

## TERMINATION AND GRIEVANCE HEARING PROCEDURES



### Termination Procedures:

Below is an explanation of Newcap's Termination Procedures for applicants/participants for housing services that utilize rental/leasing assistance and supportive services to assist persons experiencing homelessness to live independently. Termination is expected to be limited to only the most severe cases. Newcap will exercise judgment and examine all extenuating circumstances when determining if violations are serious enough to warrant termination.

Rental assistance payments can only be made for units that pass HUD's required housing inspections. Repairs must be completed within 30 days of an initial and annual inspection or payment may be withheld. In the case of life-threatening repairs, the landlord will have 24 hours to make such repairs before payment may be withheld.

Failure to comply with federal regulations applicable to the housing service will result in termination. Per the federal regulations, participants must:

- Receive an annual assessment of needs; and
- Provide all required documentation to verify eligibility initially and as changes occur.

Termination will also occur when the qualifying member of the household:

- Is institutionalized or incarcerated for 90 days or more;
- Moves out of the service area;
- Cannot be located or contacted for 90 days or more;
- Voluntarily exits the housing service; or
- Dies.

Participants who repeatedly and/or seriously violate applicable rules/regulations, participant agreement(s), or the participant code of conduct, as detailed in the Participant Agreement, may be terminated from the housing service.

When termination is necessary:

- The participant will be provided with notice that clearly states the reason for termination.
- Newcap must deliver all termination-related notices in writing.
- The participant will be given the opportunity to dispute the termination with a person other than the staff member who made or approved the termination.
  - Please see the following Grievance Procedures for more detailed information.
- Notice of the final decision will be provided to the participant within 15 days.

### Grievance Procedures:

An applicant who has completed a preliminary application for housing services is entitled to a review of the decision if they have been denied participation.

A current participant of such services is entitled to a grievance hearing if they are unsatisfied with any of the following:

- Determination of household's annual or adjusted income
- Calculation of occupancy fees or client portion of rent, or utility allowance payment
- Termination of assistance or the determination to terminate a participant's assistance for *any* reason
- Non-compliance with participant agreement(s), participant code of conduct, and applicable rules/regulations.
- Participation in the program
- Denying placement on a waiting list
- Determination of unit size or denial of request for a unit size exception
- Eligible Immigration Status

A grievance hearing is not required for decisions concerning:

- Establishment of utility allowance
- Housing coupon issued period expires and/or an extension or suspension of the housing coupon is denied

- Determination not to approve a unit or lease

PROCEDURES FOR FILING FOR A GRIEVANCE HEARING

**1. Notice of Denial/Termination**

Newcap must provide a written copy of the notice of denial, provide the reasons, and state that the participant has the right to request a grievance hearing. Clients will receive written notice of occupancy fees due.

**2. Request for Review**

Upon receipt of the notice or letter of rental contribution, the applicant/participant must submit a written request **within 10 days** of the date of the letter. This procedure must also be stated in the notice of denial that is sent to applicant/participant. If a client experiences barriers to submitting a written grievance, clients may verbally file a grievance, and Newcap staff shall dictate on behalf of the client.

**3. Scheduling A Grievance Hearing**

Once Newcap receives the written request (**within the 10-day period**), a review will be scheduled within 20 days. The applicant/participant will be notified in writing of the date and time of the review/hearing.

**4. Results of the Grievance Hearing**

The Hearing Officer (someone other than the person who made or approved the decision and their subordinates) must render their decision within 15 days and notify the applicant/participant in writing.

**5. Failure to Request a Grievance Hearing**

If the applicant/participant does not request a grievance hearing in writing within the specified time, the decision to deny/terminate the applicant/participant is final.

The purpose of a grievance hearing is to consider whether the staff member's decision(s) regarding the applicant/participant is in accordance with applicable rules/regulations.

- Applicant(s)/participants(s) may present oral or written objections.
- Before the hearing, the applicant(s)/participants(s) can examine the documents directly relevant to the hearing. Documents include records and regulations.
- The Applicant(s)/participants(s) may copy the documents at their own expense.

By signing below, I acknowledge that I have read (or have requested to have read to me) the above policies and procedures regarding housing service termination and grievance hearings. Furthermore, I understand the information provided and have had the opportunity to ask questions to help me better understand the information.

I have been offered a copy of this document and understand that I may request a copy of this document from Newcap staff at a later date if so desired.

\_\_\_\_\_  
Head of Household's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Additional Household Adult's Signature, if applicable

\_\_\_\_\_  
Date

\_\_\_\_\_  
Newcap Staff Signature

\_\_\_\_\_  
Date

Copy given to applicant/participant:

- Paper copy  
 Sent to proxy (list): \_\_\_\_\_

Emailed

Texted

Client declined a copy