NCTRAINING 102 PART B

DETAILED INSTRUCTIONS

HOW TO REQUEST NONCOMPLIANCE

EOHLCNoncompliance@Mass.Gov

Noncompliance 102 Part B Training – Detailed Additional Material

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NOTE: All families in EA shelter, including those presumptively placed, may receive warnings, noncompliances, and terminations.

THE BIG PICTURE: NONCOMPLIANCE PROCESS

More detailed information on terminations and appeals will be covered in a subsequent training. Note: there are reasons other than for noncompliance for which a household may be terminated.

If minor infraction, process starts here

Participant violates
USR for the first time
and for a minor
infraction*

Participant receives
ONE warning, which is
documented in ETO.

*Detail on "minor infractions" and the warning system on next slide

If serious infraction, process starts here

Participant violates same USR for the second time OR there is a serious infraction

Participant is reported for noncompliance in ETO.* Shelter staff collect documentation and work with the Noncompliance Unit as needed.

*Participant may be subject to termination based on the 3rd noncompliance Officially issued by the Noncompliance Unit. All reasons for termination will be covered in a following training.

Outcome determined by Noncompliance Unit

Participant may appeal to Hearings Division

Participant may appeal
Hearings Division
determination to
Superior Court/Housing
Court

NONCOMPLIANCE REQUESTS



Commonwealth of Massachusetts EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

Maura T. Healey, Governor ♦ Kimberley Driscoll, Lieutenant Governor ♦ Edward M. Augustus Jr., Secretary

Noncompliance Request Supplement: Instructions for Participant Response

WHAT'S THE NEW NONCOMPLIANCE PROCESS?

STEP 0A: IS THERE GOOD CAUSE, RA, ETC?

Stop the noncompliance process if the participant had De Minimis, Good Cause, or a relevant RA) [Remember: you should also contact your ADA Coordinator to determine if there is an RA on file]

STEP 0B:WARNING OR NONCOMPLIANCE?

If it's the first time a participant has violated a minor rule and they have not received a warning; stop the noncompliance process and move to the Written Warning process.

ETOTP "NONCOMPLIANCE REQUEST FORM"

STEP I: COMPLETE

Write in English.

You will not be able to complete the "Document Upload" tab until step 5.

STEP 1.5:WAIT FOR NCU REVIEW

Wait until the NC Unit reaches out to discuss your responses on the request.

The NCU will help you submit a complete TP.

STEP 5: ADD FINAL DOCUMENTS TO ETO TP

Upload final documents into the "Document Upload" tab of the TP.

Must include uploads of the completed supplement material to prove that there was translation, if needed.

STEP 4: DELIVER THE NONCOMPLIANCE PACKET

Noncompliance Packets can be delivered by hand, mail, fax, or left under the door If translation needs to be done, the only accepted method of delivery is IN HAND.

Packet Includes:

Printed ETO TP

- Supplement material
- · Language access material

STEP 3: COMPLETE THE NONCOMPLIANCE SUPPLEMENT

Found in the Provider Portal.

Must have a copy (scanned or photo) of completed material.

See future slides for details on language access.

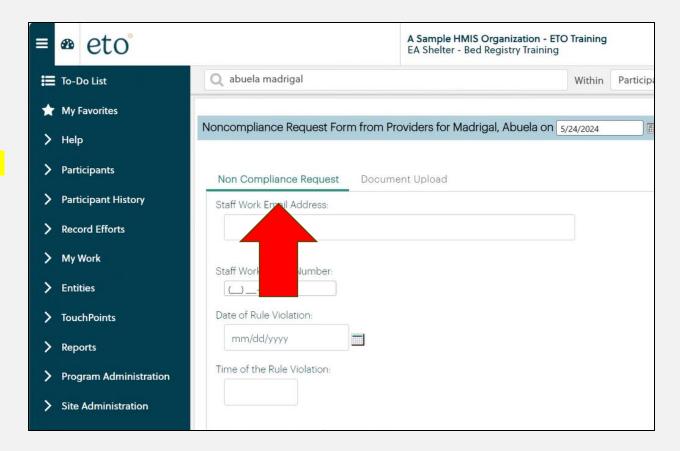
STEP 2: PRINT ETO TP

Instructions are provided later in this training.

