

# Termination of Assistance

## General Policy

The Housing Authority will deny a family a Voucher to relocate and/or terminate assistance based on the following actions or inactions by any member of the family:

- Failure to comply with any family obligation, including those not detailed below
- Committing drug-related or violent criminal activity
- Allowing drug-related or violent criminal active to occur in or near the assisted unit
- Committing program abuse or fraud
- Moving in violation of the lease
- Not attaining "Tenant/Family in Good Standing" Status
- Failure to comply with the requirements of an Family Self-Sufficiency Program
- Failure to pay the family's portion of rent timely, in compliance with the lease
- Failure to maintain utilities
- Failure to ensure HQS compliance related to family responsibilities
- Defaulting on a Repayment Agreement or Refusing to enter into one
- Failure to provide Social Security information and documentation within the time specified
- Failure of any adult family members to sign HUD Form 9886 within the time period required
- Attainment of self-sufficiency (ability to pay gross rent for six continuous months)
- Being evicted as a result of lease violations

The HA will refuse to enter into a HAP Contract and will terminate an existing one based on the following actions or inactions by an owner or authorized representative of the owner:

- Violating HAP Contract provisions, including those not detailed below
- Committing drug-related or violent criminal activity
- Allowing drug-related or violent criminal active to occur in or near the assisted unit
- Committing program fraud or abuse
- Requiring side payments or payments from the tenant above the amount calculated by the HA
- Failure to enforce the provisions of the lease
- Failure to enforce community standards by tenants
- Failure to maintain the assisted unit in compliance with HQS

## Special Consideration Not to Terminate

The HA will not terminate a family based on drug-related criminal activity if the activity is based on previous use or possession and the family can demonstrate that the family member both:

- Has an addiction to a controlled substance, has a record of such an impairment, or is regarded as having such an impairment, and
- Has recovered from such addiction by participating in a drug rehabilitation program for 90 days or more and does not currently use or possess controlled substances.

In determining whether to deny or terminate assistance based on drug-related activity or violent criminal activity:

- The HA will terminate assistance if the preponderance of evidence indicates that a family member has engaged in such activity, regardless of whether the family member has been arrested or convicted.
- The HA has the sole discretion to consider all of the circumstances in each case, including the seriousness of the offense, the extent of participation by family members, and the effects that termination would have on family members not involved in the proscribed activity.
- In appropriate cases, the HA may permit the remaining family members to continue receiving assistance and may impose a condition that family members determined to have engaged in the proscribed activities will not reside in the unit. If the convicted felon is a minor, the HA may consider individual circumstances with the advice and counsel of Juvenile Court officials.

If the family has misrepresented income, assets, or allowances and deductions which would have caused the family to pay more, the HA will attempt to recover any overpayments made as a result of the family's fraud or abuse. If file history indicates a pattern of repeated misrepresentation, the HA will terminate assistance. However, the HA may authorize the family to enter into Repayment Agreement; if executed by the family, the HA will allow the family to continue receiving assistance.

If willful intent to defraud or commit fraud was discovered by the HA, the HA may not authorize the family to enter into a repayment agreement. Any monies due would be payable in full. If the family is unable to pay in full, termination will be processed; if the family pays the debt in full, the family will be allowed to continue receiving assistance.

## **Processing Termination**

The HA may terminate a family's assistance in two ways:

- direct processing of termination of assistance
- denial of issuance of Voucher to relocate

### **HA Initiated Termination**

If the family is under lease and the owner has not taken action to end the tenancy, the HA will directly process termination if warranted based on the family's action or inaction as previously detailed. When processing termination, the HA will provide the family and the owner 60 days' written notice.

The family's notice will include details regarding why the family's assistance is being terminated, the effective date of the termination, the family's responsibilities related to rent payments after the effective date, and information pertaining to the appeals process.

The owner's notice will indicate only that the family has been terminated and, as a result, the effective date of HAP Contract termination, as well as the family's responsibilities related to rent payments after the effective date.

Owners also will be advised that the tenant has the right to appeal; the 60 day's notice will provide sufficient time for the family to complete the appeals process and for the owner to provide notice to vacate or begin eviction proceedings, as appropriate.

Owners will not be notified by the HA of a tenant appeal; however, the owner will be notified if, through the appeals process, the HA rescinds its termination of the family. If the owner has provided notice to vacate the unit to the tenant and the HA rescinds its termination of the family, the owner may rescind its notice to vacate, but is not required to do so, unless within the initial term of the lease.

If the appeals process extends effective date of termination (due to reasonable accommodation, etc.), the owner will be notified that the HA will continue to subsidize the family throughout the appeals process; however, if a termination is upheld by the HA, the final HAP payment will be the one already processed for the month in which the HA's or Hearing Officer's final decision occurs. No additional HAP will be provided for the owner to issue notice to vacate.

#### **HA Denial of Voucher to Relocate**

If a family has been issued a notice to vacate by the owner and is not determined to be a "Tenant in Good Standing" (as detailed in Chapter 18), the HA will refuse to issue another Voucher to the family and will notify in writing the family of its termination from the program and the owner of termination of the HAP Contract. The effective date of the terminations will be the same as the the final date of occupancy as indicated on the notice to vacate.

The family's notice will include details regarding why the family's assistance is being terminated, the effective date of the termination, and information pertaining to the appeals process.

The owner's notice will indicate only that the HAP Contract is terminated based on the owner's notice to the family to vacate. The HA will not subsidize the family in the unit beyond the effective date of the notice to vacate, regardless of the appeals process.

#### **Zero Assistance Tenants**

Zero assistance tenants may remain on the program for six months from the effective date they went to \$0 assistance.

If the family's Total Tenant Payment is sufficient to pay the full gross rent and six months has elapsed since the HA's last HAP payment was made, the HAP contract is automatically terminated and the family will formally be terminated from the program.

If at anytime after the HAP payment becomes \$0, an interim change or reexamination causes the HAP payment to resume, the tenant is no longer a \$0 assistance family and the six month time period is eliminated. If the family becomes a \$0 assistance family again, the six month period will begin again.

The terms of the HAP Contract remain in effect until the family is formally terminated. The HA also must perform all of the duties and responsibilities normally required, such as reexaminations and inspections.

The tenant will be notified of its rights to remain on the program at \$0 assistance for six months.

If the tenant chooses to move to another unit during this period, the HA would only execute a new HAP Contract for the new unit if a HAP payment was to be made.