the costs of a criminal records check.

2.B Duplicative Subsidy

HUD Regulation 24 CFR 982.551(n)

Obligations of participant. Other housing assistance. An assisted family, or members of the family, may not receive Section 8 tenant-based assistance while receiving another housing subsidy, for the same unit or for a different unit, under any duplicative (as determined by HUD or in accordance with HUD requirements) federal, State or local housing assistance program.

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”). When moving from one voucher unit to another, subsidy payments may overlap during a month; this is not considered duplicative subsidy.

2.C Eviction Action

HUD Regulation 24 CFR 982.354(b)(2)

When family may move. A family may move to a new unit if:

(2) The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant.

HUD Regulation 24 CFR 982.551(g)

Obligations of participant. Owner eviction notice. The family must promptly give the PHA a copy of any owner eviction notice.

HUD Regulation 24 CFR 982.552(b)

Requirement to deny admission or terminate assistance.

(2) The PHA must terminate program assistance for a family evicted from housing assisted under the program for serious violation of the lease.

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(ii) If any member of the family has been evicted from federally assisted housing in the last five years;

AHFC Policy

1. When a family decides to move in response to a notice to quit, AHFC will not consider the move an eviction and will not terminate a housing voucher based solely on the family's decision to move.
2. Not every court-ordered eviction is considered an eviction for a "serious violation" of the lease. Each case must be evaluated individually on its own merits. In some cases, a family that has been evicted by a court may keep the rental assistance and move to a new unit.
3. AHFC will always consider these lease violations "serious lease violations," resulting in termination of assistance:
 - failure to pay rent;
 - failure to pay for tenant-responsible utility service;
 - deliberate and substantial damages to the premises in excess of \$400 by the tenant or someone in the tenant's control;
 - the commission of drug-related or criminal activity on the leased premises; or

- repeated lease violations for:
 - poor housekeeping that affects the condition of the unit;
 - unreasonable disturbance of neighbors' right to peaceful enjoyment of the premises; or
 - repeated failure to pay for tenant-responsibility utility service.
4. AHFC may consider the circumstances to determine whether the tenant's action was a deliberate contradiction to a rightful landlord action, or whether there was a reason for the tenant to believe otherwise and go to court for a judge to decide (see Consideration of Circumstances).

2.D Failure to Complete Financial Literacy Requirement

Under Moving to Work Activity 2014-1 approved by the AHFC Board of Directors on February 27, 2013, families designated as participants in the Step Program must complete a financial literacy course (see the Financial Literacy Requirement exhibit). Step Program families that fail to complete the financial literacy requirement within the first two years of assistance are terminated at the end of their current lease or HAP Contract term.

2.E Family Self-Sufficiency Program

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(viii) If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.

AHFC Policy

AHFC does not terminate family rental assistance for failure to complete a Jumpstart contract of participation.

2.F HQS Failure

HUD Regulation 24 CFR 982.551(c)

Obligations of participant. HQS breach caused by family. The family is responsible for an HQS breach caused by the family as described in §982.404(b).

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;

AHFC Policy

1. A family that fails to correct an HQS breach caused by the family will be subject to termination.
2. To terminate a family's housing assistance due to damages, AHFC must have documentation that an owner has obtained a court-awarded judgment for deliberately inflicted damages to a unit that exceeds \$400. A statement of damages from an owner is not sufficient grounds for termination under this section.
3. AHFC will terminate assistance to a family that refuses to accept an offered voucher to move due to an HQS failure.
4. See the Housing Quality Standards Inspection chapter for documentation requirements.

2.G HQS Inspection Requirement

HUD Regulation 24 CFR 982.551(d)

Obligations of participant. Allowing PHA inspection. The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice.

AHFC Policy

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

2.H 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.I Regular Examination Requirement

HUD Regulation 24 CFR 982.551(b)

Obligations of participant. Supplying required information

(2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

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:

1. Failure to complete the regular examination process.
2. Refusal to sign and submit consent forms for obtaining information required by HUD, or otherwise fail to supply timely and accurate statements of income, assets, expenses, and family composition required for an examination.
3. See the Examinations and Interviews chapter.

2.J Unreported or Under-Reported Income¹

HUD Regulation 24 CFR 982.551(b)

Obligations of participant. Supplying required information

(1) The family must supply any information that the PHA or HUD determines is necessary in the administration of the program, including submission of required evidence of citizenship or eligible immigration status (as provided by 24 CFR part 5). "Information" includes any requested certification, release or other documentation.

(2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements.

(3) The family must disclose and verify social security numbers (as provided by part 5, subpart B, of this title) and must sign and submit consent forms for obtaining information in accordance with part 5, subpart B, of this title.

(4) Any information supplied by the family must be true and complete.