STEP I: COMPLETE NC TP IN ETO

Step I: Complete the ETOTP "Noncompliance Request Form"

- Answer all required questions on the "Noncompliance Request" tab
- Complete the entire "Noncompliance Request" tab in one sitting. Do not save/submit the Touchpoint until you are done answering all questions (you cannot draft in ETO)
- Some questions have conditionality, which means that how you answer a question may trigger additional questions.
 - For example, if you answer "Yes" to "Was DCF called," you will have to answer additional questions like, "Was a 5 I A filed?"
- This Touchpoint will remain editable for 14 days. The only 2 reasons why you should edit the touchpoint are:
 - I. You have collected all the necessary documentation and are ready to upload in the second tab)
 - 2. The NC Unit advises you to make a change to a short response answer.



INITIAL QUESTIONS

- When choosing the "grounds for noncompliance"
 make sure you're choosing a specific violation of
 the rules! To get the list of the infractions you
 must first select Uninform Shelter Rule Violation.
- You cannot submit an NC request for multiple behaviors over multiple incidents
 - For example, if Jane Smith breaks curfew on 6/1 and doesn't show up to a RHP meeting on 6/4 ... those should be TWO DIFFERENT requests for noncompliance*

P	lease check the grounds for Noncompliance you think may apply. Select all that apply.
	☐ Not cooperating in developing one or more parts of the rehousing plan 760 CMR 67.06(5)(a)3.
	Not participating in the activities in one or more parts of the rehousing plan without good cause. 760 CMR 67.06(5)(a)3 or the minimum requirements of a rehousing plan pursuant to 760 CMR 67.06(4)(b).
	A member of the recipient household being a threat to the health and/or safety of him/herself, other members of the recipient household, other shelter guests, and/or the staff of the temporary emergency shelter. 760 CMR 67.06(5)(a)5.
	☐ Uniform Shelter Rule violation

	✓ Uniform Shelter Rule violation
	elect the Uniform Shelter Rules you believe to have been violated. Select all that apply.
	Access to Unit / Searches
	Babysitting / Childcare
	Care of Children
	Child Left Unattended
	Curfew
	Damage to Property and Expenses
	Disturbance of Quiet Enjoyment
	☐ Drug Testing
	Failed to meet EOHLC requirements
	Fire Safety and Smoking
	Harassing or Threatening Language
	Committed an act illegal under local, state, or federal law (illegal activity)
	Unresolved default or arrest warrant (legal issues)
	Overnights
	Personal Belongings and Cleanliness of Shelter Unit
	Pets
	Prescription Medication
	Sexual Harassment
	Substance Abuse
r	☐ Violent Behavior and Child Abuse and Neglect
	☐ Visitors / Guest
	Weapons

USR VIOLATION ANSWER OPTIONS

Avoid Common Mistakes:

 When you submit a request involving children, you will be required to answer additional questions.

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Please write the names, ages and dates of birth for all children involved (if completing this question	n for violent behavior not related to child abuse or neglect, please type non applicable):

	✓	Uniform Shelter Rule violation
Se	elect	the Uniform Shelter Rules you believe to have been violated. Select all that appl
		Access to Unit / Searches
	✓	Babysitting / Childcare
	✓	Care of Children
	✓	Child Left Unattended
		Curfew
		Damage to Property and Expenses
		Disturbance of Quiet Enjoyment
		Drug Testing
		Failed to meet EOHLC requirements
		Fire Safety and Smoking
		Harassing or Threatening Language
		Committed an act illegal under local, state, or federal law (illegal activity)
		Unresolved default or arrest warrant (legal issues)
		Overnights
		Personal Belongings and Cleanliness of Shelter Unit
		Pets
		Prescription Medication
		Sexual Harassment
		Substance Abuse
	✓	Violent Behavior and Child Abuse and Neglect
		Visitors / Guest
		Weapons

WHO VIOLATED THE USRS OR RHP?

Avoid Common Mistakes:

- Complete all required information
- NC notice is always made to HOH
- ETO touchpoint taken under HOH case
- Identify who in the family is in violation of the USRs
- *If you know the name of the visitor you can add that to the narrative of the request.

Who violated the Uniform Shelter Rule(s) or Rehousing Plan? Please select the correct option and complete the required information. *

O Head of Household

O Adult Member of the Household (not Head of Household)

O Child in the Household

O Visitor

DESCRIBING WHAT HAPPENED

- Include all the relevant facts of the incident.
- Concise summary of the incident.
- Focus only on the event in question.
- Text field capped at 8,000 characters.

