

MODEL HOUSE RULE

Establish Clear Rules for Extended Absences & Abandoned Units

When tenants disappear, it leaves you to guess when and whether they're coming back. Waiting around for a return that may never occur can cost you money and create hazards to health, safety, and property; cleaning out and re-letting the unit can expose you to liability if the tenants unexpectedly come back. The best way to guard against this situation is to address it proactively by setting out clear rules for extended absences that eliminate the guesswork and establish your legal right to take what you deem to be the reasonable and necessary actions. Here's a Model House Rule that incorporates HUD's requirements and guidelines. Just recognize that HUD isn't the only legal authority involved and be sure to talk to your attorney about adapting the language to comply with applicable state and local requirements governing eviction and abandonment.

EXTENDED ABSENCE OR ABANDONMENT:

1. Notice of Extended Absence

A household must meet certain HUD requirements to be eligible for occupancy, including the requirement is that the apartment must be the household's only residence. Accordingly, when households take an unexplained extended absence from their apartment, the expectation is that they have left the apartment for good and do not intend to return. For this reason, you are required to notify management in writing if all members of the household intend to be absent from the site for more than 30 consecutive days.

2. Limits on Extended Absence

A household may not be absent from their apartment for longer than 60 consecutive days, or 180 days if the absence is due to medical reasons, without losing its right to tenancy in the unit. If households exceed the limit for absences, management will take appropriate legal action, including termination of assistance and eviction. A household may request in writing to have a longer absence approved, but only if there are extenuating circumstances.

3. Abandonment

If management does not receive notice from a household of an extended absence, management will consider the household to have abandoned its unit if:

- a. Management believes the unit has been unoccupied for more than 30 consecutive days;
- b. The household's rent is past due; and
- c. The household has not acknowledged or responded to demands for payment.

4. Medical Reasons

Households that have medical reasons and need to spend more than 30 days away from their apartment must provide evidence from their medical professional that a medical condition is causing the absence and listing an approximate length of time the resident will be absent from the apartment. The absence may last up to 180 days for medical reasons. But if the absence is going to be longer, the household will have to relinquish their apartment unless a request is made in writing explaining the extenuating circumstances.

EXTENDED ABSENCE OR ABANDONMENT (CONT.):**5. Inspection and Notice**

If management considers a unit to be abandoned, it will:

- a. Enter the unit to conduct an emergency inspection; and
- b. Attempt to notify household members that it considers the unit abandoned by sending notice to the household's address at the site and to the addresses of any emergency contacts the household gave to management.

6. Legal Action

If household members do not respond to management's written notice within 15 days of the date of the notice, management will take appropriate legal action, including termination of assistance and eviction. Management will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, management will secure the unit immediately to prevent vandalism and other criminal activity.

7. Storage and Disposal of Abandoned Property

Once management has gotten an eviction order, it will take written and photographic inventory of any abandoned property in the unit and store it for 30 days. If the household does not claim the property during that period, management will give the property to a charity it designates. If the charity refuses to take the property, management will throw it out.