

**HSRA Regulations Subcommittee on
Standards, Client Rights, and Client Responsibilities**

**Tuesday, December 4, 2007
9:30 – 11:30 AM**

MINUTES

Moderator: Holly F. Lynch, Hogan & Hartson, LLP

Secretary: Miyun Sung, Hogan & Hartson, LLP

Attendees: See Sign-In Sheet attached as Appendix A

Location: Catholic Charities, 925 G Street, NW

Agenda: See Agenda attached as Appendix B

Procedural Issues

A. *Marcy Dunlap of Washington Legal Clinic for the Homeless volunteered to summarize this meeting for the Work Group on December 20, 2007.*

B. Regarding deliverables to the Work Group, the general consensus among attendees was to, at least initially, make higher level proposals rather than to draft specific proposed regulations.

C. Rather than working solely toward consensus, the group determined that it would be best to brainstorm regulatory options and then to rank them, presenting them all to the Work Group.

D. The subcommittee determined that it would be unreasonable to impose a timeline for progress and creation of a final product before the Work Group has done so, but agreed to return to the issue at the January subcommittee meeting.

E. Based on the Work Group's determination that the subcommittee process would be layered into (1) monthly meetings and (2) more focused client outreach, the subcommittee discussed the process for gathering input from clients. Rather than having client outreach separated by subcommittee, which would present many logistical problems, the subcommittee determined that it would be best to have outreach on a Work Group level. This issue will need to be discussed at the December 20 Work Group meeting and by other subcommittees. This subcommittee endorses the following approach:

- o Provider outreach/Client outreach:
 - o Because of concern that clients would not feel comfortable providing input with providers present, it was determined that client outreach should be conducted independently, with every effort to assure clients that their input is valued and that they will not face repercussions for participation. Clients are, of course, welcome to attend the subcommittee and Work Group meetings as well.
 - *Washington Legal Clinic for the Homeless volunteered to coordinate client outreach activities.*

- It was suggested that clients organize separate meetings on their own and send representatives to subcommittee meetings and/or provider meetings.
 - It was also suggested that some meetings not be held at shelters in order to facilitate an open atmosphere.
 - The subcommittee determined that additional provider outreach would also be beneficial. Providers may also attend the subcommittee and Work Group meetings.
 - *The Community Partnership agreed to take responsibility for provider outreach and to highlight topics raised at subcommittee meetings.* TCP is already planning a provider meeting for December 14, and will prioritize discussion of hypothermia shelters, basic facilities standards, and storage. TCP will organize and publicize additional provider outreach meetings.
- Series of meetings:
 - The subcommittee determined that outreach ought to occur in two phases.
 - The first phase would involve gathering information and issues from clients and providers to be discussed in the subcommittee meetings.
 - The second phase would involve gathering additional input on the final subcommittee/Work Group products.

Topical Issues

- The subcommittee determined that its mandate would be to focus on the following topical issues falling under the broad headings of standards, client rights, and client responsibilities, as well as any additional issues that attendees may raise in future meetings:
 - Basic facilities issues
 - Storage space (including abandonment)
 - Shelter in severe weather conditions
 - Access to information and notification of rights and other services in the Continuum of Care
 - Attendees discussed the possible provision of resident handbooks containing information regarding the services available and the rights/responsibilities of clients.
 - Attendees agreed that these handbooks should be different from the leaflets often provided by various facilities and that they should be uniform for every client in the city, regardless of provider.
 - One attendee noted that Miriam’s Kitchen provides a good handbook that could serve as a model.
 - Services for children
 - Hours of operation at shelters
 - Reasonable accommodations
 - Discrimination
 - Confidentiality
 - Ability of clients to provide input/feedback
 - Service plans
 - Drug and alcohol testing
 - Receiving visitors
 - Curfews
 - Leaving and returning to shelter
 - Procedures for dealing with hospitalization or imprisonment
 - Inspection of living quarters
 - Cleanliness (providers and clients)
 - Privacy and personal space/time

- Child care
 - Seeking housing, employment, and education
 - Scope of “basic needs”
 - Phone and mail services
 - Laundry facilities
 - Savings accounts
 - Training of providers/staff and quality assurance
 - Cultural competence
 - Assistance in preparation for permanent housing
 - Rent calculations
 - Housing First programs
 - Case management/outreach/follow-up support services
- It was explained that regulations are meant to interpret and implement the statute. They may add to the statute in areas on which the statute is silent, but cannot conflict with what is already included in the statute. Accordingly, the subcommittee suggested that the following issues be raised with the DC Council for amendment:
 - Expanding HSRA’s authority to cover private facilities
 - Altering the definition of hypothermia shelter to raise the temperature above 32 degrees
 - Given the long list of topics before the subcommittee, attendees decided to prioritize issues that had been raised during the November 29 Work Group meeting.