Describe what happened. How did the participant violate the Uniform Shelter Rules(s) or Rehousing	g Plan? What was the participant's behavior? *

PATTERN OF BEHAVIOR

- Has the participant behaved in this same manner previously?
- Note: if you are submitting a request on curfew, tell us of other times the participant has broken curfew. You do not need to tell us unrelated behaviors. Please include dates of previous infractions.

as the participar	nt engaged in the same behav	ior before? If so, describe. *	

DID THE PARTICIPANT CLAIM GOOD CAUSE?

- Did the participant say they had good cause for the incident you described in this noncompliance request?
- What good cause did the client indicate?

licate they have Good Cause for v	riolating the Uniform Shelter Pro	gram Rules(s) or part of the Rehousin	g Plan?
·			
	icate they have Good Cause for v	icate they have Good Cause for violating the Uniform Shelter Pro	licate they have Good Cause for violating the Uniform Shelter Program Rules(s) or part of the Rehousing

WHAT SUPPORTING DOCUMENTATION ARE YOU PROVIDING?

- Provide a list of the documents you are uploading with this request.
- Evidence must be relevant to the incident in question.

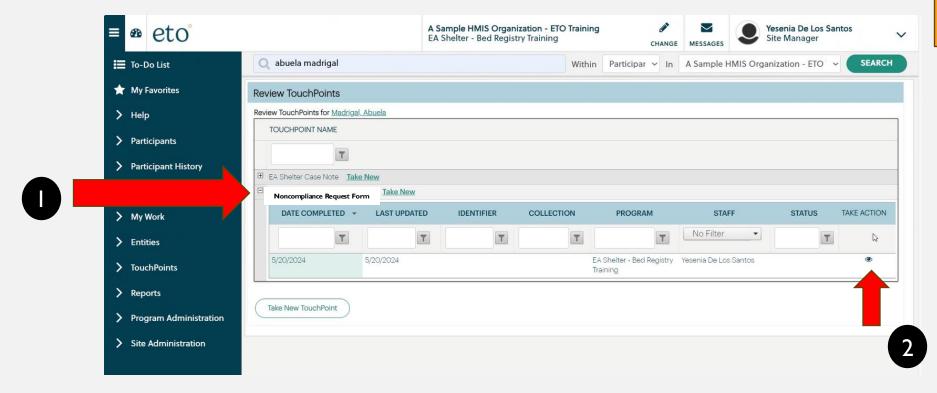
SUBMIT NONCOMPLIANCE REQUEST FORM

- Once you submit the Noncompliance Request Touchpoint please wait for further instructions from the Noncompliance Unit.
- 1. The noncompliance unit will review your submission and follow up.
- 2. The noncompliance unit will direct you to:
 - Print the ETO TP
 - Complete the supplemental pages
 - Deliver packet to participant
 - Re-upload supplemental pages to TP

STEP 2: PRINT ETO TP

Step I: Print the completed ETO TP

- Print the completed "Noncompliance Request" TP
- This printout will be included in materials to participants, so they can see the request



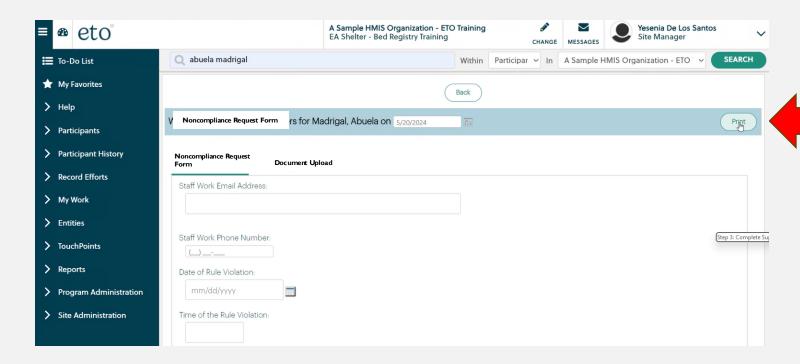
Do this step only after instructed to do so by the Noncompliance Unit!

From the Participant's Touchpoint page, select the completed "Noncompliance Request Form" Touchpoint

STEP 2: PRINT ETO TP

Step I: Print the completed ETO TP

- Print the completed "Noncompliance Request" TP
- This printout will be included in materials to participants, so they can see the request



Do this step only after instructed to do so by the Noncompliance Unit!

Choose "Print"

STEP 3: COMPLETE SUPPLEMENT MATERIALS PAGE I

Step 3: Complete Supplement Materials

Can be found on the Provider Portal

If the participant's native language is...