HUD Regulation 24 CFR 982.552(b)

Requirement to deny admission or terminate assistance.

(3) The PHA must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails

¹ 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.

to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F of this title.

(4) The family must submit required evidence of citizenship or eligible immigration status. See part 5 of this title for a statement of circumstances in which the PHA must deny admission or terminate program assistance because a family member does not establish citizenship or eligible immigration status, and the applicable informal hearing procedures.

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(v) If the family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

(vi) If the family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

(vii) If the family breaches an agreement with the PHA to pay amounts owed to a PHA, or amounts paid to an owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)

PIH Notice 2018-18

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.

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:

1. If any family member currently owes rent or other amounts to AHFC or to another Public or Indian Housing Authority in connection with Section 8 or public housing assistance under the 1937 Act.
2. Refusal or inability to enter into a payment agreement for monies owed to AHFC.
3. Defaulting on a payment agreement without paying the balance in full upon demand by AHFC.

2.K Use and Occupancy of Unit

HUD Regulation 24 CFR 982.551(h)

Obligations of participant. Use and occupancy of unit.

(1) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.

(2) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly inform the PHA of the birth, adoption or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit. No other person [i.e., nobody but members of the assisted family] may reside in the unit (except for a foster child or live-in aide as provided in paragraph (h)(4) of this section).

(3) The family must promptly notify the PHA if any family member no longer resides in the unit.

(4) If the PHA has given approval, a foster child or a live-in-aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining when PHA consent may be given or denied.

(5) Members of the household may engage in legal profitmaking activities in the unit, but only if such activities are incidental to primary use of the unit for residence by members of the family.

(6) The family must not sublease or let the unit.

(7) The family must not assign the lease or transfer the unit.

HUD Regulation 24 CFR 982.551(i)

Absence from unit. The family must supply any information or certification requested by the PHA to verify that the family is living in the unit, or relating to family absence from the unit, including any PHA-requested information or certification on the purposes of family absences. The family must cooperate with

the PHA for this purpose. The family must promptly notify the PHA of absence from the unit.

HUD Regulation 24 CFR 982.551(j)

Interest in unit. The family must not own or have any interest in the unit.

AHFC Policy

1. 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 absence from the unit by the entire family that violates the policy in the Absence from Unit exhibit.
2. AHFC will terminate assistance to families who:
 - Move from the unit without proper termination of the lease; i.e., abandonment or subletting or assigning the lease.
 - Have an ownership or any other legal or financial interest in the unit, except for participation in the HCV Homeownership Program.
 - Receive housing assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister, or brother of any member of the family, without the prior approval of AHFC.
3. See Recovering Housing Payments in the Termination of Assistance, HAP Contract, or Tenancy chapter.

2.L Violation of the Lease

HUD Regulation 24 CFR 982.551(e)

Obligations of participant. Violation of lease.

The family may not commit any serious or repeated violation of the lease. Under 24 CFR 5.2005(c), an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be construed as a serious or repeated lease violation by the victim, or threatened victim, of the domestic violence, dating violence, sexual assault, or stalking, or as good cause to terminate the tenancy, occupancy rights, or assistance of the victim.

AHFC Policy

A family is required to remain in compliance with their lease. AHFC may consider mitigating circumstances that prevented a family from complying with their lease.

2.M Welfare-to-Work Program

HUD Regulation 24 CFR 982.552(c)

Authority to deny admission or terminate Assistance

(1) Grounds for denial or termination of assistance. The PHA may at any time deny program assistance for an applicant, or terminate program assistance for a participant, for any of the following grounds:

(x) If a welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

AHFC Policy

AHFC does not administer a Welfare-to-Work voucher program.

3. Consideration of Circumstances

HUD Regulation 24 CFR 982.552(c)(2)

Consideration of circumstances. In determining whether to deny or terminate assistance because of action or failure to act by members of the family:

(i) The PHA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

(ii) The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.

(iii) In determining whether to deny admission or terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the PHA may require the applicant or tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

(iv) If the family includes a person with disabilities, the PHA decision concerning such action is subject to consideration of reasonable accommodation in accordance with part 8 of this title.

(v) Nondiscrimination limitation and protection for victims of domestic violence, dating violence, sexual assault, or stalking. The PHA's admission and termination actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105, and with the requirements of 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking).

AHFC Policy

AHFC will consider any mitigating evidence or circumstances that the family may wish to present to AHFC.

4. Protections for Victims of Domestic Violence

HUD Regulation 24 CFR 982.553(e)

The requirements in 24 CFR part 5, subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking) apply to this section.

AHFC Policy

See the Violence Against Women Act exhibit.

Numbered Memo

20-41 Chapter 8 Termination