

The Tenancy Preservation Program Operations Manual

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TENANCY PRESERVATION PROGRAM OVERVIEW

Purpose and Goals of TPP

Purpose

The purpose of the Tenancy Preservation Program (TPP) is to enable the Housing Courts, housing providers, plaintiff and defendant attorneys, and social service agencies to identify and resolve more effectively eviction or injunctive relief cases involving tenants whose tenancy problems are related to disabilities, primarily mental, which contribute to the tenancy problem and the person's inability or unwillingness to address the problem. TPP's purpose also includes assisting with such cases when the family member associated with the tenancy problems is a child with a disability.

TPP's primary responsibility is to the Housing Court, providing professional assessment and recommendations regarding the disability-related causes of the tenancy problems and recommendations for service plans and other reasonable accommodations to address the tenancy problems. TPP participation benefits all parties, including landlords, defendant-tenants, and other residents because when tenancy problems can be resolved short of eviction and/or homelessness, both human and financial costs are decreased.

Goals

TPP goals in order of priority are:

1. To resolve a tenancy problem and enable the resident to remain in housing without further lease violations, or
2. To assist the resident to relocate to alternative, more appropriate housing when the tenancy cannot be saved, or
3. If the resident is unable or unwilling to resolve the problem or to relocate to more appropriate housing, to ensure that the appropriate homeless outreach workers are aware of the eviction and are ready to reach out to the tenant when physical eviction occurs.

History

TPP started as a collaboration of the Western Division of the Housing Court, MassHousing, assisted housing providers, local housing authorities led by the Chicopee Housing Authority, Western Massachusetts Legal Services, the Department of Mental Health (DMH), the Department of Public Health Bureau of Substance Abuse Services (DPH), the Department of Mental Retardation (DMR), Greater Springfield Senior Services, and several other social service

agencies. Representatives of these organizations met for several months to try to understand how they could work together to obtain better outcomes for residents with mental impairments facing eviction while at the same time protecting other residents and landlords from lease-violating behaviors. Each felt that their own organization was not getting the help it needed to work effectively with residents with mental disabilities. All felt that they were failing to help these individuals and were merely passing them on to the next organization. The group decided to create a program that used the professional expertise and attitudes of successful homeless outreach workers in order to intervene with these residents before they became homeless. TPP was placed in the Housing Court to play a neutral clinical assessment and advisory role for the judges as they considered proposed solutions or reasonable accommodations regarding tenancy problems related to mental disabilities, including substance abuse.

TPP started in FY99 in Springfield, initially serving only single adults living in Springfield. The next year it served families in all of Hampden County, and in the next year it expanded to the Brockton session of the Southeast Housing Court. In 2003 the Chief Justice of the Housing Court Department, Manuel Kyriakakis, appointed Judge Dina E. Fein, Associate Justice of the Western Division of the Housing Court, as Chair of the Statewide Steering Committee on the Tenancy Preservation Program with a commission to expand TPP to all housing courts. As of this date most housing courts have a TPP program. See APPENDIX for a list of Housing Court jurisdictions participating in TPP.

TPP Structure

General Funding Overview

TPP is funded collaboratively with MassHousing, the Department of Transitional Assistance (DTA), the Department of Housing and Community Development (DHCD), DMH, municipalities, local agencies, and private foundations and grants.

The State Funders Subcommittee of the Statewide Steering Committee coordinates state funding efforts while the individual programs seek out and apply for other sources, including Community Development Block Grant (CDBG) and Emergency Shelter Grant (ESG) funds.

Statewide Steering Committee

The Statewide Steering Committee (SSC) is made up of representatives from the Housing Court, MassHousing, DMH, DPH, DMR, Executive Office of Elder Affairs, Massachusetts Rehabilitation Commission (MRC), Department of Housing and Community Development (DHCD), DTA, public and private housing providers, representatives from each TPP program, the Mental Health Legal Advisors Committee, the Center for Social Policy at UMass Boston, and Legal Services. MassHousing coordinates the meetings which occur quarterly.

The responsibilities of this Committee are:

1. To plan for the continuation of TPP,
2. To facilitate statewide expansion within the jurisdiction of the Housing Court,
3. To create uniform programmatic and reporting standards,
4. To coordinate and maximize funding resources,
5. To coordinate publicity and outreach efforts,
6. To identify statewide substantive issues (such as hoarding) or administrative issues (such as appropriate staff/caseload ratios) that need to be addressed,
7. To consider options for program evaluation, and
8. To oversee general administration of statewide issues.

Local Advisory Committee

Each local TPP program also has a Local Advisory Committee (LAC) made up of the local representatives of the members of the SSC and other interested organizations.

The role of the LAC is critical in setting up a new TPP program, encompassing such things as ensuring participation on the committee of all stakeholder organizations, setting local parameters for eligibility and geographic area served, identifying funding sources, selecting a vendor, finding office space and overseeing publicity and the orientation of local organizations and TPP staff when the program begins.

Once the TPP program starts, the LAC becomes a collaborative problem-solving body. The LAC reviews monthly statistical reports including number of cases, source of referrals, appropriateness of referrals in light of local eligibility rules, type of tenancy problems and interagency bureaucratic issues that emerge as TPP tries to resolve tenancy problems or secure alternate housing. As local administrative or substantive problems become apparent, the committee either works out ways to resolve them or takes them to the statewide committee if that seems a better forum. NOTE: The TPP staff should resolve the particular bureaucratic issues arising in individual eviction cases; the advisory committee is a place to discuss systemic issues.

In addition, the LAC identifies local funding sources, provides outreach to relevant organizations and does any necessary local trouble-shooting.

LACs initially meet monthly with additional subcommittee meetings, as needed. As a program becomes better established, local groups often meet every other month or quarterly.

TPP as a Housing Court Program

TPP is a program providing professional expertise to help judges and housing specialists to:

1. Identify tenants whose lease-violating behavior and their unwillingness or inability to deal with it are related to a disability, and

2. Evaluate professionally any proposed plans to resolve the tenancy problem or to manage the problem while tenants relocate to more appropriate housing. As a court program, TPP is a neutral party. In most instances, however, when TPP is able to engage the tenant and the service agencies in understanding and resolving the lease-violating behavior, both the tenant and the housing provider benefit from a mutually satisfactory outcome.

The judges determine how TPP will function in the local court, dealing with such issues as availability during summary process sessions. Housing specialists or judges may refer the case to TPP for assessment if they suspect the resident's problems qualify. Clerks or other court staff should inform the housing specialist or judge if they observe behavior which suggests a TPP referral. (Other parties may also make referrals as described below.)

The courts make available to all parties descriptions of TPP and how to request or make a referral. The court also determines the sequencing of housing specialist meetings, court actions, referrals, assessments and recommendations although the goal of TPP is to have referrals as early in the process as possible after a notice to quit has been issued. Nonetheless, a referral late in the process sometimes occurs because no one has recognized the nature of the resident's problem until late. The court, as reflected in various court orders, makes the final decision as to the acceptability of the plan and the sufficiency of the plan, should further problems occur.

Role of Housing Providers

All public and assisted housing providers have dual goals of providing decent, safe and sanitary housing for all tenants in general and of making reasonable accommodations and other reasonable efforts to keep particular residents housed. TPP is a way of meeting those sometimes conflicting goals.

MassHousing is the lead housing provider participant in TPP, providing substantial statewide financial support and participating in all LAC meetings, as well as coordinating the SSC. MassHousing also publicizes TPP to its assisted housing provider management company partners and urges them to take advantage of TPP when needed. In addition, MassHousing through its Community Services Department (CSD) encourages and publicizes local coalition efforts to address systemic types of tenancy problems or bureaucratic problems that TPP brings to light. CSD also develops and offers cross-disciplinary training on TPP-identified issues.

DHCD provides leadership in encouraging local housing authorities (LHAs) to participate in and support the local TPP programs. DHCD also has provided direct funding for TPP. DHCD participates on the SSC.

Public and private housing providers participate on local advisory committees, as well as the SSC. All public or assisted housing providers as well as landlords housing tenants with rent vouchers can refer to TPP directly or through their lawyer and may also call TPP for advice in pre-eviction situations.

Role of State Agencies

Both DMH and DPH Bureau of Substance Abuse Services were original founders of TPP and continue very active involvement because the majority of TPP participants are eligible for, currently receive or have received services from these agencies. Addressing the clinical and/or service issues that threaten housing stability is critical to DMH and DPH since homelessness severely exacerbates clinical problems, human misery and costs to the taxpayers. Both agencies serve on the SSC and LACs.

DMR, DTA, the Executive Office on Elder Affairs (EOEA), and the Massachusetts Rehabilitation Commission (MRC), are also directly involved in the success of TPP because of the impact on their clients. All are represented on the statewide board. Local advisory boards vary in the extent of the involvement of these agencies. Elder services providers, not EOEA, are the local representatives since they deliver the services. Similarly, the local Independent Living Centers (ILCs) and local Housing Assistance Program (HAP) providers participate in the LACs while MRC and DTA sit on the SSC.

