



# City of Lowell: *Partnership for Change to End Homelessness*

## Lowell Continuum of Care ~ MA-508

### CoC Program: Housing First Policy and Participant Bill of Rights

#### GOVERNANCE CHARTER/SECTION VI: PROGRAM OPERATING STANDARDS

##### A. Lowell CoC Housing First Principles

1. **Housing First** is a programmatic and systems approach that centers on providing homeless people with housing quickly and *then* providing services as needed using a low barrier approach that emphasizes community integration, stable tenancy, recovery and individual choice.
2. **Low barrier approach to entry:** Housing First offers individuals and families experiencing homelessness immediate access to permanent supportive housing without unnecessary prerequisites. For example:
  - a. Admission/tenant screening and selection practices do not require abstinence from substances, completion of or compliance with treatment, or participation in services.
  - b. Applicants are not rejected on the basis of poor or lack of credit or income, poor or lack of rental history, minor criminal convictions, or other factors that might indicate a lack of "housing readiness."
  - c. Blanket exclusionary criteria based on more serious criminal convictions are not applied, though programs may consider such convictions on a case by case basis as necessary to ensure the safety of other residents and staff.
  - d. Generally, only those admission criteria that are required by funders are applied, though programs may also consider additional criteria on a case by case basis as necessary to ensure the safety of tenants and staff. Application of such additional criteria should be rare, and may include, for example, denial of an applicant who is a high risk registered sex offender by a project serving children, or denial of an applicant who has a history of domestic violence involving a current participant.
3. **Community integration and recovery:** Housing is integrated into the community and tenants have ample opportunity and are supported to form connections outside of the project.
  - a. Housing is located in neighborhoods that are accessible to community resources and services such as schools, libraries, houses of worship, grocery stores, laundromats, doctors, dentists, parks, and other recreation facilities.
  - b. Efforts are made to make the housing look and feel similar to other types of housing in the community and to avoid distinguishing the housing as a program that serves people with special needs.
  - c. Services are designed to help tenants build supportive relationships, engage in personally meaningful activities, and regain or develop new roles in their families and communities.
  - d. Services are recovery-based and designed to help tenants gain control of their own lives, define their personal values, preferences, and visions for the future, establish meaningful individual short and long-term goals, and build hope that the things they want out of life are attainable.
  - e. Services are focused on helping tenants achieve the things that are important to them and goals are not driven by staff priorities or selected from a pre-determined menu of options.
4. **Lease compliance and housing retention:** Tenants are expected to comply with a standard lease agreement and are provided with services and supports to help maintain housing and prevent eviction. Visitors are expected to comply with requirements in the lease agreement.
  - a. Leases do not include stipulations beyond those that are customary, legal, and enforceable under Massachusetts law.
  - b. No program rules beyond those that are customary, legal, and enforceable through a lease are applied (e.g., visitor policies should be equivalent to those in other types of permanent, lease-based housing in the community). Housing providers may ask for identification from visitors.

- c. Services are designed to identify and reduce risks to stable tenancy and to overall health and well-being.
  - d. Retention in housing is contingent only on lease compliance and is not contingent on abstinence from substances or compliance with services, treatment or other clinical requirements. For example:
    - i. Tenants are not terminated involuntarily from housing for refusal to participate in services or for violating program rules that are not stipulated in the lease.
    - ii. Transitional housing programs offer participants due process to resolve issues that may result in involuntary discharge (unless immediate risk to health and safety)
    - iii. PH providers only terminate occupancy of housing in cases of noncompliance with the lease or failure of a tenant to carry out obligations under Massachusetts' Landlord and Tenant Law <http://www.mass.gov/ago/consumer-resources/consumer-information/home-and-housing/landlord-and-tenant-law/>
    - iv. In order to terminate housing, PH providers are required to use the legal court eviction process.
    - v.
5. **Separation of housing and services:** Projects are designed in such a manner that the roles of property management (e.g., housing application, rent collection, repairs, and eviction) and supportive services staff are clearly defined and distinct.
- a. Property management and support service functions are provided either by separate legal entities or by staff members whose roles do not overlap.
  - b. There are defined processes for communication and coordination across the two functions to support stable tenancy.
  - c. Those processes are designed to protect client confidentiality and share confidential information on a need to know basis only.
6. **Tenant Choice:** Efforts are made to maximize tenant choice, including type, frequency, timing, location and intensity of services and whenever possible choice of neighborhoods, apartments, furniture, and décor.
- a. Staff accepts tenant choices as a matter of fact without judgment and provides services that are non-coercive to help people achieve their personal goals.
  - b. Staff accepts that risk is part of the human experience and helps tenants to understand risks and reduce harm caused to themselves and others by risky behavior.
  - c. Staff understands the clinical and legal limits to choice and intervenes as necessary when someone presents a danger to self or others.
  - d. Staff helps tenants to understand the legal obligations of tenancy and to reduce risk of eviction.
  - e. Projects provide meaningful opportunities for tenant input and involvement when designing programs, planning activities and determining policies.

## B. Housing First Requirements

All Lowell CoC projects (Permanent Supportive Housing Rapid Re-Housing, and Transitional Housing) are required to adopt the Lowell CoC Housing First Principles listed above or penalties apply. Applicable penalties are established by the CCAB/Steering Committee.

