

Implement Extended Absence Policy to Clarify Household's Occupancy Rights

As part of a site's house rules, owners may establish rules specifying when households give up their right to occupancy because of their extended absence or abandonment of the apartment. The following house rule says that a household must notify you if it plans to be away for longer than 30 consecutive days. The rule also says that a household may not be absent from the site 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 [Handbook 4350.3, par. 6-9 (B)(2)(b)(2)]. Be sure to show your attorney the rules to ensure they are consistent with your state and local laws.

EXTENDED ABSENCES OR ABANDONMENT

- 1. Notice of Extended Absence.** A household must meet certain HUD requirements to be eligible for occupancy. One of the requirements is that your apartment must be your household's only residence. Therefore, households are not allowed an unexplained extended absence from the site. As such, 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 the site 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 shall 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 the household has not acknowledged or responded to demands for payment.
- 4. Medical reasons.** Households who 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 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.
- 5. Inspection and Notice.** If management considers a unit to be abandoned, management 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.

The site will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the site 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 then give the property to a charity it designates. If the charity refuses to take the property, management will throw it out.