Legal Services and housing provider attorneys

Legal Services helped start TPP and continues very active involvement in the SSC and LACs. Like housing providers and court officials, legal services formerly lacked the expertise to assess the residents' problem and to craft an effective plan to address the tenancy problem and secure the necessary services. In some regions, housing authority attorneys and DHCD regional attorneys for the PHAs participate in LACs.

Role of Local Organizations

Municipalities

Some major municipalities in regions with TPP programs have participated in planning, funding, and/or finding funding sources for TPP. The participation could be from the Community Development Department or the Human Services Department, depending on the organization of services and funds. Municipal funding in most cases comes from Community Development Block Grant (CDBG) or Emergency Shelter Grant (ESG) federal funding

In addition, many local public health departments work closely with TPP on hoarding issues and in instances when a house of a low-income person with disabilities faces condemnation due to unsanitary conditions.

Local service providers

Local elder services organizations are invaluable participants and are essential because elder services are delivered locally. ILCs are also important participants, in providing referrals to TPP

and in assisting with cases not appropriate for TPP. In addition, some regions have participation from large multi-service organizations, housing search and homeless services providers, or veteran services.

TARGET POPULATION

The primary target population is tenants involved in housing court proceedings whose lease-violating behavior is related to a disability. TPP's involvement in court proceedings could start with the issuance of a Notice to Quit or notice of other court proceeding or it could start later on in the court proceedings. The person with the disability causing the tenancy problem could be any adult or child member of the family. The tenancy problems could result from:

1. Mental illness
2. Substance abuse
3. Declining capacities related to age
4. Mental retardation
5. Cognitive problems
6. Head injury
7. AIDS-related mental health or cognitive problems
8. Physical/medical problems, as determined appropriate by the local program.

If the housing provider knows or suspects that a disability is related to the tenant's behavior, they should tell their lawyer and the court clerk, housing specialists and judge what they know within the bounds of confidentiality. In some cases, the legal services lawyer or court staff may be the first to notice or suspect the root of the problem. Whenever someone outside the Court believes the person may be appropriate for TPP services, they should make a referral so the TPP clinician can assess the individual. Court staff who believe a tenant should be referred to TPP should give any information or observations they have to the relevant housing specialist or judge.

EVICITION AND OTHER COURT PROCEEDINGS

Eviction Proceedings

A typical eviction case in Massachusetts starts with the landlord sending the tenant a Notice to Quit. Generally, eviction cases that end up as TPP cases will start with a 30-day notice to quit "for cause," because most TPP cases involve tenants with subsidies who can only be evicted for cause and because most TPP cases involve lease-violating behavior, which triggers a 30-day notice. (Non-payment of rent triggers a 14-day Notice to Quit. A good number of TPP cases involve non-payment, but there are usually other reasons as well. Landlords, however, may simply focus on the non-payment issue as that type of eviction is generally quicker and more straight-forward.)

After the expiration of the Notice to Quit, a constable or sheriff serves the tenant with a summary process summons and complaint. This is the court paper that tells the tenant when her eviction

trial will be held in the Housing Court. Tenants typically receive this court paper two or three weeks before their eviction trial.

At both the Notice to Quit and the summary process complaint stage, a housing provider or a tenant advocate (typically Legal Services) can refer the case to TPP. The court is not involved in these stages.

When a tenant goes to Housing Court for her eviction trial, she may then be referred to TPP by the court staff, including housing specialists and judges. Most eviction cases are resolved in mediation with the housing specialists; relatively few are brought to the judge for trial. Therefore, the housing specialists will often be the court personnel who assess the situation and make the TPP referral.

Finally, some cases may not come to the attention of TPP until the tenant is on the verge of being physically evicted. Physical evictions happen when a tenant has lost an eviction trial or an injunction hearing, when a tenant has agreed in court to move out on a certain date, or when a tenant has “defaulted” (missed her court date). In any of these situations, a tenant will get a notice from the sheriff telling her when her physical eviction will occur. The tenant must receive this sheriff’s notice at least 48 hours before the eviction. The tenant can go to court immediately upon receipt of the 48-hour notice and ask the judge to stop the eviction.

The court may refer the case to TPP even at this late date in the process. Usually this happens because either the judge has not been involved before this time or some new information or circumstances come to the court’s attention. The Court could ask TPP for an assessment to determine whether there is a reasonable plan to preserve the tenancy, such as getting a representative payee, or whether there is alternative housing possibility or any other equitable solution. NOTE: Courts and judges vary on whether they get involved at this time and what they do.

Other court proceedings

In rare cases -- those situations involving allegedly dangerous tenant behavior that pose an immediate threat to the health or safety of others -- a tenant may be brought to court without getting a notice to quit first. In these cases, a housing provider may ask the court for an immediate hearing on a request for an “injunction” to get the tenant out right away without going through the normal summary process eviction procedure. (Subsidized housing providers may try to use this expedited procedure when drug activity is occurring in the unit).

Sometimes landlords may ask the court for other kinds of injunctive relief such as forbidding the tenant to do certain things, for example, harassing another tenant or staff, allowing certain people in the apartment, or requiring the tenant to do certain things, such as removing garbage or dangerous items or allowing unit inspections.

Cases can be referred to TPP at this injunction hearing stage.

TPP SERVICES

Direct Assessment and Intervention

TPP's primary function is to assess the situation and to develop a plan with the resident and service providers that can reasonably be expected to eliminate or reduce to a tolerable level the lease-violating behaviors. The purpose of the plan, in order of priority, is to:

1. Preserve the tenancy,
2. Plan for alternative housing when tenancy preservation is not feasible, and
3. Refer to homeless outreach if the resident is unable or unwilling to work toward the first two alternatives.

Once the TPP clinician determines the root (s) of the problem behind the lease violations, as well as establishing eligibility, TPP will work with the resident and any current or new service providers to develop a plan that addresses the underlying problem as well as the specific tenancy-related behaviors that led to court involvement. (Note: In some instances, there is a factual disagreement about certain alleged incidents; these questions of fact need to be handled in the normal legal manner).

Once the clinician has met with the resident (and lawyer, if any) and potential service providers, it is TPP's responsibility to give the court an informed opinion as to:

1. Whether the resident meets the definition of person with a disability,
2. Whether the resident is willing and able to comply with the proposed plan, and
3. Whether the level of service of the proposed plan is likely to be sufficient to resolve the tenancy problem.

If the TPP clinician believes either that the available services are not sufficient or that the resident is unwilling or unable to comply with the plan sufficiently to resolve the tenancy problem, the TPP clinician should investigate and discuss with the resident other more appropriate housing possibilities.

Alternative housing might include supported housing run by DMH or DMR, substance abuse residential facilities, assisted living, nursing homes, or whatever setting provides the necessary services to allow the person to achieve a reasonable living situation with the fewest possible restrictions. It could also include independent housing more appropriate to the person's specific needs, such as a two- or three-family building or a building with individual entrances in contrast to a large high-rise.

In situations where the only feasible plan is alternative housing, an additional responsibility of the TPP clinician is either to secure services acceptable to the resident which end the lease-violating behavior and enable her to remain in the unit until the alternative arrangements can be made or to find temporary respite housing. Frequently, this type of holding arrangement will

require multiple, perhaps daily, visits from the TPP clinician or other service provider to keep the situation stable until more permanent arrangements are complete.

The goal in these situations is twofold: the prevent the person from becoming homeless before alternatives can be arranged and to prevent the formal eviction from being completed and therefore becoming part of the person's housing record. This second goal is critical in order to preserve eligibility for future subsidized housing. (It should be noted that summary process complaints are public records and available to future landlords through various reporting services. However, a tenant has a better chance of being accepted into new housing if the alleged lease violations have never been adjudicated.)

In the worst-case scenario, where the resident is unwilling or unable to work with TPP or someone else to come up with a plan to eliminate the lease violations, TPP should let the relevant homeless outreach program know when the sheriff will appear to remove the tenant and his or her belongings. While the TPP clinician cannot reveal any confidential information without permission, the eviction is a matter of public record and such information can be made known to the relevant agency. TPP should also, to the extent that the resident will permit, let the resident know what services and shelters are available.

Consultation

There are really two categories of TPP consultations, as opposed to direct service cases: 1) ineligible cases, and 2) eligible cases, unopened due to lack of capacity. In the first kind, for example, when the tenant has a disability, but the disability has no relation to the lease violation, TPP may provide a short phone consultation on appropriate referrals or resources. TPP also provides telephone consultation when the tenant meets the definition of a TPP eligible client, but is not yet involved with the court or has a service provider who could provide TPP-type services.

TPP programs do not provide direct services to tenants or housing managers prior to a Notice to Quit. While TPP initially hoped that eviction prevention could and should be done before a case ever reached the court, experience has taught that residents who are unable to understand their situation due to a mental impairment need the court involvement to penetrate the denial of the seriousness of the problem. By definition, TPP clients are people who do not easily accept services; residents with tenancy problems who will accept services to address them generally do not end up in court. In addition, court involvement highlights for any involved service agencies the seriousness of the tenancy-related behavior and the necessity for a service plan to address the tenancy issues as well as the clinical issues if homelessness is to be prevented.

