

NONCOMPLIANCE TERMINATIONS & APPEALS

EOHLCNONCOMPLIANCE@MASS.GOV

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REASONS FOR EA TERMINATIONS (ISSUED BY FIELD OR PLACEMENT UNIT)

Refusing
Placement/Failing to
Appear

(Not showing up at initial
placement or transfer)

Abandoning Shelter

(Out of shelter for 48 or more
consecutive hours)

Feasible Alternative
Housing

(Moved out)

No Longer
Categorically or
Financially Eligible

(no children under 21, over
income, over assets)

Committing
Fraud

Warrants

(Not clearing outstanding
warrant within 30 days of
notice)

REASONS FOR NC TERMINATIONS
(ISSUED BY NONCOMPLIANCE UNIT)

3rd Notice of
Noncompliance

Criminal
Activity

Rejecting
Housing

Rehousing Plan
Assessment

HOW DOES A PARTICIPANT GET TERMINATED FROM SHELTER?

1. Providers request noncompliance by completing the Noncompliance Request Touchpoint in ETO.
2. The Noncompliance Unit reviews the Touchpoint and, if appropriate, issues the noncompliance.
3. If the noncompliance is for criminal activity, rejecting housing, rehousing plan assessment, or rehousing plan participation, the Noncompliance Unit begins the termination process.
4. If the noncompliance is for a different violation, the Noncompliance Unit will only start the termination process if it is the participant's 3rd noncompliance.

GROUND S FOR TERMINATION (NONCOMPLIANCE TOUCHPOINT)

Check all specific grounds of noncompliance or termination that you believe may apply.

- Termination Grounds
 - Criminal Activity
 - Rejecting Housing
 - **Not completing the Rehousing Assessment for any 60-day period**
 - 3rd NC notice of Noncompliance

Please check the grounds for termination you think may apply. Select all that apply.

- ☐ A member of the recipient household engaging in a criminal activity that threatens the health, safety and/or security of him/herself, other members of the recipient household, other shelter guests, and/or the staff o the temporary emergency shelter. 760 CMR 67.06(6)(a)1.
- ☐ Rejecting one opportunity for safe, permanent housing without good cause. 760 CMR 67.06(6)(a).
- ☐ Engaging in behavior warranting a third noncompliance notice 760 CMR 67.06(6)(a)(3).
- ☐ None of the above - I am not seeking termination



3RD NOTICE OF NONCOMPLIANCE

- Issued by Noncompliance Unit on form NFL-ST.
- Can be for any combination of shelter rule violations.
- Continue to submit noncompliance requests for applicable infractions.
- All other requests for noncompliance will be held pending the hearing outcome.
- A participant can contest all the previous issued noncompliances at the time of the termination hearing.

- Issued by the Noncompliance Unit on form NFL-ST-CA.
- Violations for criminal activity are issued as terminations, even if the participant does not have any previous infractions on record.
- All criminal activity infractions are submitted to our legal team for review.
- The criminal activity must occur on shelter property or the vicinity of shelter property.
 - Criminal activity that occurs offsite may be grounds to separate a participant from the EA household if they pose a threat to the health or safety of the program.
- The participant has the right to appeal the termination and remain in shelter pending the outcome of the hearing.



CRIMINAL ACTIVITY

REJECTING HOUSING

- Issued by the Noncompliance Unit on form NFL-9T.
- The participant may be terminated when an apartment is OFFERED and their refusal to accept the apartment without good cause is the only barrier to becoming housed.
- You need evidence that there was a housing OFFER made.
 - Letter from the Housing Authority (not the screening letter), Section 8 or a private landlord stating the date the offer was made, the length of the lease and the address of the apartment or
 - Completed HB packet or
 - Signed lease
- There's NO OFFER when:
 - A voucher expires
 - Landlord pulls the offer because of the participant's bad behavior (ex. cursing at the landlord or other tenants)
 - The participant refuses to fill out the application (we don't know if the application would've been accepted)
 - The apartment is in a Temporary Housing Program (not considered permanent housing)
- If the participant rejects the offer, the request for the noncompliance should state the reasons for refusal.



Issued by the Noncompliance Unit
on form NFL-9T.



The participant may be terminated from shelter if
they do not complete a Rehousing Plan Assessment
any 60-day period.



Participants must know that this meeting is to complete a
Rehousing Assessment.

