

ABL Compliance Process

A resident who is required to work, be in school or volunteer and who does not immediately meet the work/school/training/volunteer requirement i.e. is not working/in school or doing volunteer activities for the required number of hours, is not automatically at risk of eviction or determined to be out of compliance with the program. If the resident is actively working with the Family Life Coach (FLC) or other staff¹ at the Housing Authority (HA) to make progress towards the work/school/training/volunteer hours requirement, then they are still program compliant.

The summary below is intended to clarify what is required for a resident to be Actively Working with the FLC and describes the process that would need to be followed in order to determine that a resident is not program compliant as a result of not meeting the work/school/training/volunteer requirement **AND** not Actively Working with the FLC to make progress towards the work/school/training/volunteer requirement.

Steps one through four, described in detail below are related to ABL work/school/training/volunteer compliance and considered verbal warnings that are not lease violations. These steps are intended to provide the participant with the support and time they need to become work/school/training/volunteer requirement compliant. The participant will only be referred to property management for lease action after steps one through four are completed and at that time the lease enforcement process will begin as per the LHA policy and regulations and Massachusetts Landlord-Tenant laws.

Actively Working with the FLC

A participant is considered to be “Actively Working” with the FLC to make progress toward the work/school/volunteer hours requirement when the participant is:

- Meeting with the FLC on a regular basis, with the frequency of meetings to be jointly determined by the FLC and the resident and articulated in the resident’s service plan.
- AND**
- Engaging in activities related to the agreed upon goals and activities described in the resident’s service plan.

If a participant is meeting the work/school/training/training/volunteer requirement, but misses a meeting with the FLC the participant would not be at risk for receiving a warning.

¹ In general, DHCD’s expectation is that communication about a resident’s ABL service plan will be between the resident and the FLC. If a resident is working with an HA staff member other than the FLC, the same rules will apply. Accordingly, for purposes of determining compliance with the ABL program, all references in this document to the FLC shall be deemed to refer to the FLC or any other HA staff member designated to work with a resident to help that resident make progress towards the work/school/volunteer hours requirement.

Not Actively Working with the FLC to Make Progress towards the Work/School/Training/Volunteer Hours Requirement

A participant who has not engaged in any activity relating to the goals set with the FLC in their service plan over a period of *two months* **and** has had no communication with the FLC about these goals through the agreed upon meetings between the FLC and the participant is considered to be not Actively Working with the FLC.

A meeting can be either in person or on the phone, but requires both the FLC and resident participate. A documented medical issue for someone in the household, school meeting for a child, and a work schedule change are all examples of acceptable excused absences (this is not intended as a definitive list of excused absences). Three consecutive unexcused missed meetings with the FLC and thus no known progress on activities related to goals set in the service plan would result in a warning.

The FLC is required to document in the case notes all attempts that the FLC has made to work with the participant, including attempts to contact the participant by phone and/or email, all scheduled meetings (whether in-person or by phone), any instances when the participant misses a scheduled meeting, and any communication from or to the participant regarding any missed meeting(s).

Process When Participant is Not Actively Working to Make Progress towards the Work/School/Training/Volunteer Hours Requirement

If a participant has not engaged in any activity relating to the goals set with the FLC in their service plan over a period of *two months* **and** has had no communication with the FLC about these goals, the FLC and other staff at the HA will engage in a multi-step process, including a series of warning notices and follow-up activities designed to help the participant understand the program obligations and come into compliance. The participant will only be referred to property management for lease action if the participant fails to come into compliance after these multiple attempts are made.

The FLC must document all attempts that have been made to work with the participant, the dates for any unexcused missed meetings or lack of meetings and share that with the Director of Resident Services for review.

Step 1 - First Warning: The first warning notice must include a copy of the participant's service plan, a description of the activities that have not been met and specify a date and time for the participant to meet with the FLC to create a Plan of Action that will enable the participant to come into compliance. A Plan of Action will include specific activities for the participant to do that meets their goals and an agreed upon schedule of meetings with the FLC moving forward. A participant has seven days from the receipt of the warning to confirm attendance at the meeting or to reschedule the meeting with the FLC. If the participant feels there are mitigating circumstances that were not considered in issuing the warning or developing the Plan of Action with the FLC the participant can appeal to the Director of Resident Services. The participant can discuss the reasons for the issuance of the warning and/or the Plan of Action, ask questions, provide information, and offer documentation to support the claim of mitigating circumstances.