TPP is also available, time-permitting, to provide consultation to service agencies trying to prevent evictions/homelessness. The service agencies which fund TPP believe that an agency providing case management or some other supportive service to an individual is responsible for ensuring that the person receives the necessary assistance to maintain a tenancy. To that end, TPP will provide advice on possible reasonable accommodations and information on the court process, but expects the agency to:

1. Appear at court proceedings and work with the court and tenant advocates

2. Formulate the plan
3. Provide stabilization services until the plan is in place, and
4. Monitor the situation to ensure that tenancy problems are prevented and addressed immediately if they do recur.

Among the other suggestions TPP can make to agencies are:

1. Putting the resident on the waitlist for Supportive Outreach
2. Starting treatment goals immediately while waiting for Supportive Outreach
3. Arranging respite until services become available if the resident is willing

In the second type of consultation case, when a resident is eligible, but TPP does not have the capacity to open the case, TPP provides brief advice and referral to help the caller manage the situation until the case can be opened.

It should be noted that as TPP programs develop a full caseload, they have very little time to provide telephone consultation. Also frequent consultation requests from service agencies suggest a more systemic solution(i.e. training for the service agencies).

ELIGIBILITY AND REFERRALS

Basic Eligibility

General eligibility criteria are:

Geographic areas served by a participating Housing Court

TPP is a Housing Court program and thus available only to residents served by a participating Housing Court. The participating Housing Courts as of this writing are:

- All of Western Massachusetts Housing Court, including sessions at Springfield, Northampton, and Franklin and Berkshire Counties,
- Boston Housing Court, currently including Boston Proper only
- Southeastern Massachusetts Housing Court, currently including sessions in Brockton, New Bedford and Fall River only
- Worcester Housing Court, currently including sessions in Worcester, Fitchburg (includes some Gardner cases), Dudley and Uxbridge (includes some E.Brookfield cases).
- Northeastern Massachusetts Housing, Court currently including sessions in Lawrence only

See APPENDIX for details of Housing Court/TPP jurisdictions.

Income

All TPP programs serve only low-income tenants. Occasionally, when requested by the Court, TPP provides referrals for over-income people with serious disabilities.

Subsidized tenancy

All TPP programs give priority to persons at risk of losing subsidized tenancies -- public housing, project-based assisted housing or tenant-based vouchers of various types-- but TPP does work with unsubsidized tenants who meet income and other program guidelines.

Disability-related lease problems

TPP serves persons with disabilities which contribute to the tenancy problem and the person's inability or unwillingness to address the problem. The disability can be any kind of mental disability, such as mental illness, mental retardation, substance abuse, AIDS, head injury, or elderly dementia, or any physical disability which contributes to the lease violations and the person's unwillingness or inability to resolve them, or any combination of the preceding. The person in question can be an adult or a child.

Relation to the eviction process or to other court proceedings

Tenants are not eligible for referral unless they are in the eviction process or involved in other court proceedings. In other words, there can be no referrals until a Notice to Quit has been served or a landlord has filed a request for an injunction.

Referrals can be made at any time during the court proceedings. Some courts and judges will consider a case and possibly make a TPP referral even after the 48-hour eviction notice for the actual physical eviction has been served. Cases at this final stage, with no possibility for an effective intervention or treatment plan, should instead be referred to housing search or homeless outreach agencies.

Current involvement with service agencies

Generally, TPP does not open a case where there is current case management or outreach services being provided to the resident. In these instances, TPP offers telephone consultation to the service provider re: tenancy standards, court proceedings and expectations, and possible reasonable accommodation service plans.

Referrals for Direct Assessment/Intervention

Sources

Referrals can be made by court officials (judges or housing specialists), housing providers and their attorneys, legal services, service providers or the tenants themselves. Referral can be made any time after the Notice to Quit has been served or the request for an injunction has been filed, but the earlier in the process the better so that TPP can gather information necessary to assess the situation and develop a reasonable plan. Nonetheless, referrals may be made even as late as during a court appearance if that is when the necessity for a referral becomes obvious.

Some specific examples of behavior that would suggest a referral are:

- A tenant's inability to remember pay her subsidized rent
- Disruptive behavior in mediation or other court setting
- Smell of alcohol
- Tenant's mention that she is anxious, depressed, or stressed (often code for clinical depression or clinical anxiety)
- Tenant's mention of medicines she takes for stress etc.
- Tenant's inability to answer straightforward questions put to her by court staff
- Tenant's mention of her "worker" or "advocate" (often referring to a mental health or DSS worker)
- Tenant's mention that the child alleged to be committing lease violations has an IEP (Individualized Education Process) in school
- Child's behavior indicating mental health issues—setting fires, hurting himself
- Other behaviors observed by housing staff, attorneys or court staff that suggest mental problems of some sort

Accepting a referral does not mean TPP has accepted the case. Accepting the referral means TPP will assess whether the person meets the eligibility criteria and the urgency of the problem. The urgency of the problem is determined by the seriousness of the lease violations, the person's overall situation, and where the case is in the eviction or other court process in relation to TPP's ability to formulate a plan to prevent eviction and/or homelessness. TPP will do an initial assessment and notify all parties as to whether the case has been accepted as soon as possible

If court staff make a referral, they will provide housing providers and their attorneys and any tenant attorneys with a brochure or written description of TPP (Note: such materials must be available in alternate formats and in common second languages.). If housing providers, service providers or legal service attorneys make the referral they will also ensure that other parties unfamiliar with TPP get a brochure or written explanation. TPP will explain the program to the tenant.

Priorities

Referrals from the court have the highest priority on the waiting list. Subsidized tenancies have the second highest priority. Referrals from funding sources are the third highest priority. All

other referrals are ordered by date received. Note: having a priority means that a case is opened as soon as the program has the capacity. It does not guarantee immediate opening.

Referral process

Anyone making a referral should fill out the referral form for the local program. See Forms in Appendix. The form should be delivered, faxed, or emailed to the TPP program. TPP staff are present in Housing Court during summary process sessions. Often the referrals take place in the midst of court proceedings. Although all information may not be known to the referring party, it is essential to include:

- the tenant's basic contact information,
- advocate or attorney contact information,
- type of housing (public housing, MassHousing or HUD subsidized housing, private housing with a housing voucher),
- alleged causes for the eviction,
- where the person is in the eviction process and any known information about the general time frame or perceived urgency of the referral.

Demographic information such as ages of family members and primary language are also very helpful as is source of income (SSDI is a clue to disability). Upon receiving a referral, TPP will do an initial assessment as soon as possible. See **ASSESSMENT** section for details.

Referrals for Consultation

Sources

As noted above, the court, housing providers, attorneys for either side, the tenants themselves, or service providers may request consultation by contacting the local TPP provider.

Priorities

The priority for TPP is to serve people referred for direct assessment. However, within the time constraints, TPP also provides consultation services.

Types/extent of consultation provided

TPP helps service providers understand the kinds of services necessary to address specific kinds of tenancy problems. In addition, TPP explains to service providers what kinds of assurances and monitoring the housing providers and/or courts will expect. In other words, TPP helps service providers understand the particular kinds of services that would provide the basis for a

reasonable accommodation for the resident. See Section on **TREATMENT PLAN AND COURT AGREEMENTS** for an explanation of reasonable accommodations.

CASELOADS

Direct Service

Caseloads

Caseloads at any given time vary depending on the intensity of service needs. Over a year each TPP program serves about 25 cases per FTE. Caseloads include residents and family members at various stages of the eviction and/or resolution process.

Types of Service Provision

1. Active planning and service implementation cases which involve:
 - Assessment of problems underlying lease violations
 - Service planning to establish an effective reasonable accommodation and to address other significant individual or family members' needs
 - Temporary case management while the plan is being developed until a lead service provider is in place
2. Follow-up monitoring with either the resident, the service provider or housing provider to see (a) if the respective entities are doing what they're supposed to as part of the plan and (b) if the tenancy problems have ceased while the case is under the supervision of the court and a primary service provider has not yet been arranged, and

Direct Service Waitlists

Establishing waitlists

If an individual or family referred to TPP is eligible, but the TPP staff is already at their maximum caseloads, the case is put on the wait list. In these instances, TPP will provide, time-permitting, consultation services to the relevant parties.

Managing waitlists

As the TPP caseload permits, waitlist cases become active. Cases should move off the wait list according to previously established priorities. TPP should always manage the waitlist with an awareness of the progress of the court proceedings. When a housing provider agrees to defer action or the court has ordered action deferred until TPP can take the case, TPP is obliged to move that case off the wait list as soon as is practical. In instances where it will not be practical

for TPP to reach a case within a reasonable time considering the nature of the lease violations, TPP should so notify the court and all parties at the time the case is placed on the wait list.

Cases should be refused when there is no reasonable chance of getting to the case before the course of eviction proceedings will be completed. TPP programs should always keep records of all referrals that have been refused for this reason. At a minimum those records should include the following information:

- Date of referral
- Source of referral
- Name of head of household
- Number of family members
- Address
- Name of housing development/landlord
- Type of lease violation if known

ASSESSMENT

Confidentiality

TPP will have two kinds of information, public record information which is not confidential and information obtained from the tenant or service providers which is confidential.