- English: use the English version
- Spanish, Portuguese, Haitian Creole, or Cape Verdean Creole: use that language form.
 - WRITE ALL SHORT RESPONSE ANSWERS IN ENGLISH!
 - This document will include translations for the ETO print out
- Other language: use the English version



Commonwealth of Massachusetts

EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES

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Noncompliance Request Supplement: Instructions for Participant Response

The participant must receive this form in their native language, if that language is English, Spanish, Portuguese, Haitian Creole, or Cape Verdean Creole. Use the English form and multilingual notice for all other languages.

A shelter, housing assistance provider, or noncompliance coordinator must complete this form when an Emergency Assistance (EA) participant does not comply with the Uniform Shelter Program Rules. Please describe, with as much detail as possible, the behavior that has resulted in the noncompliance/termination request and what steps have been taken by the submitter. The person submitting this form must include all supporting documents such as police reports, landlord/management housing offers, drug results, etc.

Please email all documents to Executive Office of Housing and Livable Communities (EOHLC) Division of Housing Stabilization (DHS) Noncompliance Unit, EOHLCNoncompliance@mass.gov, or fax all documents to the Noncompliance Unit at 617-573-1577.

To Be Completed by Shelter Staff:

The person submitting the request must give a copy to the EA household for comment. The EA household has three (3) business days after receipt of this notice to give their response to the Noncompliance Unit.

	By signing below, I acknowledge t the multilingual notice, to the EA I			
•	☐mail; ☐hand delivery; ☐le	eaving a copy under his/her door;	fax to this number	
•	The rule(s) I believe the family bro	oke is (are):		
•	on the following date (MM/DD/Y)	YYY):		
	 A Noncompliance is a formal finoncompliance, they will be as A termination means the EA H 	ance and/or termination] process. finding that a participant broke a ru sked to leave shelter. Household broke the rules in a serior are asking the EA Household to lear	le. If the EA Household g us way. A termination me	-
•	Staff Signature	Staff Printed Name		-
•	Staff Title	Date		
	Trans	l into client's native language sPerfect ID # (if applicable): Staff Member:		
	Check here if the participant's na	ttive language is English and there was	no translation needed:	1 1

Wait to complete until giving to

participant

STEP 3: COMPLETE SUPPLEMENT MATERIALS PAGE 2

Step 3: Complete Supplement Materials

Can be found on the Provider Portal

If the participant's native language is...

- English: use the English version
- Spanish, Portuguese, Haitian Creole, or Cape Verdean Creole: use that language form.
 - WRITE ALL SHORT RESPONSE ANSWERS IN ENGLISH!
 - This document will include translations for the ETO print out
- Other language: use the English version



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Attached is a description of why shelter staff believe you broke the rule.

This form helps EOHLC to decide whether or not to give you a noncompliance termination. This form tells EOHLC what shelter staff thinks happened. It is also a chance for you to tell us your side of the story.

You can explain:

- (1) that you did not break the rule,
- (2) that you had a good reason for breaking the rule.
- (3) that you or a family member have a disability or health condition that caused you to break the rule,
- (4) any other reasons why you think we should find you did not break the Rules.

It is optional to complete this form. You may use more pieces of paper if you like and may also provide documentation if you have it. If we receive your response on this form in time, we will consider your side of the story.

It is important that you act quickly. You must send this completed form to the EOHLC Noncompliance Unit by fax to (617) 573-1577 or by mail or overnight delivery to 100 Cambridge Street, Boston, MA 02114. You can ask your family's shelter provider or EOHLC homeless coordinator to fax the form for you.

If you got this notice directly from shelter staff (hand-delivered) you must send your response to us within three (3) business days from the date of this notice. (A business day is Monday, Tuesday, Wednesday, Thursday, or Friday, not counting legal holidays.) If this notice was sent to you by mail, we must receive your response within seven (7) business days from the date of this notice.

If the family shelter provider or EOHLC homeless coordinator faxes the form for you, they must give you proof that the fax was received. You also can call EOHLC Division of Housing and Stabilization at (617) 573-1370 and press 2 for Housing Stabilization or (877) 418-3308 (TTY (617) 573-1140 for the Deaf or hard-of-hearing) to confirm that we got your Response.

What happens after I return this form:

EOHLC will read everything you and your shelter tell us. We will consider whether we think you broke a rule. We will send you our decision in writing.

If we send you a Notice of Noncompliance or Termination, you can appeal it. An appeal is a hearing to see if we made the correct decision. A hearing officer will look at all the facts and hear both sides of the story. The hearing officer can decide to change our decision.

