



Technical Assistance Resource: Termination of Assistance to Program Participants

CoC Program Interim Rule

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.

Classification of Program Exits as Terminations

Every program exit, whether voluntary, involuntary, or due to disengagement by the program participant, is considered a "termination." Therefore, project staff should ensure they are following the regulatory requirements listed in the section above every time a participant is exited. Staff from the local Chicago HUD Office confirmed on August 7, 2019 that all exits should follow the regulations for terminations. Therefore, when All Chicago conducts a client file review, the monitoring team will check exited files for documentation demonstrating that the staff provided a written notice that includes the reason for termination and due process rights to the program participant.



2018 Local Evaluation Tool Project Component

The content of Project Operations Question 3 provides additional expectations for the written discharge policies of projects funded through Chicago’s CoC. In 2018, Question 3 was written as follows:

“The project’s written discharge policies include all of the following:

- a. An internal, due process hearing or investigation prior to discharging the consumer.
- b. Assistance with locating other housing (for housing projects) or service (for SSO projects) options, if needed.
- c. A statement that the agency will make and document all reasonable attempts to avoid discharging consumers onto the street or without needed services.
- d. A policy allowing consumers to remain in the project even if they require an absence of 90 days or less due to the reasons outlined below:
 - i. Substance use treatment intervention
 - ii. Mental health treatment intervention
 - iii. Hospitalization
 - iv. Incarceration

If your project is governed by other laws and/or funder policies, please provide the law/policy. Attach a narrative or document to explain.”

Sample from Community Shelter Board

Community Shelter Board is the Collaborative Applicant for Columbus, Ohio. The agency website includes a monitoring instrument that outlines expectations for termination policies ([2018 Program Review and Certification Standards – Client Rights](#), pages 7-8). These expectations have not been adopted in Chicago, but the document serves as a sample that can be used by agencies to inform their written policies.

One key highlight from this sample is that agencies are expected to have a “practice of providing written plans for at-risk clients that include strategies for intervention, prevention, or housing retention that help clients avoid losing housing.” Another expectation is that “agencies can demonstrate that staff develops and implements payment plans for rent arrearages, as needed.” These expectations as well as the other components of Community Shelter Board’s monitoring tool related to Client Rights may be found at the following link: [2018 Program Review and Certification Standards – Client Rights](#).