Public record information

Public record information consists of all the information included in the court filings, including the person's name, address, landlord and alleged causes for the eviction proceedings. It also includes any police records related to the incident(s), if there are any, as well as any publicly-witnessed information, for example, that the tenant commonly wandered into the local coffee shop wearing only a nightgown.

Confidential information

All information TPP gathers from the resident or from service providers (with the resident's written permission) is confidential and may not be shared without the tenant's written permission. In addition, any information TPP receives from the tenant's lawyer is confidential and may not be shared without written permission.

Other participants in the case also have confidentiality obligations. Lawyers for both sides may not share information obtained from their clients or obtained confidentially about their clients without specific permission. Housing providers may not share confidentially obtained information, including income and disability-related, without their tenant's written permission.

However, this does not preclude giving the court descriptions of lease violations, attempts to address lease violations and any prior reasonable accommodations relevant to the alleged lease violations. (Note: where there is no tenant permission, a landlord or the attorney may still make a referral to TPP without disclosing that the landlord knows in fact that the person suffers from a particular disability.) Service providers have similar restrictions.

Specific written permission means that the party in question has a signed release from the tenant/client allowing them to share information related to the tenancy problems and possible solutions with particular parties or types of parties for a specified period of time. The period of time usually is for the duration of the court case though it may be longer as required by the circumstances and agreed to by the tenant. Tenants always have the right to revoke such releases, but such action could trigger reactivation of court or TPP involvement. If the need for TPP involvement lasts longer than a year, the releases should be renewed. This may be an issue addressed by the court in any agreement.

TPP Releases

At TPP's initial interview with a tenant, TPP must have the tenant sign a release allowing TPP to contact relevant housing and service providers, lawyers and any other relevant persons or agencies to obtain the information necessary to complete the assessment and formulate a plan. TPP may also secure other releases to identify and plan services for medical or other kinds of problems the resident may have that are not directly related to the tenancy problems.

Each TPP program has a standard release and the tenant cannot receive TPP services unless he or she signs the release. Each program also has a TPP Participation Agreement signed by the tenant (See APPENDIX), which, among other things, gives TPP permission to provide information to the court and both lawyers about the progress of the case. Such releases must make clear that any information related to the court case shared by TPP with one party will be shared with the other parties and the court. All TPP releases requesting medical or service information must conform to HIPPA (Heath Insurance Portability and Accountability Act) requirements.

In addition to securing releases from the tenant allowing TPP to talk to various agencies and the housing provider about the tenancy problem, TPP must secure releases from the tenant allowing the housing provider to talk to TPP. Housing providers may not ask tenants about disabilities or service providers or even for releases to talk to service providers except in very narrow circumstances. It works best for TPP to get the releases for everyone.

Other releases

It should be noted that some other parties have specific release requirements. HUD requires specific language and specific renewal dates for HUD-financed properties. DMH also requires specific release elements (see DMH's Privacy Handbook, http://www.mass.gov/Eeohhs2/docs/dmh/hipaa/handbook/ch08_authorization.doc). (See APPENDIX for copies of standard releases.)

Health and safety issues outside the alleged lease violations

TPP staff are mandated reporters and must inform protective agencies—DSS, Disabled Persons Protection Commission (DPPC), or Elders at Risk -- if they have reason to suspect neglect, abuse, exploitation or other danger to children, persons with disabilities and elders. This is covered in the Participation Agreement and explained to the resident at the first meeting.

If TPP believes the resident or a family member is no longer safe or is unable to manage independently even if services could resolve the lease problems, they should explain their concerns and reporting responsibilities to the resident and try to get the resident to take the necessary actions. TPP will reveal this information to the Court and parties only to the extent the problem is relevant to the court case

If TPP learns about criminal matters that are unknown to the housing provider – for example drug dealing or prostitution out of the apartment and the resident is not willing to stop such activities and address those issues as part of treatment, TPP will close the case and inform all parties that they have done so. If the activities pose a danger to anyone, TPP providers have a “duty to warn”. When TPP providers are uncertain about what to do with the information, they may approach the Court *in camera* for guidance as to relevance.

Assessment Steps

Initial assessment

Upon referral TPP does an initial assessment as soon as possible. The assessment involves meeting with the resident, his or her attorney if there is one and the housing provider attorney. The initial assessment should:

1. Determine eligibility and priorities
2. Assess landlord’s and tenant’s willingness/ability to participate in TPP
3. Assess the urgency of the case
4. Determine whether to open it or put it on the wait list
5. Determine the estimated time frame available for developing a plan
6. Make an initial determination of the type(s) of disability
7. Identify the nature of lease violations
8. Include a safety assessment
9. for TPP staff – whether home or office visits are advisable
10. for other residents affected by resident’s behavior
11. Determine whether substance abuse issues are present and if so, whether they involve using or also dealing
12. Gather information about nature and timing of any parallel criminal proceedings

This initial assessment takes place at the first meeting. It involves establishing an initial relationship with the tenant, including getting a sense of what the tenant thinks the problem is. If TPP finds that the tenant is eligible and that there is sufficient time left in the court process, TPP explains the program and asks the tenant to sign the TPP Participation Form and any necessary releases. It is very important to make clear to the tenant what information TPP will share with the Court and the other parties.

TPP opens the case or puts it on the wait list and notifies all parties by phone or directly. At this time TPP and the lawyers/court reach a specific time agreement, based on the time that TPP needs and that the parties and court are willing to accept. If the case is already in court, the timeframe will be written down as a court agreement and signed by all parties.

Depending upon caseload, if the initial assessment indicates that there does not seem to be any likelihood of preserving a tenancy, the program may simply refer the case to, for example, DMH or a housing search provider and provide some consultation to the receiving agency.

Complete Assessment

The complete assessment is a process that takes several days to several weeks. The process could include talking to the person and/or other household members, home visits, accompanying tenant to medical or other appointments or to get food, clothing or other necessities, and gathering clinical and treatment information for those who have been involved with the service system. In addition to the information obtained in the initial assessment, the information needed is:

1. Specific alleged tenancy problems
2. Tenant's point of view re: tenancy issues
3. Underlying disabilities/issues
4. Treatment/service history
5. Tenant's current medical coverage or eligibility for medical coverage and necessary services, including any steps necessary to become eligible, for example, obtaining SSDI, Medicaid, Veterans Services, etc.

Specific alleged tenancy problems

TPP staff must focus carefully on what behavior needs to change in order to make a plan to achieve lease compliance. TPP must find out all the details of what the tenant did or did not do and how those actions or omissions violated the lease. The complaint lists all the lease violation information that can be considered in this particular proceeding.

Sometimes particular actions are in dispute which may get addressed in the legal aspects of the proceedings, but for purposes of the assessment, the more TPP finds out about what did go on or allegedly went on, the better the assessment will be.

In addition, it is not uncommon for a landlord to raise additional issues that were not listed in the notice to quit or in the court complaint on the theory that if landlord is going to try to work with tenant and TPP to settle case, the landlord wants ALL outstanding issues addressed. While a tenant is not legally required to respond to issues that are not in the complaint, it is very helpful to TPP to have the full picture in order to work effectively with the tenant to preserve the tenancy. TPP can get those details from the manager, although TPP must speak only to the landlord's lawyer if the lawyer so requests, and the tenant.

Unless there are serious safety issues that cannot be addressed, TPP should always visit the resident at his or her apartment. This is particularly important in cases where the condition of the unit is the problem. In cases where the allegations involve things the tenant said or did to other tenants or to property of other tenants or the development, it is important to find out exactly what the person said or did. Characterizations of a person's behavior – “made threats”, “vandalized the car”, “ruined the community room carpet” do not give sufficient information to assess the extent or sometimes even the nature of the tenancy problem. It should be noted that other tenants have the right to quiet enjoyment, which means freedom from unreasonable noise, harassment, overt sexual activity and unsafe or unsanitary behavior which interferes with their enjoyment of their living situation. It does not mean freedom from people who look “funny” or act peculiarly as long as such behavior does not directly affect the other residents. Sometimes behavior that was tolerated in other settings is a lease violation in independent housing. TPP staff often has to educate both case managers and residents about acceptable behavior.

In gathering information about the tenancy history, it is very important to find out about past reasonable accommodations. What, if anything, has already been tried? If it worked, to what extent and how long? What went wrong?

Finally, TPP must analyze the consequences of the lease violations to other residents and the property. The more serious the health and safety issues are, the more certainty the landlord and the court will want regarding the effectiveness of the treatment plan. If TPP cannot devise a plan that meets the health and safety requirements, TPP's task becomes helping the resident accept and plan for alternative housing.

Tenant's perspective on and willingness to address tenancy problems

The goals of talking to the tenant about the tenancy problems are twofold: first, to establish an alliance and then to understand how the tenant perceives the situation. Before getting into the details of the alleged lease violations, TPP must first get an understanding of how the tenant understands the court proceedings. There are several sets of questions: Does the tenant think these things are likely to have consequences for her housing situation? Does the tenant want help saving her housing? Are there other concerns that the tenant considers more immediate? This could be as basic as food, a winter coat, or attention to a medical problem or it could be protecting her from delusional threats. These concerns need to be addressed first.