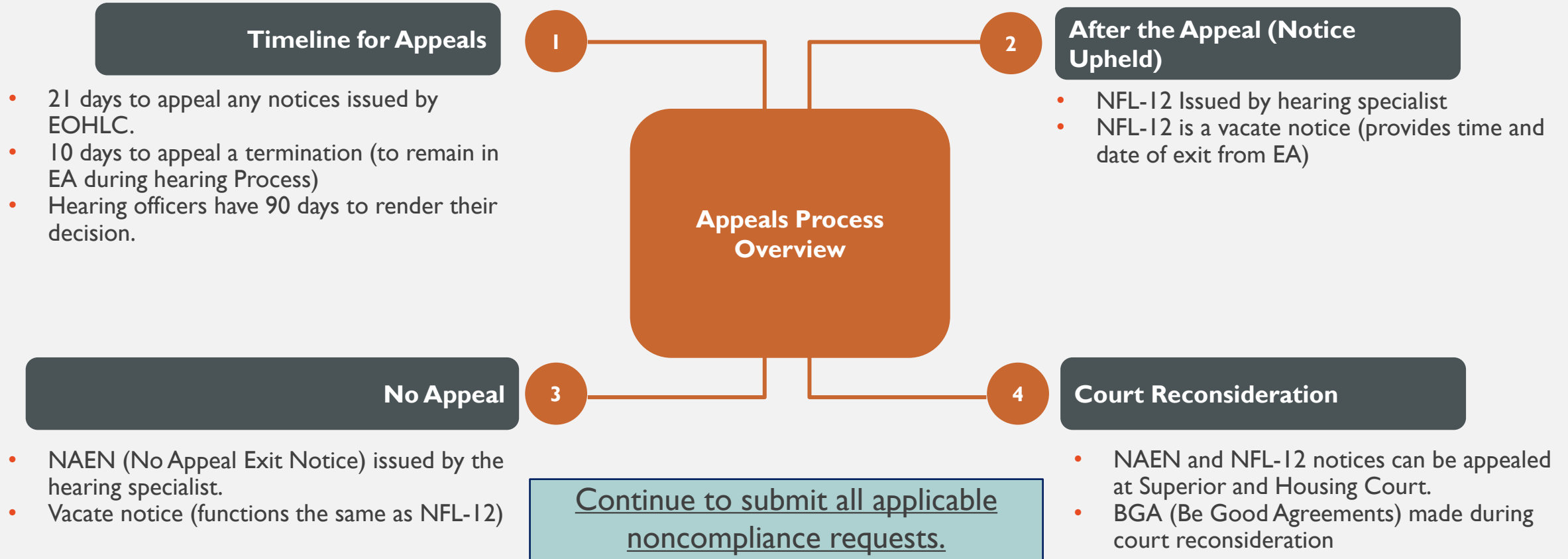
Ways to help the participant stay in compliance with this
requirement:

- *Create a specific meeting notice for the
Rehousing Assessment
- *Create new meeting notice that you can check
off the type of meeting scheduled (Rehousing Plan,
Rehousing Assessment, Case Management, etc.)

REHOUSING ASSESSMENT

HEARINGS AND APPEALS

Appeals are handled the by the hearings division. This is an overview of the general process and timelines as they pertain to noncompliance.



APPEALS REQUEST

I, _____, hereby request a fair hearing before a Hearing Officer of the Office of the Chief Counsel. I wish to request a hearing for the following reasons:

Name _____

SSN _____

Address _____

Telephone (____) _____

City/ZIP _____

Date _____

Signature _____

My authorized representative is:

Name _____

Title _____

Address _____

Telephone (____) _____

- ❖ A participant can submit an appeal by completing the bottom of the EOHLC Notice
- ❖ Appeals can be mailed, emailed (**EOHLCeahearings@mass.gov**) or faxed (617-573-1515)
- ❖ Participants have 21 days to appeal all notices issued
- ❖ Questions regarding hearing submissions, hearing status, hearing decisions, etc. should be addressed to the hearings department.

RESPONSES vs APPEALS

Response:

- *1st opportunity to contest infraction.
- *NC Supplemental Packet Pages
- *3-7 business days to respond.
- *Submitted to Noncompliance Unit.

Encourage participant to submit accordingly.

Appeal:

- *2nd opportunity to contest infraction.
- *Completed on bottom of noncompliance and termination notices.
- *10-21 calendar days to appeal all notices.
- *Submitted to Hearings Department.

***All termination notices should be appealed within 10 calendar days for the participant to remain in shelter while the appeals process takes place.**

TERMINATION PENDING: KEEP THIS IN MIND

1

Your Role:

- Continue working with the participant until they exit from EA.
- Request a noncompliance even if the participant has a termination pending.
- Do not exit the participant until you have received notice (NFL-12/NAEN) from EOHLC.

2

Participant Appeals

- A participant who appeals their notice of termination can stay in shelter until the hearing is heard and a final decision issued.
- A participant who receives multiple terminations must appeal each notice of termination to remain in shelter.

3

HomeBASE

- If a participant finds a HomeBASE apartment, while in termination, proceed with the HomeBASE application. Email the noncompliance unit and your contact manager and provide the participant's expected move-out date.
- The termination(s) will be rescinded upon the condition that the participant move out on the expected date. If the participant later refuses to take the HomeBASE apartment, the terminations will remain in effect.



QUESTIONS?