STEP 3: COMPLETE SUPPLEMENT MATERIALS: PAGES 3 & 4

Step 3: Complete Supplement Materials

 Can be found on the Provider Portal

Make sure participant understands WHY and HOW they should fill out this response form.

If you do receive a Notice of Noncompliance or Termination is later sent out, you must appeal that notice within 21 days. You must appeal a Notice of Termination in 10 days in order to be able to remain in shelter while your appeal is pending. This Response form is not an appeal. If you have any questions about this letter or need help filling it out, you may contact your Homeless Coordinator or your family shelter case worker. Some shelter rules violations may be a crime or may result in a court case. These can be things like assault, having a weapon, having drugs, or abusing or neglecting your kids. In those cases, you may want to speak with an attorney before completing this form. What you say in this form can be used against you. Why I did not break the rule(s):	The effect of a disability or health condition:
	NK FOR PARTICIPANT d not break the Rules:
You might have a good reason why you broke the rule. A good reason is referred to as good cause. Examples of good cause are: an emergency, transportation issues, work schedule, lack of childcare, illness, or the death of someone. It can be other things too. Why I had Good Cause:	

STEP 4: DELIVER THE NONCOMPLIANCE PACKET

HOW

You may deliver using the following methods:

- Hand-delivery (preferred)
- Leave under door
- Fax
- Mail

* If translation is needed, IN HAND is the only acceptable delivery method.

WHAT TO INCLUDE

The following is the "NC Packet"

- ETO Print out of answered questions
- Supplement Material
- Additional translation documents, if needed

SCAN A COPY / TAKE A PHOTO

DON'T FORGET: You are required to upload a scanned PDF or photo of the completed NC Supplement!!!

You cannot complete the NC supplement until you determine delivery. The language access questions should be answered accurately.

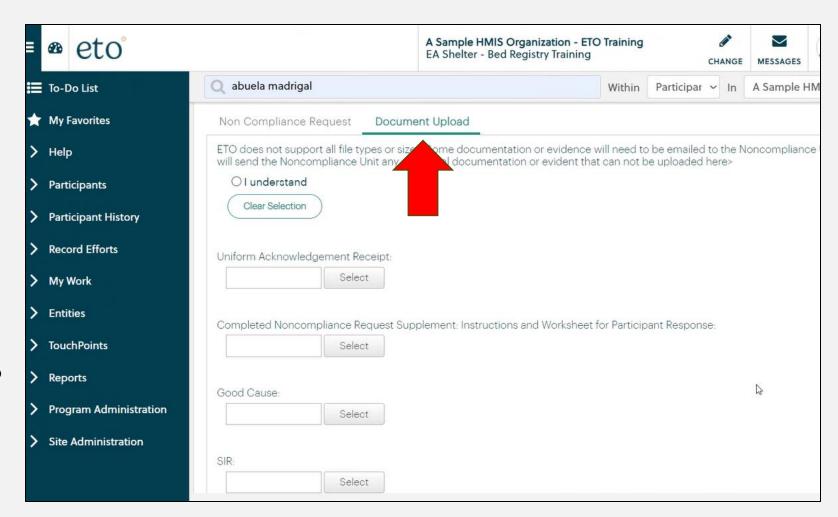
*Remember – Write in English for all forms (even forms translated into a different language)

This Document was orally translated into client's native language	on (date)	/	/
TransPerfect ID # (if applicable):			
Staff Member:			
Check here if the participant's native language is English and there was no translation ne	eded:		

STEP 5: UPLOAD FINAL DOCUMENTS & EVIDENCE IN ETO

Step 5: Upload Final Documents & Evidence Into ETO

- Required documents (scanned PDF)
 - Completed NC Supplement packet
 - Receipt of signed USRs
- If relevant, include (scanned PDF)
 - SIR
 - Police Report
 - 5IA/DCF Report
 - Other supporting documentation
 - NOTE: Some files are not able to be uploaded into the TP and will need to be emailed to the Noncompliance Unit.