As TPP learns the details about the alleged lease violations, TPP should talk to the tenant about how she sees the allegations. Does the tenant agree that the alleged behavior actually happened? Why does the tenant think these things happened? Has the tenant had problems like this before? Did anything help then? What is the tenant's view of any past reasonable accommodations? What kind of help does the tenant think she needs? What is the evidence that the tenant is willing and able to accept the kinds of services likely to be necessary and to make the kinds of changes necessary to comply with the lease?

Likely underlying disabilities/issues

TPP staff observe symptomatic behavior and use clinical assessment skills, as well as using all available information, including client report, reports of others, client history (rental, medical, psychiatric) and patterns in the history to determine the underlying disability. Since tenancy problems are frequently correlated with substance abuse problems, using a brief verbal substance abuse screen is also recommended.

Treatment/service history

With signed releases, TPP tracks down the tenant or relevant family member's treatment or service history. The tenant may still be receiving services of some sort, including case management. The current service provider may be unaware of the tenancy problems and/or eviction action, or the provider may be well aware and welcomes the court action as a way to get the tenant to begin to address the problems. Once TPP has a full picture of the service history, the clinician can make a treatment plan.

Tenant's current eligibility for required services

Getting a tenant determined eligible for Medicaid, Veterans Services, MassHealth, DMH services, etc. is often the first step. However, in some instances, the resident will not be eligible and so the problem becomes finding free or very low cost services. In many cases, even when a resident is found eligible, there may be long waiting list for some kinds of services.

Interim services during the assessment phase

As TPP is gathering all this information, they are also providing or arranging to have provided the basic services the tenant or family needs to get through this period. This may require several contacts or even visits per day.

Sometimes TPP needs to arrange respite, detox, hospitalization or some other temporary alternate living arrangement while a plan gets worked out. This could be because the person or family member needs medical or psychiatric care or just to allow the parties some time and space to consider options.

The answers to the questions about the seriousness of the problems, the housing provider's willingness to give the tenant an opportunity to correct things, the willingness and ability of the tenant to take the necessary steps, and the availability of the necessary services help TPP decide whether the plan should aim at maintaining the tenancy or seeking time to find alternate housing.

TREATMENT PLAN AND COURT AGREEMENTS

Reasonable accommodations

Under state and federal anti-discrimination law, all subsidized housing providers and all private providers with ten or more units are obliged to make and pay for, within limits, reasonable accommodations. Owners of smaller buildings must allow but are not required to pay for accommodations. (Some voucher holders may live in such buildings.) Owner-occupied buildings with two units are generally not covered by the laws. MassHousing provides frequent trainings on this subject which all TPP staff unfamiliar with reasonable accommodations should attend. The following is a summary of the highlights.

Definitions

A reasonable accommodation is a physical or administrative change in the housing development or the way the housing provider manages the development that is necessary to remove a barrier to equal access experienced by a person who meets the federal or state definition of a "person with a disability". A person with a disability for purposes of TPP is someone with a physical or mental impairment that significantly interferes with one or more major life activities. By definition, anyone eligible for TPP is a person with disabilities.

In the TPP context, the barriers to equal access are the lease requirements that the resident violated. The concept of reasonable accommodation does not require those lease standards to be abandoned, but does require landlords to give a tenants an opportunity to get services which will enable them to comply with the lease, when giving such an opportunity does not cause "an undue financial and administrative burden" or require a "fundamental change in the nature of the program".

Undue financial and administrative burden

How much constitutes an undue financial and administrative burden depends on the overall size and financial condition of the housing entity, the other financial and administrative demands on the entity and the cost in time and/or money of the accommodation. An owner of an unsubsidized 10-unit building housing someone with a Section 8 voucher will reach an undue burden much sooner than a large housing authority or Section 8 development. (Note: owners of unsubsidized buildings with less than 10 units have obligations only to make "readily

achievable” accommodations when time and money is an issue, although the housing authorities issuing the Section 8 may have some financial responsibilities – this is for lawyers to figure out.)

Fundamental change in the nature of the program

The nature of the housing program is determined by the lease, the federal or state statutes and regulations that established the public or subsidized housing program, state tenancy law and general industry practice. A fundamental change is a very significant change, one which would require the essential elements of the lease, housing statutes or regulations, or state tenancy law to be breached or that is seriously different from industry practice.

Leases generally require tenants to pay rent in full and on time, maintain their units and not damage their units or common areas, not to interfere with the quiet enjoyment of others, not to engage in criminal activity that would adversely affect the housing, and to follow reasonable rules and procedures, such as garbage disposal, parking, buzzing people into the building, etc. Housing programs’ statutes and regulations cover such things as eligibility and conditions under which a housing provider may or must move for eviction. State tenancy law covers the general obligations landlords and tenants have to one another and the ways in which landlords can get possession of the premises. Industry practices cover the way things are done in housing of this type in this region(e.g. repayment plans are common in subsidized housing, dog-walking service is not).

Reasonable Accommodation Plan

A reasonable accommodation plan or agreement will include particular lease-related behavior that the tenant agrees to stop or start, the tenant’s agreement to participate in various kinds of treatment or services, and some verification mechanism. The reasonable accommodation plan does not include the details of the person’s diagnosis or the full treatment plan.

This puts the burden of specific treatment monitoring on the service provider or TPP. For example, the RA plan may say the person agrees to participate in substance abuse treatment, but it will not list how many group meetings, AA meetings etc. in the way a treatment plan would. In addition, the RA plan may specify that the manager or the court be notified if the person fails to comply with treatment, but it will not usually specify how much lack of compliance there will be before notification takes place. The treatment facility may have very definite rules about what happens with each instance of lack of compliance, but the housing provider/court only get notified at a certain point.

The housing provider, however, is much more likely to know directly about violations of non-treatment parts of the agreement, for example, not allowing certain people in the unit.

Prior Non-Court Reasonable Accommodation Plans

Housing providers have frequently made reasonable accommodation agreements with a tenant regarding certain lease violations prior to coming to court. These agreements represent efforts to resolve a problem short of court involvement, but they are not enforceable. When they fail, housing providers will eventually come to court. They are, however, indicators of the willingness and/or ability of the tenant, without assistance, to understand the seriousness of the alleged violations and to do what is necessary to resolve the problem. Such plans may also provide useful information about what does not work. It is unlikely that a plan similar to a failed reasonable accommodation plan is likely to work better a second time although sometimes the factor of court involvement will make a difference.

Preserving the tenancy

Creating a Treatment Plan

A good treatment plan for preserving the tenancy must meet the following criteria:

1. Likely to address tenancy issues
2. Acceptable to the tenant
3. Acceptable to the landlord
4. Acceptable to the court

If the tenant or family member(s) have never received services, TPP takes any necessary steps to enroll the person in whatever insurance program is applicable and then sets up the range of necessary services. TPP also identifies a lead service provider to coordinate the services and to monitor the resident's compliance with the court agreement. This monitoring function is crucial and often not fully understood by the service provider that picks up the case. A key part of TPP's role is to help the new provider understand the court agreement, the tenant's responsibilities and the provider agency's responsibilities to the court and landlord. It is also important to help the new primary provider to understand their role in "de-fragmenting" the various services and ensuring that everyone has up-to-date information and is pursuing a coordinated strategy with the tenant. Regular meetings are essential, especially in the beginning.

If the tenant or family member(s) are no longer receiving services, TPP's first job is to understand why the former relationship ended. If the tenant feels that the former provider was not responsive or otherwise offended the tenant, it may be best to find someone fresh. In other instances, the tenant may have to adjust her approach to services, especially if there are no other service avenues available. The main concern is that any past relationship problems be discussed and both parties figure out ways to manage former problems.

If eligibility or a waitlist for services is a problem, TPP must make arrangements for clinic or free care while MassHealth or other insurance is being processed and must provide any interim services to keep the situation stable until other services are available.

During this tenuous time, TPP needs to make use of the Court to ensure compliance with interim measures. Depending on the situation, the Court may schedule meetings as often as weekly, depending on the judge's view of the needs of the case, with the housing specialist or even the judge. Likewise, TPP uses the Court to leverage the necessary services from providers.

If the tenant or family is currently receiving services, TPP should be in a consulting role, educating the service provider about the tenancy issues in relation to the clinical issues. TPP must help the service provider understand the court agreement process, the tenant's responsibilities and the provider agency's responsibilities to the court and landlord. As mentioned above, TPP must help the primary provider to understand their responsibility to ensure that all involved service providers as well as the court have up-to-date information and are pursuing a coordinated strategy

If the tenant or family is currently receiving services, but requires additional services, TPP puts together the service package and stays involved until the treatment goals are met, which may include transitioning to a more permanent case manager, or services are refused.

Agreement on the Treatment Plan

Once TPP and the resident (with the advice of his or her lawyer, if any) put together a plan, they meet with the housing provider lawyer. If consensus is reached, the parties present the final plan to the housing specialist and then to the court. If consensus is not reached, TPP presents its recommendation to the housing specialist and/or court.

