



Client Termination As A Last Resort



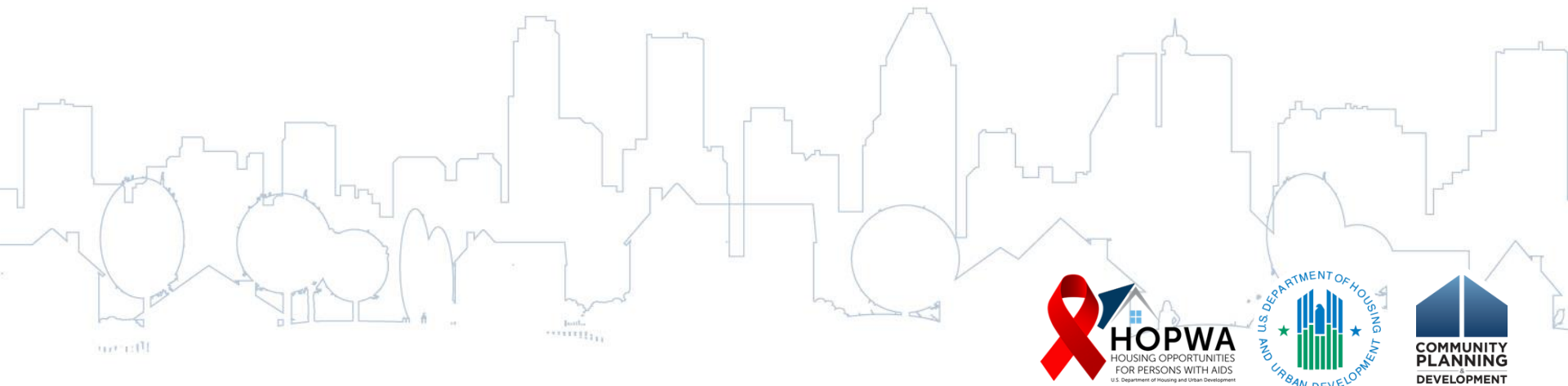
Learning Objectives

- Understand what constitutes cause for client termination, per the HOPWA regulations.
- Know what due process is guaranteed to the client in the event of a termination.
- Understand that client termination is a last resort and is reserved for special circumstances, as outlined in the regulations.



The HOPWA Institute:

“Housing’s Role in Ending the HIV Epidemic”



Regulations

HOPWA regulations require a formal process for handling the termination of HOPWA clients. Termination procedures should address termination due to one of the following:

1. Death of the client
2. Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking
3. Violation of regulations/program requirements/conditions of occupancy
4. Absence from Unit Policy



Client Termination

1. Violation of regulations/program requirements

- Grantee must have a formal written process which follows due process law
- Process must include written notice, clear statement of reasons for termination, allowance for review/ rebuttal by client, & prompt written notice of final decision

2. Termination/Eviction Procedures:

- Specific behaviors or circumstances that will cause termination.
- Rules must include due process for terminated clients.

Client Termination

1. Death of the client

- Surviving family may continue to receive housing &/or supportive services for a grace period
- Grantee establishes the grace period EMSA-wide
- Grace period cannot exceed one year

2. Client termination or eviction due to domestic violence, dating violence, sexual assault or stalking

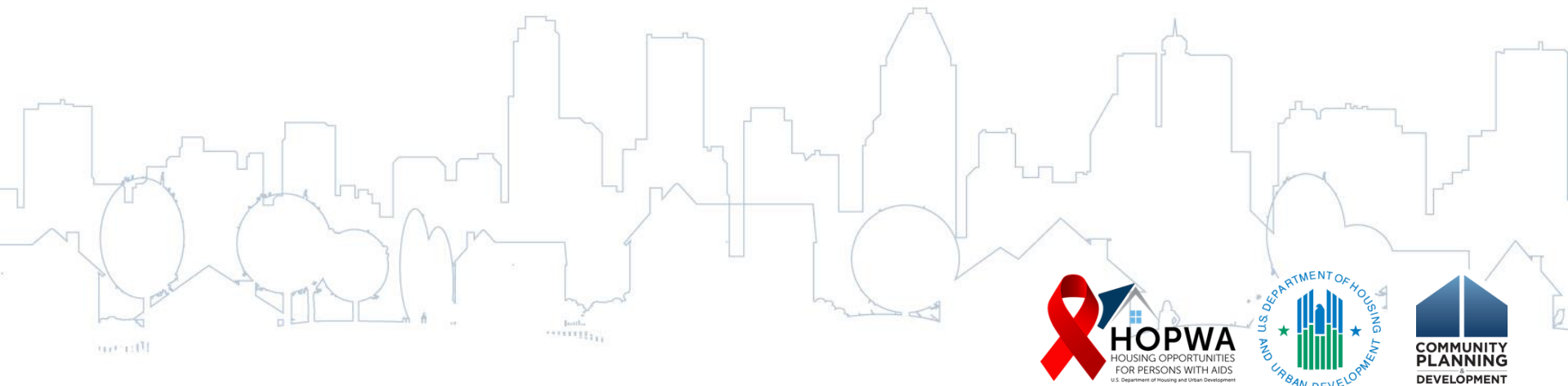
- Remaining family may continue to receive housing &/or supportive services for a grace period
- Grace period no less than 90 days and not more than one year



Client Termination

Termination/Eviction Procedures:

- Explanation of service grace period provided for
 - Surviving family members
 - Remaining family members following bifurcation of a lease or eviction as a result of domestic violence, dating violence, sexual assault, or stalking



Client Termination

- ✓ Procedures should be known to clients and staff – be transparent
- ✓ Make sure clients know:
 - Your program rules
 - Their due process rights
- ✓ Be sure your rules are as fair as possible and applied equally to all participants
- ✓ Know local landlord/tenant laws
- ✓ Know Fair Housing rules!

The TBRA Time Limit Myth!

HUD views TBRA as a permanent housing activity!

- Similar to Section 8/HCV
- Ongoing legal right to live in a unit

Programs should not discharge HOPWA households into an unstable situation or homelessness



Eviction Prevention

What are the case manager responsibilities?

- ✓ Helping client understand rights and responsibilities in relation to eviction
- ✓ Provide clients with possible housing options to keep clients from re-entering into homelessness
- ✓ Advocating for tenants with landlords for fair treatment during eviction process.



Eviction Prevention

- ✓ Activities of Daily Living (ADLs)!
- ✓ Educate the tenant on the conditions of the lease.
- ✓ Talk about how to be a good neighbor.
- ✓ Provide guidance on handling maintenance issues.
- ✓ Make regular home visits.
- ✓ Explain the consequences of lease violations and eviction.

Eviction Prevention-Policies

- ✓ Remind tenants about the risks of behaviors that may threaten their housing stability
- ✓ Record reminders in a daily log
- ✓ Issue a verbal warning when a violation occurs



Eviction Prevention-Policies

- Warning should be put in writing when:
 - Violations are serious
 - Tenant continues to violate lease terms
- Document Verbal warnings and written warnings.



Behavior Contracts

Behavior contracts as a condition for housing/housing subsidy are used when:

- Loss of housing/housing subsidy is tied to events/ behaviors with a housing-related consequence
- Lease violations based on pattern of behavior
- The behavior can be reasonably expected to change
- Tenant engages in offered and agreed to services



QUESTIONS?

- ✓ What should our rules say? Are they clear and fair?
- ✓ How can we enforce the rules and not discharge clients into homelessness?
- ✓ Do our termination policies differ between rental activities: TBRA vs Master Leasing vs Facility-Based Housing?
- ✓ What is our bottom line?
- ✓ What has worked?

