

## Chapter 13

### LEASE TERMINATIONS

[24 CFR 966.4]

#### **INTRODUCTION**

The PHA may terminate tenancy for a family because of the family's action or failure to act in accordance with HUD regulations [24 CFR 966.4 (1)(2)], and the terms of the lease. This Chapter describes the PHA's policies for notification of lease termination and provisions of the lease.

#### **A. TERMINATION BY TENANT**

The tenant may terminate the lease by providing the PHA with a written **30 day (on the first day of the month)** (plus one day) advance notice as defined in the lease agreement.

#### **B. TERMINATION BY PHA**

**Termination of tenancy will be in accordance with the PHA's lease.**

**The lease may be terminated by the PHA at any time by giving written notice for serious or repeated violation of material terms of the lease, [such as, but not limited to the following:]**  
[NOTE YOUR LEASE]

**Nonpayment of rent or other charges due under the Lease, or repeated chronic late payment of rent;**

**Failure to provide timely and accurate statements of income, assets, expenses and family composition at Admission, Interim, Special or Annual Rent Recertifications;**

**Assignment or subleasing of the premises or providing accommodation for boarders or lodgers;**

**Use of the premises for purposes other than solely as a dwelling unit for the Tenant and Tenant's household as identified in this Lease, or permitting its use for any other purposes;**

**Failure to abide by necessary and reasonable rules made by the PHA for the benefit and well being of the housing project and the Tenants;**

**Failure to abide by applicable building and housing codes materially affecting health or safety;**

**Failure to dispose of garbage waste and rubbish in a safe and sanitary manner;**

**Failure to use electrical, plumbing, sanitary, heating, ventilating, air conditioning**

**and other equipment, including elevators, in a safe manner;**

**Acts of destruction, defacement or removal of any part of the premises, or failure to cause guests to refrain from such acts;**

**Failure to pay reasonable charges (other than for normal wear and tear) for the repair of damages to the premises, project buildings, facilities, equipment, or common areas; or**

**The Tenant, any member of the Tenant's household, or a guest or other person under the Tenant's control shall not engage in criminal activity, including drug-related criminal activity, *on or off* public housing premises (as defined in the lease), while the Tenant is a Tenant in public housing, and such criminal activity shall be cause for termination of tenancy. The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute, or use, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).**

**Alcohol abuse that the PHA determines interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.**

**Non-compliance with Non-Citizen Rule requirements.**

**Discovery after admission of facts that made the tenant ineligible;**

**Discovery of material false statements or fraud by the tenant in connection with an application for assistance or with reexamination of income;**

**Failure to accept the PHA's offer of a lease revision to an existing lease that is on a form adopted by the PHA in accordance with HUD regulations, with written notice of the offer of the revision at least 30 calendar days before the lease revision is scheduled to take effect; and with the offer specifying a reasonable time limit within that period for acceptance by the family.**

**Other good cause.**

## **C. NOTIFICATION REQUIREMENTS**

The PHA's written Notice of Lease Termination will state the reason for the proposed termination, the date that the termination will take place, and it will offer the resident all of the rights and protections afforded by the regulations and this policy. (See Chapter on Complaints, Grievances and Hearings.)

Notices of lease termination shall be in writing and delivered to tenant or adult member of the household or sent by first class mail properly addressed to tenant.

**The return of the certified mail receipt, whether signed or unsigned, shall be considered to be proof that the resident received proper notification.**

### **Timing of the Notice**

If the PHA terminates the lease, written notice will be given as follows:

At least 14 calendar days prior to termination in the case of failure to pay rent;

A reasonable time, **defined in the lease as 3 calendar days**, considering the seriousness of the situation:

If the health or safety of other residents, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or

If any member of the household has engaged in any drug-related criminal activity or violent criminal activity; or

If any member of the household has been convicted of a felony.

At least thirty days prior to termination in all other cases.

The PHA shall notify the Post Office that mail should no longer be delivered to the person who was evicted for criminal activity, including drug-related criminal activity.

### **Criminal Activity**

The PHA will immediately terminate tenancy of persons convicted of manufacturing or producing methamphetamine on the premises of the assisted housing project in violation of any Federal or State law. "Premises" is defined as the building or complex in which the dwelling unit is located, including common areas and grounds.

The PHA will terminate assistance of participants in cases where the PHA determines there is reasonable cause to believe that the person is illegally using a controlled substance or engages in drug-related or other criminal activity. The same will apply if it is determined that the person abuses alcohol in a way that interferes with the health, safety or right to peaceful enjoyment of the premises by other residents. This includes cases where the PHA determines that there is a pattern of illegal use of controlled substances or a pattern of alcohol abuse.

**The PHA will consider the use of alcohol to be a *pattern* if there is more than one incident during the previous 6 months.**

"Engaged in or engaging in or recent history of" drug related criminal activity means any act within the past **3** years by applicants or participants, household members, or guests which involved drug-related criminal activity including, without limitation, drug-related criminal activity, possession and/or use of narcotic paraphernalia, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

"Engaged in or engaging in or recent history of" criminal activity means any act within the past **3** years by applicants or participants, household members, or guests which involved criminal activity that would threaten the health, safety or right to peaceful enjoyment of the public housing premises by other residents or employees of the PHA, which did or did not result in the arrest and/or conviction of the applicant or participant, household members, or guests.

**D. TERMINATIONS DUE TO INELIGIBLE IMMIGRATION STATUS**  
[24 CFR 5.514]

If the PHA determines that a family member has knowingly permitted an ineligible individual to reside in the family's unit on a permanent basis, the family's assistance will be terminated for **24 months**. This provision does not apply to a family if the eligibility of the ineligible individual was considered in calculating any proration of assistance provided for the family.