## C. Non-discrimination

1. Providers shall have non-discrimination policies in place and assertively outreach to people least likely to engage in the homeless system.
2. Providers shall comply with all federal statutes including, the Fair Housing Act and the Americans with Disabilities Act.
3. Providers shall comply with the following requirements as set forth by section 4a-60 of the Massachusetts General Laws <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B>

## CoC Participant Bill of Rights INFORMATION

1. A shelter or housing program is allowed to limit assistance to households with children; however, it may not limit assistance to only women with children and must also serve the following family types:
  - a. Single men with minor children; and
  - b. Any household made up of two or more adults with minor children, regardless of sexual orientation, marital status, or gender identity,
2. Projects may not ask about your sexual orientation or gender identity to determine if you are eligible. This does not mean that you cannot choose to share that information. Emergency shelters may ask about your sex if they have shared sleeping areas or bathrooms. Other types of projects may also ask about your family members' sex to determine the number of bedrooms you need.
3. There, generally, is no reason for a provider to request documentation of your sex in order to determine where to place you. You should not be denied access to a single-sex emergency shelter because your documents indicate a sex different than the gender with which you identify. The provider may not ask you questions or seek information or documentation about your anatomy or medical history. The provider also may not consider you ineligible for an emergency shelter or other facility because your appearance or behavior does not conform to gender stereotypes.
4. Reasonable steps that a provider must take to address a transgender client's safety or privacy concerns, include, for example: adding a privacy partition or curtain; allowing you to use a nearby private restroom or office; or having a separate changing schedule. The provider must permit any transgender clients expressing concern to use bathrooms and dressing areas at a separate time from others in the facility. The provider should work with the layout of the facility to provide for privacy in bathrooms and dressing areas, if possible. For example, toilet stalls should have doors and locks and there should be separate showers stalls to allow for privacy. The provider should ensure that its policies do not isolate or segregate you based upon your gender identity.

### WHAT CAN I DO IF I FEEL MY RIGHTS HAVE BEEN VIOLATED?

1. If your family has been separated or you believe your rights have been violated in any other way, you can submit a complaint to the Lowell CoC to [csamaras@lowellma.gov](mailto:csamaras@lowellma.gov)
2. You can also contact the HUD Boston Field Office at 617-994-8200
3. If you believe you have been discriminated against based on race, color, national origin, religion, sex, disability, or familial status, you can file a fair housing complaint with HUD by telephone 800 669-9777 or via the Internet. [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/complaint-process](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/complaint-process)
4. Massachusetts' anti-discrimination laws also protect people who are gay, lesbian, bi-sexual, and transgender. You may file a complaint in person or in writing at the Massachusetts Commission Against Discrimination (MCAD). The Boston of MCAD is at 1 Ashburton Place, Suite 601, Boston, MA 02108. Their phone number is (617) 994-6000 and you can visit their website at <http://www.mass.gov/mcad/>.

# CoC Participant/Applicant Bill of Rights FORM

As a participant in or applicant to any emergency shelter, transitional housing, rapid re-housing, or permanent supportive housing project operating within the Lowell Continuum of Care (CoC), YOU HAVE THE RIGHT TO:

1. Not be discriminated against based on race, color, national origin, religion, sex, actual or perceived sexual orientation, gender identity/expression, disability or marital status.
2. Not be denied admission or separated from members of your family based on any of these things.
3. To decide for yourself who is a member of your family and to be served together with those people whether your family includes adults and children or just adults, or the age, disability, marital status, actual or perceived sexual orientation, or gender identity of any member of your family.
4. To be placed in a shelter based on the gender with which you identify.
5. If at any time you express safety or privacy concerns, the project must take reasonable steps to address your concerns.
6. Not to be sexually harassed.
7. To be treated with respect and dignity and in a way that honors differences.
8. To get services that meet your needs with a focus on helping you to get and keep permanent housing and achieve the things that are important to you.
9. To not be physically, sexually, verbally and/or emotionally abused or threatened.
10. To receive services that are consistent with the Housing First model
11. To receive a written statement describing the services provided by the project, any rules and your responsibilities and to receive an updated written statement if any changes are made.
12. To have your personal information and records kept private and not shared without your written permission and to say with whom the information can be shared.
13. To be informed of situations when your personal information can be shared without your permission, for example, when there is a medical emergency, when a clear and immediate danger to you or to others exists, when there is possible child or elder abuse, or when ordered by a court of law.
14. To make suggestions and complaints about services or denial of services.
15. To receive a prompt and reasonable response to requests and complaints.
16. To have the freedom to participate in or choose not to participate in services and activities offered by the CoC project or by any other organization in the community.
17. If you are no longer going to get services and/or housing, to get a written notice that includes a clear statement of the reasons, an opportunity to appeal the decision, and the right to receive a written notification of the final decision. This right applies whether you decide you no longer want the services or the project decides they can no longer serve you.
18. If you are a participant in a tenant-based rental assistance program, you have the right to choose the housing unit you will live in and to move within the Lowell CoC when your lease expires. All housing units must meet HUD standards, and you may be directed to a programs, if necessary, to ensure that you can get services, unless that would put you at likely threat of violence or stalking.
19. To receive a copy of these rights and to have someone review them with you when you enter the project.

Please sign below to indicate that you received a copy of these rights and someone reviewed them with you. More information about your rights and what you can do if you believe your rights have been violated is attached.

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Participant/Applicant Name      Participant/Applicant Signature      Date

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Staff Name      Staff Signature      Date