



Office of the County Executive  
Robert P. Astorino

Department of Community Mental Health  
Grant E. Mitchell, M.D.  
Commissioner

## MEMORANDUM

**TO: DCMH HUD RENTAL ASSISTANCE SUBRECIPIENTS**  
**FROM: ANNETTE PETERS-RUVOLO, PROGRAM DIRECTOR, CSS**  
**DATE: 2/1/13**  
**RE: RENTAL ASSISTANCE TERMINATION POLICY**

### **Rental Assistance Termination Policy**

Excerpted from HUD regulations Section 578.91

#### **§ 578.91 Termination of assistance to program participants.**

(a) *Termination of assistance.* 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.

(b) *Due process.* In terminating assistance to a program participant, the recipient or subrecipient must provide a formal process that recognizes the rights of individuals receiving assistance under the due process of law. This process, at a minimum, must consist of:

- (1) Providing the program participant with a written copy of the program rules and the termination process before the participant begins to receive assistance;
- (2) Written notice to the program participant containing a clear statement of the reasons for termination;
- (3) A review of the decision, in which the program participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and
- (4) Prompt written notice of the final decision to the program participant.

(c) *Hard-to-house populations.* Recipients and subrecipients that are providing permanent supportive housing for hard-to-house populations of homeless persons must exercise judgment and examine all extenuating circumstances in determining when violations are serious enough to warrant termination so that a program participant's assistance is terminated only in the most severe cases.

### **Rental Assistance Termination Procedure:**

The subrecipient must adopt a procedure that, at a minimum, includes the following:

1. Provide written notice, from the subrecipient to the participant, containing a clear statement of the violations with an invitation (within a specified timeframe – no less than 30 days) to make corrections. The written notice should directly reference the Lease Agreement, indicating the areas of non-compliance.

2. If the participant does not respond and/or the corrections have not been made by the specified timeframe, a written notice, from the subrecipient, containing a clear statement of the reasons for termination (30 day notice) must be sent via certified mail. This notice must contain a statement that they (the participant) are entitled to a termination review as described above in HUD regulation 578.91. The notice must include instructions on how to obtain a termination review by the recipient's organization, including a specified contact person and a timeframe.
3. Termination review meetings should be scheduled within two weeks of the participant's request, if at all possible. Both subrecipient and participant must be present, and the subrecipient representative cannot be the person who made the decision to terminate or their subordinate. Ideally, it should be someone in the subrecipient agency with some type of administrative function, possibly a Quality Assurance, Consumer Relations or other Executive level individual. The meeting is a review of the decision to terminate, in which the participant is given the opportunity to present written or oral objections. An attendance sheet and minutes are kept. Every attempt should be made by the agency to prevent termination, including providing and/or securing additional supports to assist the client in correcting areas of non-compliance. During the review meeting, information is presented and a decision made to either uphold the eviction or deny the eviction.
4. The facilitator of the Termination Review meeting provides prompt written notice of the final decision, to include recommendations to both subrecipient and participant. The results must be sent to the participant via certified mail. The attendance sheet, minutes and the final notice are filed in a binder categorized by month for review at the subrecipient's next DCMH Annual Monitoring Site Visit.