

Carolina Family Health Centers, Inc.
Region 8 Network Housing Program – HOPWA/TBRA

SERVICE SUSPENSION & TERMINATION POLICY

Termination Practices

Participants who receive Region 8 Network Housing Program (R8NHP) assistance may be terminated if the participant violates program requirements and/or conditions of occupancy. Clients committing Category 1 violations while on the R8NHP wait list may be removed. Additionally, termination will occur at any time the R8NHP client becomes ineligible for the R8NHP as described in the Program Eligibility section of R8NHP policy and procedure manual.

Category I Violation

A Category I Violation is a serious program violation, which impacts the integrity of the housing program as set forth below and will result in immediate program termination:

- a. Commission of fraud, bribery or any other corrupt or criminal acts in connection with any federal housing program. Such acts include failure by false statement, misrepresentation, impersonation, or other fraudulent means to disclose a material fact used in making a determination as to the client's eligibility to receive services.
- b. Abandonment of assisted unit, defined as a failure to reside on the assisted premises for a period exceeding thirty (30) days, except in authorized cases where the client is hospitalized or placed into residential substance abuse or mental health treatment.
- c. Moving into a new apartment unit without program authorization.
- d. Threatening or abusive behavior toward personnel (or others at the R8NHP partner agencies), neighbor(s) or the landlord. Threats of violence may be verbal or nonverbal and can occur explicitly or implicitly. When the behavior constitutes a legitimate threat of violence to themselves or others, immediate termination is warranted.
- e. Commission by client, any member of the household, guests or any person under the client's control of any violent or drug-related criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- f. Extreme or excessive damage caused to the R8NHP-assisted unit by the client, a client's guest, or a member of his or her household. Extreme or excessive damage is characterized by deliberate destruction of property including vandalism, arson, and breaking or soiling fixtures, floors, walls, windows, doors, or appliances.

- g. Failure to transition into other housing programs when available. This may include but is not limited to public housing or Section 8 Housing.

Category II Violation

A Category II Violation is a persistent violation of a client obligation under the program, which include, but are not limited to, those listed below. Persistent documented Category II program violation(s) will result in termination.

- a. Failure to notify the Housing Coordinator/Case Manager of a change in income within 15 days of the event.
- b. Failure to notify the Housing Coordinator/Case Manager of any changes in circumstances in order to obtain or continue to receive benefits within 15 days of the event.
- c. Failure to cooperate in submitting required documentation/information within 15 days of program's request.
- d. Failure to maintain regular contact with the R8NHP.
- e. Failure to cooperate and follow through with their Housing Stability Plan.
- f. Failure to actively apply for and/or accept long-term stable housing assistance from other sources (i.e. Section 8).
- g. Failure to attend medical and case management appointments, except in the case of illness or other extenuating circumstances.
- h. Failure to make timely payment of the client's required portion of the rent or utility bill.
- i. Moderate damage to the R8NHP-assisted unit caused by the client, client's guest, or member of his or her household (i.e. not normal wear and tear).
- j. Verbal abuse directed toward R8NHP personnel (or others at R8NHP partner agencies), neighbor(s) or the landlord. Such abuse consists of repeated use of offensive speech, particularly speech that directly insults the listener. Verbal abuse constitutes grounds for dismissal when the offensive speech continues or is repeated after at least two direct requests to the client to refrain from such behavior. If the verbal abuse constitutes a threat of violence, it shall be treated as a Category I violation.

- k. Harassment consisting of unwarranted and unwelcome contact of any nature (including phone or face-to-face) after the client has been explicitly advised to cease the harassing contacts. If the harassment occurs in a way that constitutes a threat of violence, then such behavior shall be treated as a Category I violation.

Required Documentation

Any program violation shall be documented in the client's case notes in detail, including efforts to resolve the matter with the client. Independent evidence and/or documentation must be obtained for the file.

