

## **Exhibit 8-3**

### **Deceased Tenant**

Although each situation involving a deceased tenant is unique, these general guidelines will help staff with this often-complicated process. Supervisors need to be notified when staff becomes aware of a tenant death.

#### **8-3.1 CONFIRM TENANT STATUS**

If AHFC becomes aware of a possible tenant death, staff will immediately confirm the status of the tenant. This may involve checking the tenant's unit, contacting the source of the report, or contacting family members. Once staff has confirmed a death, immediately notify (verbally) your supervisor and appropriate emergency personnel (if the tenant has died in the unit).

##### **8-3.1.A Incident Report**

Although the initial notification to a supervisor is verbal, staff must follow up the verbal notification with an *Incident Report* (form AD903).

- Include all facts available at the time of the report.
- Include information regarding all persons contacted in connection with the death.
- Include any information regarding notification of the next of kin.

##### **8-3.1.B Minor Children**

If minor children remain in a unit where there are no other adult family members, AHFC will immediately report the situation to the State of Alaska, Department of Health and Social Services, Office of Children's Services (OCS.) The Regional Manager or his/her designee will decide if the children may be considered the last remaining family members once a legal caretaker is appointed by the courts or OCS. Staff shall treat the unit as occupied until OCS makes its determination.

#### **8-3.2 SECURE THE UNIT**

If there are no remaining family members, AHFC will immediately secure the unit.

- If a tenant has passed away in the unit, emergency or law enforcement personnel will normally take over the unit while they conduct their investigation and remove the tenant remains.
- Once the unit has been released to AHFC, AHFC will secure the unit by changing the locks.
- Staff will post form PM627 *Apartment Secured by AHFC* on the door of the unit.

Until the unit is released, no one, with the exception of law enforcement personnel, the legal executor of the estate, or other lawfully designated individuals, shall be allowed in the unit unless accompanied by AHFC staff. If entry is requested:

- Staff must leave a *Notice to Tenant* (form PM652) in the unit, and
- Staff must place a copy of the notice in the file.

In some situations, the court will appoint a property custodian to review the estate, or a family member will provide affidavits that are sufficient for entry. See below for additional guidance.

### **8-3.3 DETERMINE EXECUTOR**

Usually, law enforcement personnel will notify the tenant's family of the death. Once this procedure has been completed, staff must attempt to ascertain if there is an executor for the tenant's estate.

- If tenant's family was located, AHFC staff should get that information from law enforcement personnel.
- Staff should review the tenant file to see if tenant named a contact on the *Supplement to Application for Federally Assisted Housing* (form HUD-92006).
- Staff may be contacted by tenant's family members when they learn of the tenant's death.

#### **8-3.3.A Executor Named**

An executor must provide some type of proof to AHFC that she or he is authorized to act on behalf of the deceased tenant's estate. Proof may include a copy of the tenant's will, an order from the court, or other court document identifying the person as the executor. If staff has questions regarding proof submitted by an executor, contact your Supervisor for guidance.

Once the executor has been identified, staff will direct all correspondence to the executor.

#### **8-3.3.B No Executor Named**

If family members contact AHFC after a tenant's death and wish to take possession of the personal property, they must receive permission to do this. Family members can go to the local clerk of the court and ask for an *Affidavit for Release of Property to Temporary Custodian* (court form P-120). This form is also found at the State of Alaska Court System website ([www.courts.alaska.gov](http://www.courts.alaska.gov)), under their Trial Courts forms directory.

Once the family has filled out this form and had it certified, they can return a copy to AHFC to take possession of the property.

### **8-3.3.C Unable to Locate Family or Executor**

If the Tenant did not designate an executor or otherwise name a family member and staff cannot find an authorized person to act on behalf of the deceased, staff will address all correspondence to "The Estate of <Tenant Name>." It should be mailed to the last known mailing address of the tenant.

## **8-3.4 PERSONAL PROPERTY**

Under Alaska Landlord-Tenant Law, AHFC must secure and inventory the personal property of the deceased tenant. No property may be released until the inventory is complete.