Section 3/5: Evidence

EVIDENCE TO INCLUDE WITH THE NONCOMPLIANCE REQUEST

Best practice: always include case notes, ETO notes, and logs

Please include a copy of the signed receipt of the Uniform Shelter Rules, which is attached at the end of the large Uniform

Shelter Rules packet with every noncompliance request

Every member of the EA household who is 18 years of age or older must sign the Uniform Shelter Rules

Babysitting

• babysitting request form

Damage to Property

- bill or estimate of the damage
- the RHP where the participant was required to make payments

Disturbance of Quiet Enjoyment

ADA RA information

Criminal Activity / Illegal Activity

police report

• 51A report

Video or still photos (with date/time stamp)

• video or photos (with date/time stamp)

• witness statements/affidavits with phone numbers

Curfew / Overnights

- Requests will not be accepted without logs or signout sheets
- security notes
- video or still photos (with date/time stamp) from a surveillance camera showing what time the participant left shelter and returned
- requests for overnights that were approved or denied

Drug Testing

- results of the drug test
- medical reports

Fire Safety and Smoking

• pictures (with date/time stamp) of the cigarettes, marijuana, lighters, ashes, ash trays

Harassing or Threatening Language

- · video, voicemail or other audio recording
- witness statements/affidavits with phone numbers

Meetings

- copy of the one-time or reoccurring notice of the meeting
- communication with the participant regarding rescheduling (texts/emails)

EVIDENCE TO INCLUDE WITH THE NONCOMPLIANCE REQUEST

Best practice: always include case notes, ETO notes, and logs

Please include a copy of the signed receipt of the Uniform Shelter Rules, which is attached at the end of the large Uniform

Shelter Rules packet with every noncompliance request

Every member of the EA household who is 18 years of age or older must sign the Uniform Shelter Rules

Personal Belongings & Cleanliness of Room

 photos (with date/time stamp) of all things in each room that are a violation (ex. trash on the floor in the kitchen and belongings stored on the back porch which block the exit)

Pets

 photos (with date/time stamp) of the pet in the unit or on shelter property

Sexual Harassment

- violation of the RHP (participant did not complete the activities in the plan)
- copy of the RHP that was signed and copy of the next RHP that was reviewed with the case manager and lack of progress was noted.
- refusal to sign the plan copy of the meeting notice

Violent Behavior

Rehousing Plan

 video or still photos (with date/time stamp), audio recordings, witness statements/affidavits with phone numbers

- police report
- 51A
- Video
- witness statements/affidavits with phone numbers

Substance Abuse

- photos (with date/time stamp) of the substance in the participant's possession or the unit
- medical reports
- police report
- 51A,

Prescription Medication

 photos (with date/time stamp) of where the prescription medication was being stored within the unit

Weapons

- photos (with date/time stamp) of the weapon
- police report,

Visitors/Guests

- security notes
- video or still photos (with date/time stamp) from a surveillance camera showing what time the participant's visitor arrived and left shelter

6 MONTH EXPIRATION RULE

- A noncompliance for rehousing plan or USR violations expires after 6 months if the participant has not committed any new rule violations. USR violations that are also threats to Health and Safety do not expire.
- The expiration clock starts to run from the <u>date of</u> the most recent incident, not the date that the noncompliance was requested or issued.
- If a participant leaves the shelter program permanently, their noncompliance notices reset to zero.
- Noncompliance notices do not reset or erase for participants who are transferred to a different shelter or leave shelter on a TESI.



QUESTIONS?

LANGUAGE ACCESS: DETAILED INSTRUCTIONS

Warning Template

English Speaking

- I. Complete the English version of the warning template.
- 2. Write short responses in English.
- 3. Deliver to participant.
- 4. Finish warning submission in ETO.

Spanish, Portuguese, Haitian Creole, or Cape Verdean Creole

- I. Use and complete the version of the warning template in the participant's native language.
- 2. Write short responses in English.
- 3. Use a staff member or TransPerfect when delivering the warning in hand to the participant.
- 4. Finish warning submission in ETO.

Other Language

- I. Complete the English version of the warning template.
- 2. Write short responses in English.
- 3. Use a staff member or TransPerfect when delivering the warning.
- 4. Finish warning submission in ETO.

Noncompliance Request

English Speaking

- I. Complete the ETO TP in English.
- 2. Print the ETO TP.
- 3. Print and complete the HLC NC Request Supplement in English.
- 4. Deliver to participant.

Spanish, Portuguese, Haitian Creole, or Cape Verdean Creole

- I. Complete the ETO TP in English.
- 2. Print the ETO TP.
- 3. Print and complete the HLC NC Request Supplement in the participant's native language.
- 4. Use a staff member or TransPerfect when delivering the materials in hand to the participant.

Other Language

- I. Complete the ETO TP in English.
- 2. Print the ETO TP.
- 3. Print and complete the HLC NC Request Supplement in English.
- Use a staff member or TransPerfect when delivering the materials.