Throughout the court process, it is essential to remember that TPP serves as a consultant to the court. By the time the court has made a referral to TPP, there has been at least an initial determination that the tenant may be suffering from a disability which causes lease violations and has put the tenancy at risk. Ultimately, what the court wants to know from TPP is: (a) whether such a disability in fact exists; (b) whether it is causally related to the lease violations; and (c) how reasonably to accommodate the disability with a plan to reduce the offending behavior sufficiently to preserve the existing tenancy or, when that is not a realistic option, what arrangements can be made for the tenant to move to more appropriate housing so as to avoid homelessness. As with all decisions that are ultimately within a judge's authority, the parties are free to reach agreement. In the absence of an agreement, however, the dispute(s) must be resolved by the judge.

In most cases referred to TPP, the issues of disability and causal relationship are not disputed; everyone knows what's going on. If the parties were not in agreement on those issues, however, it would be necessary for the judge to adjudicate them per the proper legal standard before getting to the issue of an accommodation plan.

The tenancy preservation plan should include:

1. Specific behavior (related to the lease violating behavior) that the tenant will or will not do. This could include not drinking, not allowing certain people in the apartment, opening the door for unit inspections, following a repayment plan, etc.
2. Agreement to participate in certain services, such as substance abuse treatment, medication compliance monitoring, homemaker services, etc.
3. Some means of monitoring for a certain period of time. This would require a tenant's agreement to sign releases allowing service participation verification and things such as regular unit inspections in cases where the condition of the unit was the lease problem.

Such monitoring can be very helpful, but it also can increase costs to housing providers if they must pay lawyers for each appearance. Ways to deal with the expense issue might be to require only the tenant and TPP to appear; allow the housing provider to appear without the lawyer for monitoring sessions (particularly if those sessions are not expected to include appearances before the judge); or assess the costs to the tenant if that is deemed by the judge to be "reasonable." The important point is for the parties to raise these issues with the court and for TPP workers to understand that there are various ways for the court to handle the situation. In many instances, TPP simply has regular monitoring meetings, scheduled according to the judge's determination of the needs of the particular case, with the housing specialist and TPP and/or the service provider(s) with problems brought to the attention of the parties and the judge if necessary.

4. Agreed upon circumstances in which TPP or the subsequent primary service provider will inform the Court and parties of treatment non-compliance (i.e. repeated or serious non-compliance with the agreed upon treatment plan). The extent to which this is more specific in the agreement generally depends on the likely consequences of non-compliance and the landlord and court's desire to maintain a tight rein on compliance. The tenant's past history of non-compliance might also be a relevant factor.

The TPP Participation Agreement also references notification of the Court and parties when the resident is non-compliant. When an agreement is reached, the TPP participation agreement should be modified if necessary to reflect what is in the court agreement. NOTE: the sample HIPPA agreement in the APPENDIX does not require a separate release for TPP (or any subsequent service agency which uses it) to talk to the Court.

Finally, any tenant can revoke such releases at any time, but TPP and any subsequent service agency must notify the court and the parties of the fact, in which case, the landlord can request the court to hold a hearing on whether the agreement has been violated.

Finding alternative housing

The treatment plan should focus on finding alternative housing when:

1. The resident is unable or unwilling to do what is necessary to correct the lease violations, as evidenced by the tenant's statements or actions or the failure of previous similar plan(s),

2. There are no services available that could help the person address the lease problems, or
3. The consequences of the failure of the plan are too serious (for example, someone with dementia, mental illness or substance abuse problems who sets fires due to careless smoking).

TPP makes recommendations based on the above considerations, but as always, ultimately the Court decides.

A plan allowing time to relocate should include:

1. The time period needed and type of housing sought. It is especially helpful if the plan can identify a place and the time when the tenant would be able to move in.
2. Specific behavior (related to the lease violating behavior) that the tenant will or will not do. This could include not drinking, not allowing certain people in the apartment, opening the door for unit inspections, following a repayment plan, etc.
2. Agreement to participate in certain services, such as substance abuse treatment, medication compliance, homemaker services, etc. during this interim. Depending on the type and extent of tenancy problems, this agreement could be as minimal as allowing specified TPP visits or as extensive as an agreement to stay in a respite or other off-premises site for a period of time.
3. Some means of monitoring until the tenant moves out. This requires agreement to sign releases allowing service participation verification and things such as regular unit inspections, for example, where the condition of the unit was the lease problem. In some instances, the court will require regular appearances before the judge, meetings with the housing specialist or updates on the tenant's compliance with the conditions of the agreement. See Section on AGREEMENT ON TREATMENT PLANS for full discussion of monitoring.
4. Agreed upon circumstances in which TPP or the subsequent primary service provider will inform the Court and parties of treatment non-compliance (i.e. repeated or serious non-compliance with the agreed upon treatment plan). The extent to which this is more specific in the interim agreement could depend on the likely consequences of non-compliance and the landlord's and court's desire to maintain tight rein on compliance. The tenant's past history of non-compliance might also be a relevant factor.

Plan for homeless outreach to connect with person at eviction

When a tenant is unwilling or unable to work with TPP or otherwise will be evicted with no alternative housing, TPP staff should alert the relevant homeless outreach, shelters or other service providers as to the name, address and date of eviction. This information is a public record so there are no confidentiality issues. TPP should also share as much other non-confidential information as they have.

If possible TPP should go to the address on the day the eviction will occur to try to engage the tenant with the appropriate providers. This could involve helping the person collect their

important belongings and taking them to a shelter or other safe place. How much TPP does depends on what the person is willing to allow. Ideally, TPP should at least be able to introduce or refer the person to service providers who can help in this new stage. However, in many instances the tenant will not allow this. In some instances, it may be necessary to make a protective services referral.

Importance of avoiding a formal eviction

If it is unlikely that a tenancy can be preserved, TPP should make every effort to help the tenant understand that it is in his or her interest to move out voluntarily so there will be no eviction on the public or subsidized housing record. If there are damages, back rent or other charges, TPP should try to work out a repayment plan so the financial record is clear should the tenant one day want to move back to subsidized housing.

REPORTING TO THE COURT

TPP Reports

Recommended tenancy preservation/alternative housing plan

Once TPP and the tenant have agreed on a plan, TPP, with the tenant's permission, shares the plan with the landlord and tenant lawyers, if there are any. The tenant has participated in the drafting of the plan and should be consulting with her lawyer as the plan is being developed. When TPP shares the draft plan with the housing provider and its lawyer, that lawyer may have input about its terms. If all parties reach a consensus, TPP writes up the plan and presents it to the judge for approval. If parties do not reach consensus, the case will be brought forward for either mediation or trial, and the court will have to decide on whether the tenant is entitled to a reasonable accommodation and what that accommodation will be.

Sidebar conferences

Either party, landlord or tenant, may request a sidebar conference. This typically happens if the courtroom is open to the public (as it almost always is) and issues of a private and delicate nature are coming up during testimony. During a sidebar, a party may ask the judge to clear the courtroom so that highly personal information can be heard out of earshot of the general public. The judge may also initiate a sidebar conference to inquire about something that has concerned or puzzled her during the trial. A TPP clinician may be invited by the judge to participate in a sidebar; it is up to the judge, not the lawyers or TPP, to ask TPP to participate. TPP is bound by the terms of its participation agreement with the tenant regarding dissemination of information to the court and the parties.

Notifications if tenant withdraws participation from TPP

During assessment and treatment planning, TPP reports to the court and all parties if the tenant either formally withdraws from TPP, repeatedly or seriously fails to cooperate in treatment planning, or to follow interim agreements. TPP may notify participants by phone or verbally, but must always follow up with a written communication copied to the tenant, all parties and the court.

TPP or any subsequent service and monitoring agency follows the same procedures during the monitoring phase of a court case.

Housing Provider/Attorney Reports

Interim tenancy problems

Housing providers or their attorneys should inform TPP (and/or the tenant's lawyer, if any) whenever there are problems with the tenant, especially when these include violations of specific provisions of an agreement. Housing providers, when possible, should first talk to the resident about these problems unless the agreement specifies otherwise.

New lease violations

Housing providers/attorneys may always bring the matter back to court for violations of the agreement. For new lease violations not covered by the agreement, the landlord may have to start a new eviction proceeding, depending on the circumstances and the judge's views as to the relevance of the new allegations to the existing situation. TPP or the current service agency may be informed of the new allegations by the housing provider or housing lawyer, but if not, court staff may make a new referral if necessary.

Judgments for Possession Held in Abeyance

Sometimes the court has entered a judgment for possession for the landlord, with the landlord's right to an execution based on that judgment being held in abeyance (potentially permanently) if certain conditions are met for a certain time. In most circumstances, if the tenant breaches the conditions and landlord wants execution, the landlord has to schedule a hearing in the Housing Court on a motion for execution and prove to the judge that the tenant breached the conditions of the agreement, and that such breach was material and substantial. The tenant and the tenant's lawyer must receive notice from the landlord of the date of the hearing on the motion. The tenant and his or her lawyer may offer a defense. Depending on the judge and Court, TPP may become involved at this point either to craft a service plan or to facilitate moving to a more suitable setting. If the judge agrees with the landlord, the landlord will be able to have the sheriff come to remove the tenant and his or her belongings. If a landlord decides to pursue execution of the

eviction, they should notify TPP so that TPP can begin to make connections to homeless outreach or other relevant services. If, however, TPP does not hear about the proposed execution until the hearing, TPP should nonetheless do what is possible to make connections to homeless or other relevant services.