Do not confuse personal property with assets. An asset is a vehicle, cash found in a unit, or personal finance items like a checkbook or credit card. Personal property includes furniture, clothing, and common household items. If you have any questions regarding whether or not to release an item as personal property, consult with your regional manager.

### **8-3.4.A Inventory Method**

Two AHFC staff persons must inventory the personal property. The inventory will be conducted as soon as the unit is available to AHFC staff.

- If an executor has been named, staff should invite that person to attend the inventory activity.
- If family members have been identified, staff should invite those persons to attend the inventory activity.

Staff will use form PM624 *Secured Property Inventory* to record all items in the unit. All personal property must also be videotaped. If any personal property needs to be discarded because of health concerns (spoiled food, trash/garbage, etc.), the disposal must be noted on the form.

### **8-3.4.B Inventory Notification**

Staff will use form PM623 *Notice of Secured Property of Deceased Tenant* to notify the executor, family members, or other contact. A copy of the *Secured Property Inventory* form will be attached to the notice.

If there is no known contact, staff will mail the notice to the tenant's last known mailing address.

### **8-3.4.C Personal Property Storage**

Personal property may remain in the unit for no more than fifteen (15) days following the date of the *Notice of Secured Property of Deceased Tenant*, unless a court order or other

legal document prevents moving the property. Belongings not removed within that time frame may be:

- Sold at public sale (property not sold may be disposed of);
- Disposed of as the landlord sees fit (if it is food or something perishable); or
- Destroyed or otherwise disposed of (such as by charitable donation) when the cost of having a public sale would exceed the value of the items.

Staff may move property to a secure storage unit on AHFC property or contract with a local storage company until any probate questions are answered. The cost of storage will be added to the deceased tenant's account.

#### **8-3.4.D Release of Personal Property**

It is the responsibility of the executor or designated family member to remove personal property from the unit. AHFC will not ship property unless an exception has been authorized by the Director of Public Housing or his/her designee.

After inventory, AHFC shall turn over the personal property left in the unit to the rightful heirs or legal executor.

- This individual must remove all the personal property appearing on the *Secured Property Inventory* form.
- This individual may not "pick and choose" which items he or she wishes to take.

If an authorized person cannot remove all items from the unit within the 15-day limit, staff may extend that deadline after consultation with their supervisor.

If AHFC is unable to locate any family members or representatives and there is no response to AHFC's *Notice of Secured Property of Deceased Tenant* letter, then AHFC will proceed with disposal of the personal property.

### **8-3.5 VACATED TENANT STATEMENT**

Under Alaska Landlord-Tenant Law, AHFC has 30 days from the date of death to provide a written statement of the tenant's account and refund any monies due the tenant's estate. Any refunds due to the tenant should be made payable to "The Estate of <Tenant Name>."

#### **8-3.5.A Deceased Tenant Debt**

If the tenant account has a balance due AHFC, follow the guidelines in Chapter 13 for collecting the debt.

### **8-3.5.B Release of Deceased Tenant Assets**

If the deceased tenant had assets, staff will need to receive the proper authorization before releasing those items.

#### **1. Family Members or Representative**

If a family member or representative collected the personal property, the assets may be released to that person upon receipt of an *Affidavit for Collection of Personal Property of Decedent* (court form P-110).

- a. The person must wait at least 30 days after the date of death and then file the form with the court.
- b. The person should bring the form back to AHFC, and AHFC may release the assets to the person.
- c. Staff must retain this form in the client file.

#### **2. No Known Contact**

In these cases, AHFC will have to proceed with a small estate case. The court will appoint a personal representative to decide what to do with the deceased tenant's assets.

- a. Staff will complete a new *Secured Property Inventory* (form PM624) listing the assets secured by AHFC.
- b. The regional manager will contact the Attorney General's office to file the appropriate paperwork with the court.
- c. The personal representative appointed by the court will instruct AHFC how to dispose of the remaining assets.

### **8-3.6 PET OR ASSISTIVE ANIMAL**

If the deceased tenant had a pet or assistive animal, staff will need to act promptly to ensure the animal receives the proper care. Use form PM626 *Orphaned Animal Notice* to document any action taken with regard to a deceased tenant's animal. Refer to Chapter 14, Animal Policy, for a pet or an assistive animal.