

SHELTER PLUS CARE PROGRAM

TERMINATIONS PROCESS

ALL NOTICES MUST BE GIVEN TO THE CLIENT DOUBLE-SIDED; WITH THEIR APPEAL RIGHTS ON THE BACK ADVISING THEM OF THEIR RIGHTS TO A FAIR HEAR HEARING OR APPEAL OF YOUR DECISION.

The Homeless Services Reform Act governs the termination process for the Shelter Plus Care program. HSRA sections 19-24 can be referenced for more information.

A sponsoring agency may only terminate a participant from their program in accordance with the Homeless Services Reform Act of 2005 (HSRA). The decision to no longer provide services and end the rental assistance subsidy under the Shelter Plus Care program may be sanctioned only if

- 1) the client:
 - a) Possesses a weapon on the provider's premises;
 - b) Possesses or sells illegal drugs on the provider's premises;
 - c) Assaults or batters any person on the provider's premises;
 - d) Endangers the client's own safety or the safety of others on the provider's premises
 - e) Intentionally or maliciously vandalizes, destroys, or steals the property of any person on the provider's premises;
 - f) Fails to accept an offer of appropriate permanent housing or supportive housing that better serves the client's needs after having been offered 2 appropriate permanent or supportive housing opportunities; or
 - g) Knowingly engages in repeated violations of a provider's Program Rules.

In all of these cases Sponsoring Agencies should have documentation to support their actions and previous attempts to assist the client.

When termination is recommended, the sponsoring agency must exercise judgment and examine all extenuating circumstances to determine if termination is warranted. **When completing a termination, the sponsoring agency must issue the client a Notice of Termination, in accordance with HSRA, 15 days before the effective date of termination.** The Sponsoring Agency should attempt to explain the Notice and their appeal rights to the client and have them sign the document. A copy of the Notice should be given to the client and kept in the client's record.

Please forward the Termination Notice to TCP 30 days after the Notice is issued. Once the Coordinator receives the Notice and confirmation from the sponsoring agency that there is not an appeal underway, the Notice of Termination will be forwarded to the TCP Property Administrator. The sponsoring agency must notify the Shelter Plus Care program if there is an Appeal or Fair Hearing pending if the results of such have not been disclosed at the time the Notice is submitted to TCP.

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Emergency Termination

Whenever a client presents an imminent threat of violence to the health or safety of the client or any person on a provider's premises, the provider, in light of the severity of the act(s) leading to the imminent threat may immediately transfer, suspend, or terminate the client, without providing prior written notice of termination. This is an Emergency Termination, the form for which can be found in Section of 8 of this manual.

The provider shall attempt to provide written notice, consistent with the requirements of HSRA sec.19, to any client terminated on an emergency basis at the time that the termination is enacted. If it is not safe to provide notice to the client at the time the action is taken, the Sponsoring Agency should attempt to provide notice to the client within 15 days if the client's whereabouts are known. The time period during which the client may request fair hearing proceedings to appeal the transfer, suspension, or termination pursuant to section 26 shall not begin until the client has received the subsequent written notice. However, no client that is terminated according to an emergency action can continue to receive shelter from the Sponsoring Agency while appealing the emergency action.

Whenever a provider performs an emergency termination they are required to immediately notify the Department of Human Services (DHS) of the termination.

Each participant has the right to appeal the termination decision made by the Shelter Plus Care sponsoring agency. They must be made aware of this right by their provider agency at the time a Notice is presented to them if the situation is safe for the Sponsoring Agency to do so. For further clarification of the procedures regarding notices of termination, transfer, or otherwise refer to Section 19 of the Homelessness Services Reform Act.