Category I violations must be substantiated by independent evidence, including, but not limited to:

- a. Police report indicating behavior by any household member, guest or anyone within the client's control, which threatens the health, safety or right to peaceful enjoyment of the premises by other residents.
- b. Police report, arrest or conviction for drug-related criminal activity of any household member, guest or anyone within the client's control.
- c. Documentation of a failed diligent search for a client who has abandoned a R8NHP assisted unit.
- d. Witnesses, including but not limited to the landlord, who are willing to attest to the behavior of the client, any household member, guest or anyone within the client's control or facts evidencing fraud on the part of the client;
 - i. Note: The landlord's word alone may not constitute enough evidence of a Category I program violation (except in the case of apartment abandonment or unauthorized moves). When using a witness such as the landlord to terminate assistance, the provider should include additional witnesses and documentation because the landlord's word standing alone will not constitute sufficient evidence to substantiate a termination (except in the case of apartment abandonment or unauthorized moves).
 - ii. The client will have the opportunity to present witnesses to testify on his/her behalf.
- e. Any other relevant documentation that substantiates a Category I violation. Upon thorough documentation of the violation, the Housing Coordinator/Case Manager will forward a recommendation for termination to the Ryan White Program Manager, along with a copy of the applicable evidence. At their sole discretion, R8NHP management will make a determination whether to terminate based on the documentation

provided. Upon making a determination to terminate, the R8NHP will issue the Notice of Termination directly to the client, with a copy to the case management provider. The Notice of Termination must comply with the requirements set forth below.

Program Response to Category II Violations

Prior to initiating termination upon a Category II violation, the Housing Coordinator/Case Manager shall provide the client with:

- a. Written notice (with a copy to the case manager if applicable).
- b. Verbal consultation documented in the client file.
- c. The opportunity for corrective action.

The program violation must be documented in the client's case notes in detail. Independent documentation, where applicable, should also be secured (i.e. documentation by landlord that the client has not been paying his/her required portion of the rent).

All efforts to resolve the matter with the client also will be documented in the client's case file. Documentation of efforts will include records of verbal interactions with client about the violation, documentation of diligent search for the client, copies of written warnings, including the warning of the possibility of termination, and other material as may be relevant. Documentation in the client's file of the client's efforts to make corrective action, or lack thereof should also be included.

Repeated violation of program rules or obligations undermines the functioning of the program and constitutes abuse of the program by the client. **The client's assistance may be terminated upon three documented incidents of program violations, even if the client took corrective action to cure one or more of these violations.**

Because the decision to terminate R8NHP housing assistance is a consequence of a client's violation of R8NHP program rules, a client may remain in the rental unit after the termination of R8NHP assistance, consistent with the lease, as long as he/she is able to pay the rent and is complying with the other terms of the lease.

Termination Notices

All termination notices must be in writing and must contain the following elements:

1. The notice must inform the client that his or her assistance under the R8NHP is being terminated, the effective date of termination and a statement that the R8NHP will provide thirty 30 additional days of rental assistance from the effective date of termination if the client remains in his/her currently assisted rental unit. If the client no longer resides in the currently assisted rental unit (e.g. the client has abandoned the unit, moved without authorization or has been evicted concurrent to the R8NHP

termination), the R8NHP will provide no additional rental assistance at the client's new residence.

2. The notice must specify that a grievance may be initiated with the R8NHP program within 30 business days of the date of the termination notice.
3. The notice will provide a detailed explanation of the reason for termination. The explanation must include the reason for termination, i.e. the incident(s) which led to the decision to terminate, the time and date of the incident(s) and the type of supporting evidence the landlord or provider has with regard to the incident(s) (witnesses, case file documentation, police/incident report, etc.).
4. The notice will include a copy of the grievance policy.
5. The notice will clearly state the deadline for submitting a grievance.
6. The notice will state that the client has the right to review his/her file, as well as any documentation
7. The notice must be faxed to the client's case manager and sent by first class and certified mail to the client, return receipt requested.

