

## I. Grievance Procedures

- A. Programs must have an internal grievance process that clients can use to resolve conflicts within the program. Programs must have written policies and procedures for resolving grievances, including a statement regarding the client's right to request reasonable accommodation, and must post them in a place conspicuous and accessible to clients. In addition, each client shall receive a copy of the grievance policies and procedures, upon intake and upon receiving a warning or discharge notice, in all appropriate languages or in a fashion readily accessible to accommodate non-hearing and sight impaired individuals.
- B. The grievance process focuses on preventing the escalation of conflicts, resolving conflicts, and improving program environments for clients and staff. To this end, programs must strive to maximize the use of informal avenues for resolving disputes whenever possible.
- C. The program's grievance procedures must allow clients the opportunity to be represented by a third-party advocate in the grievance process. Reasonable efforts must be made to coordinate with the client's advocate in order to schedule the appeal.
- D. The program's grievance procedures must provide clients the opportunity to present their case before a neutral decision-maker.
- E. To the extent possible, the goal of grievance procedures should be conflict resolution, rather than determining or assigning fault or blame.

\*\*Please refer to the [Sample Grievance Policy](#) in the CoC toolkit for further information.\*\*

## II. Policy for Participant Termination

The recipient or subrecipient may terminate assistance to a program participant who violates program requirements or conditions of occupancy. Termination under this section does not bar the recipient or subrecipient from providing further assistance at a later date to the same individual or family.

Recipients or subrecipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all circumstances in determining whether termination is appropriate. HUD has determined that a participant's assistance should be terminated only in the most severe cases. The termination process is designed to allow due process to the participant who can appeal the termination decision.

The program participant must receive a written copy of the program rules and the termination due process before the participant begins to receive assistance. If a participant is already enrolled in a program, a written copy of the rules and termination due process must be provided during the annual recertification process.

### **Role of the Case Manager and the OSH Program Manager**

The case manager will assist the participant to avoid jeopardizing their housing placement and participation in the CoC Program. The case manager will inform the participant when his or her behaviors may lead to termination from the program and will develop a written behavioral contract with the participant to resolve the issues that may result in program termination and consequent

eviction from the housing unit. The case manager's supervisor will facilitate a meeting with the participant and case manager to review the behavioral contract, explain the consequences of continued non-compliance with program and/or occupancy agreements, with the ultimate consequence being termination of rental assistance for violations of program requirements and/or eviction from the premises by the landlord for occupancy agreement violations. This delineation of roles between the case manager's supervisor and the case manager will assist in protecting the established working relationship between the case manager and the participant. If the case manager believes a participant is in jeopardy of eviction or termination of rental assistance, the case manager must notify the Office of Supportive Housing PSH or RRH Program Manager in writing as soon as possible.

If the participant refuses to enter into a behavioral contract and the program and/or occupancy agreement violations persist, the case manager may recommend the participant's termination from the program to the Office of Supportive Housing. The case manager must provide written documentation supporting the reasons for program termination and include the behavioral contract noting the degree of implementation and results. If the participant refuses to engage in developing a behavioral agreement, the case manager must state this information in their report to OSH.

Violations that may result in program termination include:

1. Refusal to provide documentation or signature required for program eligibility (e.g. annual recertification);
2. Abandonment of the unit without notice to the program staff for more than 30 consecutive days. Please note that this does not include instances in which program staff are notified of time-limited vacancy from the unit, however, the length of time away from the unit will be dependent upon the specific requirements of the program funding source.
3. Violent or threatening behavior, or other behavior that seriously threatens the health and safety of the participant, family members in the household, or other tenants;
4. Violent or threatening behavior towards the case manager, other program staff, landlord, property manager, other tenants; and
5. Legal eviction by a landlord constituting extreme violation of occupancy requirements.

In situations where the participant or family is involved in violent or criminal activity that endangers the safety of the participant, family members in the household, or the safety of other tenants, the participant may be required to leave the housing unit immediately. In this instance, if it is safe to do so, the case manager will assist the participant with locating other housing arrangements or services.

If the violent or threatening behavior is directed towards the case manager, other program staff, landlord, property manager, or other tenants, the recipient or subrecipient will terminate the client from the program.

The OSH Program Manager may transfer the client to another RRH or PSH program, if appropriate and if doing so is not likely to put the participant, household members, program staff, or tenants at risk of harm.

### **Eviction Proceedings by a Landlord**

If a landlord initiates eviction proceedings against a participant in the absence of a program termination notice, the landlord must follow California State laws regarding the eviction of the participant. The participant must inform the case manager of the eviction proceedings and provide a copy of the landlord's eviction letter and all court summons and eviction notices. The case manager must send a copy to the Office of Supportive Housing PSH or RRH Program Manager. Legal eviction by a landlord may constitute extreme violation of occupancy requirements and subjects the participant to possible termination from the program if the reasons for eviction constitute program violations stated above.

#### Due Process for Participant Appeals of Program Termination

The recipient or subrecipient must make a request to terminate the participant from the program along with supporting documentation to the OSH Program Manager for approval before taking adverse action such as terminating a participant from the CoC Program. OSH may approve the termination request, request additional information, or direct the recipient or subrecipient to explore alternatives to program termination.

There are two levels of due process for participant appeals.

##### 1) Participant Appeal to the Recipient/Subrecipient

If the OSH Program Manager approves the request to begin termination proceedings, the subrecipient must provide a written letter to the participant informing the participant of the termination decision along with the reasons for termination, and the date of termination from the program that will result in ending the rental subsidy and/or eviction from the unit if the landlord is a sponsor agency. The letter must provide 30-day notice for termination. The letter must also include a description of the appeal process including the deadline date for the appeal, the person to be contacted to schedule an appeal hearing, and an appeal form to be completed by the participant if applicable. The recipient or subrecipient must specify whether supportive services will continue during the 30-day period.