Hypothermia

- Issues raised:
 - Gap between day and night shelters, such that a client may be forced to wait outside for several hours during hypothermic conditions.
 - Procedure for determining access to severe weather shelter when temperature rises slightly – for what period of time must the temperature change for severe weather conditions to no longer be in effect?
 - Logic of tying shelter to temperature alone, rather than to severe weather more generally, such as rain, snow, wind, lightening, etc.
 - Ability of couples to stay at the same severe weather shelter.
- Proposals:
 - Allow clients to remain at the night shelters during severe weather conditions. However, this may not be feasible given the inability of certain shelters to remain open during the day.
 - Treat the 32 degree threshold in the HSRA as a minimum, and impose a higher threshold for hypothermia shelters in the regulations. Note that it is unclear whether this would conflict with the statute or would be treated as simply a regulatory addition.
 - Provide a regulatory right to shelter in other severe weather conditions that clarifies severe weather as being broader than hyper- and hypothermia conditions.
 - Provide a regulatory right for couples to stay at the same severe weather shelter.

Basic Facilities

- Issues raised:

- Lack of access to laundry facilities, leading to hygiene issues.
 - Lack of transportation services to interviews, appointments, etc. This may be a responsibility of Social Services, rather than shelters.
 - Ability to return to a night shelter during the day for access to restroom facilities.
 - Availability of products for personal hygiene and cleanliness.
 - This was not an exhaustive discussion, and the subcommittee will need to return to this issue.
- Proposals:
 - Define personal hygiene to include a right of access to laundry facilities.
 - Include a regulatory right to transportation services, perhaps through van services or subsidization of other transportation options.
 - Clarify that access to 24-hour, properly functioning toilet facilities includes access during the day to the toilet facilities of a severe weather shelter.
 - Clarify that the requirement to maintain safe, clean, and sanitary facilities includes client rights to personal hygiene products and other cleaning supplies, and potentially also include a more specific requirement as to how often facility cleaning must take place. Note that this may also be an enforcement issue, rather than a gap in the statute/regulations.

Storage Space

- Issues raised:
 - The fundamental conflict is that facilities may not have sufficient space to provide additional storage to clients and space used for storage may potentially eliminate room for beds, but clients need more space for secure storage. Without it, they may not return to shelter, cannot effectively search for jobs, etc. The storage issue will likely need to be addressed separately for each type of provider in the Continuum of Care.
 - Secured storage and provision of locks.
 - When should storage be assigned, should reservations be permitted, when must stored belongings be removed, when are stored belongings abandoned?
 - It was noted that there is currently no requirement for the provision of storage in emergency/low barrier shelters. However, that could be changed in the regulations.
- Proposals:
 - Generally:
 - Provide storage on a first-come, first-served basis, i.e. no reservation of beds or storage.
 - Create secondary storage rooms where belongings could be kept temporarily, similar to a coat check. However, this would raise both space and staffing issues.
 - Clients should be notified of their storage rights and regulatory abandonment policies upon sign-in.
 - The period of time for abandonment should be treated as a minimum in the regulations, i.e. providers should be obligated to hold belongings for as long as space will allow beyond the minimum period.
 - If the client has a landlord-tenant relationship, that relationship should preempt any other provisions regarding abandonment of property.

- A right to a specified amount of space was determined to be infeasible given differences in shelter type and size.
- Emergency/low barrier shelter
 - Provide immediate access to storage at check-in, if storage is available. This condition is necessary because of the inherent limits on storage space.
 - To ensure a first-come, first-served approach, clients must remove their belongings from storage in the morning (i.e. 7 AM), at which point they may either:
 - Have no temporary storage options, or
 - Place their belongings in temporary storage during the day.
 - If belongings are not removed in the morning, they will be placed in temporary storage. After some period of time (3 and 7 days were both suggested for low barrier shelters, 2 and 3 days were suggested for emergency shelters), the property may be considered abandoned.
- Temporary shelter
 - Provide immediate access to storage, if available
 - If a client has not returned by curfew, belongings will be placed in temporary storage for some period of time (3 and 7 days were both suggested).
- Transitional housing
 - Provision of storage space is not an issue for transitional housing. The only issue is abandonment.
 - Property should be considered abandoned either 2 or 3 days (both were suggested) following move-out or termination. A shorter period of time is acceptable in this context because clients are aware of their move-out date and will have received at least 15 days notice of termination.

Wrap-Up

- The next meeting of this subcommittee in January will begin with a discussion of how the various types of shelters should be defined and distinguished, as well as how clients should be notified of the type of shelter they are residing in so that they can be more fully apprised of their rights. *The Community Partnership volunteered to provide a list of programs and descriptions.*
- Agenda items for other subcommittees and the Work Group raised at this meeting:
 - Work Group:
 - Timeline for subcommittee and Work Group progress
 - Outreach to clients and providers
 - Enforcement Subcommittee:
 - Safe, clean, and sanitary facilities
 - Repercussions against clients for expressing complaints or suggestions
 - Select a representative to report to Work Group
 - Legal Issues Subcommittee:
 - What should be addressed in the regulations and what can be left for Program Rules?
 - Minimum inclusions for Program Rules
 - Select a representative to report to Work Group