Return to the Region 8 Network Housing Program Following Termination

Any client terminated from the R8NHP will not be eligible for referral to the R8NHP for a period of six (6) months following the date of the client's termination. Clients who are terminated for failure to find housing within the 30-day housing search period are exempt from the 6-month exclusion period and may be referred to the program following removal from the wait list conditional upon meeting policy and procedures outlined in this document. Clients terminated for a Category I Violation involving documented fraud, violent crime (felony charge) or the manufacturing of methamphetamine (felony charge) will not be eligible for referral at any time. At any point following the six-month exclusionary period, the client may be referred to the R8NHP under the following procedure:

1. The client's case manager must reassess the client's living situation acuity.
2. The client's case manager must refer the client to the R8NHP by faxing a new referral packet to the local Housing Coordinator/Case Manager.
3. In addition to the new program referral packet, the client must submit a written statement explaining the situation that gave rise to the client's termination from the program, the steps that the client has taken since termination to address any individual behaviors giving rise to the

termination, and the client's current plan to secure and maintain stable housing. The client's case manager may wish to assist the client in developing the provided in the statement. The client's case manager must work with the client to develop a new care plan that outlines how the client will be assisted in securing and maintaining stable housing. The plan should include specific information regarding the frequency of client contact with the case manager, volunteers, or other care providers in the community who will assist the client in their new housing. The plan should also clearly outline the specific duties of the client, case manager, and volunteers or other care providers who will assist the client. The client statement and care plan must be submitted along with the new program referral form.

4. If, at the sole discretion of the Ryan White Program Manager, the client statement and Care Plan indicate that the client is likely to be successful in securing and maintaining stable housing through the R8NHP, the client will be added to the R8NHP wait list.
5. If the Ryan White Program Manager concludes that the client statement and care plan do not indicate that the client is likely to be successful in securing and maintaining stable housing through the R8NHP, the client will be denied access to the R8NHP, and the Ryan White Program Manager will notify the client of this decision by certified and first class mail. Notice of the decision will include a copy of the Region 8 Network grievance policy and grievance form.

Clients who are terminated from the R8NHP on two separate occasions will not be eligible for return to the R8NHP at any time.

Summary of End of Participation Policies and Procedures

Clients may end their participation in the R8NHP through several means. Each has slightly different documentation requirements, processes, and consequences for the client. The following page summarizes policies and procedures related to ending participation in the R8NHP procedure.

Eviction by the Landlord

Termination from the R8NHP is separate and distinct from eviction by the landlord. A landlord may have reasons for evicting a client, justifiable or otherwise, which differ substantially from termination of R8NHP assistance due to breach of program requirements. In the administration of R8NHP services, it is important that termination and eviction be carefully differentiated.

A R8NHP client may be evicted by the landlord, in accordance with state and local laws governing evictions, for violating a provision of the lease agreement. However, R8NHP assistance may not be terminated unless R8NHP program rules are violated. Unless there is a Category I or Category II violation, which warrants termination at the same time an

eviction takes place, it is the responsibility of the R8NHP Housing Coordinator/Case manager to continue the client's assistance.

If a landlord chooses to initiate eviction proceedings, this must occur without involvement from the R8NHP. The role of the Housing Coordinator/Case Manager, as an advocate, precludes any involvement with eviction proceedings initiated by the landlord.

Under no circumstances should the Housing Coordinator/Case Manager or other staff including case management staff give the client legal advice regarding eviction. This could lead to liability for the program. When a client has received an eviction notice, summons or complaint from the landlord, the client may be referred to legal services.

Depending on the outcome of the eviction proceedings initiated by the landlord, it may be necessary for the Housing Coordinator/Case Manager to make arrangements for the client to move and continue the assistance elsewhere. Additionally, a client may be moved and assistance continued if a program violation has resulted, termination has been initiated, and the grievance process has not been completed.

Termination Resulting in Client Death

R8NHP rental assistance terminates immediately upon the death of the client, unless survived by member(s) of the family who were listed on the R8NHP application and residing with the client in the assisted unit at the time of his or her death. Such surviving family members are afforded a grace period of rental assistance up to 60 days. Assistance terminates upon the exhaustion of the grace period unless the household becomes R8NHP eligible prior to expiration of the grace period.