

DEATH OF A RESIDENT



THIS IS A DIFFICULT SITUATION FOR ALL

- Show compassion for the grieving family
- Separate your emotion from the business at hand
- Remember your roles
 - Professional/fiduciary
 - Legal
 - Resident service oriented

STEPS TO TAKE

- Determine date of death
 - If there is a death certificate, announcement, funeral program or other substantial proof do not need to wait for an EIV Deceased Tenant Report
- Review Household Composition
- Determine Emergency Contact
- Determine Executor
- Determine regs specific to your program

THE HUD REGS

- In the death of a sole household member subsidy ends the earlier of 14 days after death or date keys are surrendered
- In the death of a household of more than 1 the remaining household member may qualify to continue living in the unit
 - Must be a party to the lease
 - Must be of legal contract age
 - Live in aides do not qualify as remaining household members
 - In 202/8 or PAC must pay market rent if does not qualify under the program

HUD REGS CONTINUED

- Remaining Household Member
 - In 202/811 PRAC must move out if does not qualify under the program
 - Children do not qualify and it is not permitted to add a new adult as the HOH
 - HUD 4350.3 Section 3-16
- A 50059 must be submitted.
 - The effective date is the earlier 14 of days following date of death or surrender of keys
 - If keys not surrendered by 14th day submit a TE for the 14th day, then a Move Out for the date keys are surrendered

TAX CREDIT & MARKET RATE

- If household of 1 lease would terminate
- If remaining adults are on the lease then Lease should be modified accordingly
- If remaining children but no adults a new adult could move in, but would need to qualify for occupancy and sign a new lease

BELONGINGS

- Our role in belongings is to have them removed from our unit so that we can recover possession
- Who gets the belongings is a matter of Estate Law. Our role is covered by Landlord Tenant Law as we are not a party to the Estate
- CHECK WITH YOUR ATTORNEY
- Allowing access to the unit is tricky under Landlord Tenant Law

ACCESS TO RETRIEVE BELONGINGS

- Ideally the Resident has given someone a key. Someone entering the unit with a key given by the Resident is entering with their permission.
- Allowing access when no key was given by the Resident:
 - An Executor with proof of status should be granted access.
 - A party named as an Emergency Contact or Alternative Contact MAY be granted access (check with your Attorney)
 - If there are children the named Guardian of the children may be granted access

RECOVERING POSSESSION OF THE UNIT

- In an ideal world there is a named Executor or a party the Resident has given keys to who disposes of belongings and surrenders keys
- Once keys are surrendered possession of the unit is recovered-Landlord Tenant Law does not specify who must surrender the keys
- If there is no party who comes forward this should be treated as an Abandoned Unit and these policies and laws should be followed to recover possession

SECURITY DEPOSIT

- The Security Deposit Disposition is still required
- May deduct for damage beyond normal wear and tear, unpaid rent, etc
- Disposition and any refund owed should be sent to the Estate of...
 - If there is an Executor sent to them
 - If no Executor sent to Emergency or Alternative Contact
 - In none of the above send to the Residents last mailing address

QUESTIONS?

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