

Chapter 14

TERMINATION OF ASSISTANCE TO THE FAMILY BY IHFA

14.1 REASONS FOR TERMINATION

IHFA may at any time terminate program assistance for a participant because of any of the following actions or inactions by the household:

- A. If the family violates any family obligations under the program.
- B. If any member of the family has been evicted from federally assisted housing in the last 5 years;
- C. If IHFA has ever terminated assistance under the HCV Program for any member of the family;
- D. If the household has a family member who has engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.
- E. If a household member is currently engaged in any illegal use of a drug; or pattern of illegal use of a drug interferes with the health, safety, and peaceful enjoyment of the premises by other residents;
 - 1. If IHFA seeks to terminate assistance because of illegal use, or possession for personal use, of a controlled substance, such use or possession must have occurred within one year before the date that IHFA provides notice to the family of the determination to terminate assistance.
 - 2. In determining whether to terminate assistance for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, IHFA may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, IHFA may require that the participant submit evidence of the household member's current participation in or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.
- F. If any member of the family commits fraud, bribery or any other corrupt or criminal act in connection with any Federal housing program.

- G. If the family currently owes rent or other amounts to IHFA or to another housing authority in connection with Section 8 or public housing assistance under the 1937 Act.
- H. If the family has not reimbursed any housing authority for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- I. If the family breaches an agreement with a housing authority to pay amounts owed to a housing authority or amounts paid to an owner by IHFA. (IHFA, at its discretion, may offer a family the opportunity to enter into an agreement to pay amounts owed to IHFA or amounts paid to an owner by IHFA. IHFA may prescribe the terms of the agreement.)
- J. If the family has engaged in or threatened abusive or violent behavior toward IHFA personnel.
- K. If a family participating in the FSS program fails to comply, without good cause, with the family's FSS contract of participation.

14.2 MANDATORY TERMINATION

IHFA must terminate assistance for a participant for the following:

- A. If a family has been evicted from housing assisted under the program for serious violations of the lease;
- B. If it has been determined that any member of the household has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.
- C. If a participant fails to disclose and provide documentation of the SSN for each member of the household.
 - 1. If the family is otherwise eligible, IHFA may, at its discretion, defer the family's termination and provide the family an opportunity to comply with the requirement within a period not to exceed 90 days from the date IHFA determined the family was non-compliant if:
 - a. The failure to meet the SSN disclosure and documentation requirement was due to circumstances that could not have been foreseen and were outside the control of the family; and
 - b. There is reasonable likelihood that the family will be able to disclose the SSN and provide such documents by the deadline.

- D. If a family member fails to sign and submit consent forms.
- E. If a family fails to establish citizenship or eligible immigrant status and is not eligible for or does not elect continuation of assistance, pro-ration of assistance, or temporary deferral of assistance. **If IHFA determines that a family member has knowingly permitted an ineligible non-citizen (other than any ineligible non-citizens listed on the lease) to permanently reside in their Section 8 unit, the family's assistance will be terminated. Such family will not be eligible to be readmitted to Section 8 for a period of 24 months from the date of termination.**
- F. If a family member fails to meet the eligibility requirements concerning individuals enrolled at an institute of higher education.

14.3 TERMINATION TIMEFRAMES AND DESIGNATIONS

All participants terminated for program violations will be entered into the HAPPY system and a notation will be made and the family flagged in IHFA's AS400 system, regardless of whether or not the termination was the result of a hearing decision.

Termination for program violations will be for a period of two (2) years. Termination for fraud is a lifetime termination. Lifetime terminations must be approved by the Boise office, regardless of whether or not a hearing is requested and conducted.

As required by HUD, IHFA will enter information regarding terminations for adverse reasons into HUD's Debts Owed to PHA's and Terminations system. This information is available and mandatory for all PHA's to use at the time of application, and termination. Applicants and participants will be given notice of the contents the Debts Owed to PHA's and Terminations system and requirements. IHFA will keep a signed copy in each file.

If it is determined by IHFA that an applicant was terminated from the Section 8 program by another housing authority and the termination period implemented by that housing authority has not expired, IHFA will generally abide by the terminating PHA's timeframe and deny assistance until that period has expired.

14.4 REVIEW OF CRIMINAL RECORDS

When a criminal record is obtained for the purpose of termination of assistance and the action is concluded, the record will be purged from the file. A copy of the decision regarding termination of assistance will be kept as a permanent part of the participant's file.

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