Step 2 - Second Warning: If a participant does not respond to the first warning, a second warning will be sent specifying a date and time for the participant to meet with both the Director of Resident Services and the FLC. The purpose of that meeting will be to create a Compliance Agreement. All such agreements are reviewed with the Director of Resident Services and signed by the Participant and FLC. A participant has seven days from the receipt of the second warning to confirm attendance at the meeting or to reschedule the meeting with the Director of Resident Services. If the participant feels there are mitigating circumstances that were not considered in issuing the second warning or in developing the Compliance Agreement they can appeal to the Executive Director.

Step 3 - Third Warning: If the participant fails to meet with the Director of Resident Services and FLC and/or meets but fails to create a Compliance Agreement, a third warning will be sent specifying a date and time for a mandatory meeting with the HA's Executive Director or designee (such as a board member or deputy executive director). An agenda for the meeting must be included with the third warning. A participant has seven days from the receipt of the third warning to confirm attendance at the meeting or to reschedule the meeting with the Executive Director/designee. Failure to meet with Executive Director/designee will result in referral to property management for lease action as described below. If the participant does meet with the Executive Director or designee they will create a Compliance Agreement signed by the participant and the Executive Director/designee.

If a participant signs a Compliance Agreement, but does not honor it, as defined by not engaging in activities related to the goals set in the Compliance Agreement and not meeting with the FLC on a regular basis as defined in the Compliance Agreement, the three warning process will re-start.

Step 4: If the participant does not meet with the Executive Director/designee as required by the third warning then the non-compliant participant will be given a Non-Compliance Notice. The Non-Compliance Notice will summarize the actions taken to date and will be shared with Property Management to result in a mandatory meeting with non-compliant participant to begin lease enforcement process as per the LHA policy and regulations and Massachusetts Landlord-Tenant laws. A copy of the summary of actions taken to date will also be shared with the non-compliant participant.

STEP	DATE/TIMELINE	SPECIFIC TYPE	TASK
1	Within 30 Days of not meeting the requirements	Warning 1: Not meeting participation requirements (defined above)	<ul style="list-style-type: none"> • Identify violation by category. • Include scheduled date to meet with FLC to create Plan of Action. • <i>Failure to attend will result in Warning 2 and meeting with Director of Resident Services.</i>
2	Within 30 Days from scheduled date to meet with FLC	Warning 2: No show to FLC meeting to create a Plan of Action	<ul style="list-style-type: none"> • Include scheduled date to meet with Director of Resident Services to discuss non-compliance. • ABL Compliance Agreement to be signed by participant and FLC. • <i>Failure to attend will result in third warning and meeting with Executive Director (ED).</i>
3	Within 30 Days from scheduled date to meet with Director Of Resident Services	Warning 3: No show to meeting with Director of Resident Services to create Compliance Agreement	<ul style="list-style-type: none"> • ED or designee informed of mandatory meeting and required attendance. • Mandatory meeting letter sent to non-compliant participant for a Compliance Meeting. • Non-compliant participant required to attend meeting with Director of Resident Services and sign Compliance Agreement. • <i>Failure to attend meeting with ED results in Non-Compliance Notice.</i>
4		Non-Compliance Notice: No show to meeting with ED	<ul style="list-style-type: none"> • Summary of action to date shared with Property Management to result in mandatory meeting with non-compliant participant (copy of summary also shared with non-compliant participant) to begin lease enforcement process as per the LHA policy

STEP	DATE/TIMELINE	SPECEFIC TYPE	TASK
			and regulations and Massachusetts Landlord-Tenant laws.

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5		Lease Action 1	<ul style="list-style-type: none"> • Informal conference letter sent to non-compliant participant. • All grievance rights and Legal Services contact information will be stated in letter. • Informal conference conducted with non-compliant participant. • Director of Resident Services and/or Life Coach and representative from Property Management will be present. • An In-House agreement for cause must be signed by non-compliant participant and the Property Manager.
6		Lease Action 2	<ul style="list-style-type: none"> • No show or breaking of In-House Lease agreement. • Notice of Intent to Terminate lease. • Notice gives 7 days from receipt of letter to request a grievance hearing in accordance with 760 CMR 6.08. • If a grievance is filed, a hearing will be scheduled within 30 days from the date of the request. A written decision will be issued within 7 days of the hearing by the LHA to the participant. If the results of the hearing are in favor of the LHA, the LHA

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			<p>may proceed to file Summary Process and complaint.</p> <ul style="list-style-type: none"> • If no grievance is filed, a 30 Day Notice is sent after the 5 days has expired for all rights stated in notice. • Once 30 calendar days has expired LHA files for Summary Process.
7		Lease Action 3	<ul style="list-style-type: none"> • Court attendance for lease enforcement. • Court agreement to comply or vacate. • Eviction.