Regular Updates to the Court

In some agreements, the judge will order regular monitoring appearances or updates to the court as one method of ensuring that the plan is proceeding in an acceptable manner. See Section on AGREEMENT ON TREATMENT PLANS for full discussion of monitoring and possible roles of housing providers and their attorneys.

COURT AGREEMENTS

The substance of what a Court Agreement should contain is included under the **TREATMENT PLAN** section. Note that there are plans for the long-term preservation of a tenancy and plans for maintaining a reasonable level of lease compliance during a set period of time while a tenant relocates.

Legal Process for Court Agreement

If a case is not resolved by a trial with a judge, it is resolved by an agreement (assuming the tenant did not default, in which case the court simply issues judgment against the tenant). Whether the agreement is reached in formal mediation with the Housing Court housing specialist or between the parties without court help, all agreements are reviewed and signed off on by the judge. If at least one side (landlord or tenant) is unrepresented, the parties are asked to meet with a court clerk or the judge, who reviews the agreement and makes sure both sides understand what it says. If both sides are represented, the judge usually just signs the agreement without a colloquy. In TPP cases, most judges review the agreement with the parties.

All agreements that resolve summary process cases are enforceable by the court.

Enforcing Court Agreements

If either side in a court case thinks that the other party is not complying with a court agreement, that side can schedule a hearing with the judge about the non-compliance. The agreement itself usually provides the sanctions for non-compliance (typically eviction if a tenant does not comply); in TPP cases, agreements should have graduated sanctions, not just eviction, if a tenant's non-compliance is a result of disability.

WORKING WITH HOUSING SEARCH PROVIDERS

TPP does not do housing search except in the context of finding and arranging specialized housing or treatment facilities or more suitable configurations of independent housing for TPP clients. If the person is a DMH client, TPP refers the case to DMH for housing search.

Finding more suitable configurations depends on understanding the particular person's problems and needs; for example, a unit with a separate entrance may enable a tenant to avoid hostile, lease violating exchanges with other residents. More suitable does not simply mean somewhere else for a person or family to live when they are unable to remain where they are. When possible, such cases should be referred to the housing search workers that serve that court or region

CLOSED CASES

Criteria for closing direct service cases

TPP closes direct service cases once the treatment goals are met, which in most cases involves transitioning the tenant to a lead agency and/or other services. TPP also closes cases when services are repeatedly and definitely refused. When TPP closes a case, TPP will inform the Court, the landlord and tenant, and their attorneys, the reason for closing the case, and if treatment goals have been met and a new service provider is in place, how to contact that provider.

Cases should remain active no longer than 6-months unless there are extenuating circumstances, such as inability to secure a primary service provider to take on the coordination and monitoring function while the case is still under court supervision.

Once a case is closed and has been reported as closed on monthly reports, it must be treated as a new case, including possible placement on a wait list, if it is referred again. Depending on the time since the case was closed it may be prioritized depending upon staff capacity.

DATA COLLECTION

TPP is required by its funders to document the program's effectiveness, including numbers of cases opened and closed, case demographics, outcome measures, etc.

Both the LACs and SSCs should review TPP data in order to:

1. Plan local and/or statewide multi-disciplinary training on specific topics (e.g. hoarding, guardianship or money management for elders, etc.).
2. Address systemic issues(e.g. homelessness as a risk factor when making DMH case management plans, getting detox programs to ask about housing stability, etc.).

Data form and reporting intervals

MassHousing

All TPP programs receive some MassHousing funds and therefore must submit the MassHousing Monthly Data Collection Form. (See APPENDIX for form.)

Other funders

Data requirements and reporting intervals vary according to funders. Where possible, the Statewide Steering Committee will coordinate data requests from the various state funders to limit duplication. Intake and disposition forms must include the data categories of all the funders.

STANDARDS

Success

The definition of success for direct service case is preventing homelessness. This can be done either by arranging services sufficient to preserve the tenancy or by arranging alternative housing more suitable to the resident's needs and capacities.

The standard is to prevent homelessness in 75% of the closed direct service cases.

Standards for Caseloads

Number of cases: 25 per year per FTE

Duration of cases: 6 months

Staff

Staffing configurations

There is no standard staff configuration although there must be at least one clinical staff for each session (location) where TPP is available, except where sessions are small (e.g. Dudley and Uxbridge will share a clinical staff person). Otherwise staffing is based on the number of referrals and needs perceived by the Court, the service provider and legal services. There is no standard for administrative support. One program has a part-time clerical staff person; others provide clerical support through existing staff.

General job descriptions (Actual samples in APPENDIX)

Education and experience job qualifications

All clinicians should have at least 3 years experience in homeless outreach and in working with persons with disabilities, with an emphasis on mental health, substance abuse, and age-related issues. Clinicians should also have a Master's degree in counseling or social work. Programs directors should have at least 5 years experience.

TPP Provider Agency

Selection Criteria

- Multi-disciplinary capacity, including mental health, substance abuse, elder care
- Homeless outreach experience
- Language and cultural competency for the expected clients
- Administrative and program development capacity, including grant writing.
- Clinical supervisory capacity and experience with staff working independently and off-site.

Selection process

The Local Advisory Committee with representatives from DMH, DMR, DPH, and elder services will have familiarity with the local service provider agencies with the capacity and experience to operate the Tenancy Preservation Program. If the Committee or Subcommittee is only able to identify a single agency, then the contracting agencies should consider this a “sole source” contract. If, however, multiple agencies are identified, then an “invitation to bid” should be sent to them (See sample in APPENDIX).

STAFF TRAINING

Orientation

New TPP staff

Training for new TPP staff should include:

1. Reading TPP manual
2. Meeting with relevant court staff to review court practices and expectation
3. Reading past year's minutes from local and statewide TPP advisory committees
4. Shadowing experienced TPP staff for two weeks
5. Training on landlord-tenant and housing law
6. Attending a reasonable accommodations training, if person has not already done so

New court staff relevant to TPP

The Administrative Office of the Trial Court, and/or the Housing Court Chief Justice's office may want to establish a training protocol once TPP is fully implemented. In the meantime, TPP staff should offer (through appropriate channels - e.g. the First Justice of the Division) to orient new court staff to TPP. The SSC may make such arrangements for newly established programs.

Ongoing training needs

The LACs and SSC should use TPP data to identify ongoing training needs for all or subsets of organizations involved in TPP. The LACs or SSC can organize the trainings themselves or they can ask participating organizations to arrange the training.

OTHER ISSUES

Office Space

TPP programs must be able to access private meeting space at or very near the courthouse to meet with tenants, court staff or lawyers during summary process sessions.

TPP also must have more private office space (i.e. not shared cubicle space), ideally within the courthouse or in a reasonable location in relation to the court. The LAC should assist in the identification of the space.

All office space, intended for use with TPP clients, must be accessible to persons with disabilities.

TPP INFORMATION

TPP programs should all have brochures available at the court and elsewhere for housing providers, lawyers and the general public explaining the purpose of TPP, eligibility and referral information, and contact information for TPP staff.

All brochures should be available in alternate formats for persons with disabilities and in the major languages likely to be served by that TPP program.

Sample brochures are in the **APPENDIX**.

APPENDIX 1 - CONTACT INFORMATION

Berkshire County

Christine Green, Director
Berkshire County Regional Housing
Authority
150 North Street
Pittsfield, MA 01201
Phone (413) 443-7138 ext. 11
Fax (413) 443-8137
stpt46@msn.com

Hampden, Hampshire & Franklin Counties

June Rosner, Director
Mental Health Association
995 Worthington Street
Springfield, MA 01109
Phone (413) 233-5321
Fax (413) 737-7949
jrosner@mhainc.org

Worcester County

Larry Gottlieb, VP, Homeless
Services
Community Healthlink
72 Jaques Ave.
Worcester, MA 01610
Phone (508) 860-1057
Fax (508) 860-1046
lgottlieb@communityhealthlink.org

MassHousing

David Eng
Community Services Department
1 Beacon Street
Boston, MA
Phone (617) 854-1089
Fax (617) 624-9449
deng@masshousing.com

Boston

Ruth Harel, Director
Bay Cove Human Services
66 Canal Street
Boston, MA 02114
Phone (617) 371-3153
Fax (617) 371-3100
rharel@baycove.org

Southeast

Carolyn Adamson, Director
MainSpring Coalition for the Homeless
54 North Main Street
Brockton, MA 02301
Phone (508) 427-6448 ext. 15
Fax (508) 427-6514
cradamson26@yahoo.com

Northeast

Mary Crockett, Associate Director,
Homeless & Outreach Services
Tri-City Mental Health Center
173 Chelsea Street
Everett, MA 02149
Phone (781) 388-6291
Fax (617) 387-9768
mcrockett@tcmhc.org

APPENDIX 2 - FORMS

Referral Forms

Sample 1: Boston Tenancy Preservation Program Housing Court Referral Form

**Boston Tenancy Preservation Project Program
Housing Court Referral Form**

Please answer as many questions as possible

Referral Agency/Company: _____ Date of Referral: _____

Name of Referral Source: _____ Phone: _____

Tenant Name: _____ Phone: _____

Tenant Address: _____

Landlord Name: _____ Phone: _____

Type of Housing (subsidized or not) _____

Tenant Social Security # ____ - ____ - ____ Tenant DOB ____ / ____ / ____

Medicaid/MassHealth # _____

Members of Household: *Please list all household members:*

____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____
____ Name _____	Age _____

Reason for housing court involvement:

Factors affecting tenancy:

How long has tenant lived there? _____

How much is tenant's rent share? _____

What is income source? _____ Amount _____

Does the tenant and/or any household members have a criminal history? Please describe:

Does the tenant and/or household members have any type of current court involvement (e.g. criminal, family court), please describe:

Tenancy risk factors: *Please check those that have been long term continued behaviors*

- | | |
|--|--|
| <input type="checkbox"/> Chronic payment problems | <input type="checkbox"/> Sanitation |
| <input type="checkbox"/> Hoarding | <input type="checkbox"/> Problems with neighbors/staff |
| <input type="checkbox"/> Hygiene that interferes with others | <input type="checkbox"/> Unauthorized occupants |
| <input type="checkbox"/> Disturbances, describe: | <input type="checkbox"/> Other, describe: |

What observable behaviors have contributed to this issue? *Please list specifics; include incidents and an incident report:* _____

Any present use of alcohol or drugs, or any history of use? *Please describe:*

Do you think that there are any underlying issues such as disability, substance abuse, etc? Yes

No

Please explain: _____

Are there any known service providers? *Please list name, agency, and phone if known:*

Notice issued?	Date of term _____	Yes	No
Summons and complaint served?		Yes	No
Summons complaint filed?	Date of hearing _____	Yes	No

What is the current status of tenancy?

Emergency contact person/ relation _____ Phone# _____

Other concerns:

Sample 2: Brockton TPP Referral/Intake Form

REFERRAL INTAKE

Date: _____

Client: _____

Referral Method: _____

Referral Source: _____

Information:

Action Taken:

Participation and Termination Agreements

Participation Agreements

Sample 1: Hamden/Hampshire County Tenancy Preservation Program Agreement

Tenancy Preservation Program Agreement

1. The Tenancy Preservation Program (TPP) is a private, non-profit agency created to evaluate factors and circumstances that have led to a situation where your tenancy is at risk and to arrange appropriate services to resolve the issues in a manner that takes into account the interests and needs of both you and the landlord.
2. Participation in TPP is voluntary and you can terminate your participation at any time. But, if you have been referred to TPP by the Court, it is important to understand that a decision not to participate may impact on the outcome of your eviction case, depending on the nature of the landlord's case and your defenses.³ TPP will investigate and evaluate your circumstances and situation including factors that may have contributed to the current issues regarding your tenancy. This may include contact with the landlord.
4. TPP will develop a plan designed to prevent the problems in the tenancy from recurring. Depending upon TPP's assessment of the situation, this may involve your participation in supportive services, the landlord's agreement to make certain adjustments to the way it does things, or a combination of both. TPP will seek and consider your input regarding an appropriate plan.
5. TPP may require releases to enable it to speak with other persons or agencies with information about the situation, including, where appropriate, your doctors or other health care or social service providers. Unless ordered by a Court, TPP will not divulge any information received from such sources to others without your permission, except to the extent that TPP may provide information about the plan to preserve your tenancy as set out in paragraph 6 below and may report on your compliance with the plan as set out in paragraph 9 below.
6. Once a plan is devised, you will be asked to sign it. TPP will advise your landlord that a plan has been devised and agreed upon. If the case is in Court, TPP will also report this to the Court.
7. Depending upon the nature of the plan, TPP may monitor its implementation for a period of time to ensure that it is working and to make adjustments as needed. If the case is in court, TPP's continued involvement may be required until the case is finally closed by the Court. TPP will notify you when it is ending its involvement with your case.
8. If you encounter problems complying with any aspect of a plan TPP has devised for you, you must contact TPP and TPP will work with you to resolve the problem. If TPP discovers a problem with your compliance, TPP will contact you and try to work with you to resolve the problem and keep the plan in place and on track.
9. If TPP concludes that you have engaged in a substantial breach of your obligations under the plan which significantly jeopardizes the long-term success

of the plan, TPP may be required to report this information to the Court, if the case is under Court monitoring.

Sample 2: Brockton TPP Participation Agreement

Tenancy Preservation Program Agreement

1. The Tenancy Preservation Program (TPP) is a program of Mainspring Coalition for the Homeless, which is a private, non-profit agency. TPP will evaluate the factors and circumstances that have led to a situation where your tenancy is at risk and will arrange appropriate services to resolve the issues in a manner that takes into account the interests and needs of both you and the landlord.
2. The goal of TPP is to help you preserve your tenancy or, if that is not possible, to refer you to appropriate agencies or services that can assist you to find other housing.
3. Participation in TPP is voluntary and you can terminate your participation at any time. If you have been referred to TPP by the Court, it is important to understand that a decision not to participate may impact on the outcome of your eviction case, depending on the nature of the landlord's case and your defenses.
4. TPP will investigate and evaluate your circumstances and situation including factors that may have contributed to the current issues regarding your tenancy. This may include contact with the landlord.
5. TPP will develop a plan designed to prevent the problems in the tenancy from recurring. Depending upon TPP's assessment of the situation, this may involve your participation in supportive services, the landlord's agreement to make certain adjustments to the way he/she does things, or a combination of both. TPP will seek and consider your input regarding an appropriate plan.
6. TPP will require releases in order to speak with other persons or agencies with information about the situation, including, where appropriate, your doctors or other health care or social service providers. Unless ordered by a Court, TPP will not divulge any information received from such sources to others without your permission, except to the extent that TPP may provide information about the plan to preserve your tenancy as discussed in section 7 below.
7. After the plan has been developed with your input, you will be asked to sign it. TPP will advise your landlord that a plan has been devised and agreed upon. If the case is in Court, TPP will also report this to the Court. In some situations, it may be necessary to share some details of your plan with the landlord or the court. TPP, in the exercise of its discretion, will decide if this is appropriate and make every effort to tell you before it does so.

8. Depending upon the nature of the plan and your housing situation, TPP may monitor implementation of the plan for a period of time to ensure that it is working and to make adjustments as needed. If the case is in court, TPP's continued involvement may be required until the case is finally closed by the Court. TPP will notify you when it is ending its involvement with your case.

9. If you encounter problems complying with any aspect of a plan TPP has devised for you, you must contact TPP and TPP will work with you to resolve the problem. If TPP discovers a problem with your compliance, TPP will contact you and try to work with you to resolve the problem and keep the plan in place and on track.

10. If TPP concludes that you have engaged in a substantial breach of your obligations under the plan that significantly jeopardizes the long-term success of the plan, TPP may be required to report this information to the Court, if the case is under Court monitoring. Any communications from TPP to the Court will be provided to the landlord as required by court rules. Continued noncompliance on your part may result in your case being closed by TPP.

11. If you decide that you no longer want TPP to assist you, you must notify TPP and TPP will ask you to sign a notice terminating their services. In most situations where TPP has notified the Court or the landlord that it is assisting you, TPP will have to report that it is no longer involved with your case. When TPP reports such information, it will do so in a way that will have as little adverse effect on your position as possible, consistent with its obligation to be truthful.

By signing below, you are stating that you understand and agree to what is written above.

Tenant Signature

Date

TPP Staff Signature

Date

Termination Agreements

Sample 1: Berkshire County TPP Termination Agreement

TERMINATION OF TENANCY PRESERVATION SERVICES

I, _____, am terminating my case management services as provided by the Tenancy Preservation Project (TPP) of Berkshire County Regional Housing Authority. I understand that I was referred to this program by the Housing Court Department, Western Division to address issues that have caused my housing instability and that the TPP Casework Coordinator is obligated as a consultant to the court to inform the Housing Court of said termination. I do attest that the TPP Casework Coordinator has explained all ramifications of this action to me including the possibility of homelessness and I still wish to go forward with this termination.

Client's reason for termination is:

Client Signature

Date

TPP Casework Coordinator

Date

Date of Housing Court Notification

Name of Person Notified

Release Forms

TPP Release Forms

Sample 1: Bay Cove TPP Release Form

**BAY COVE HUMAN SERVICES
AUTHORIZATION FOR RELEASE OR REQUEST OF INFORMATION**

I authorize Bay Cove Human Services to obtain information from or forward my confidential records to the indicated medical, social or educational agency or other appropriate concerned individuals for use in my program and/or evaluation. I understand that only the information described below will be requested from or sent to this individual or agency. I may revoke this consent at any time and understand that information released by Bay Cove might be redisclosed by the recipient and no longer protected by the Privacy Act.

This consent is valid through: _____ (date)

Information Requested From:

Information Requested By:

Description of Information and Purpose of Release or Request:

Client Signature

Date

Please Print Name

I have fully explained the information above and have answered any questions to the best of my ability. It is my opinion that authorization has been given knowingly and freely.

Staff Signature

Date

Please Print Name and Title

Sample 2: Brockton TPP Release

MainSpring Coalition for the Homeless

Tenancy Preservation Program
54 North Main Street
Brockton, MA 02301
(508) 427-6448 Fax (508) 427-6514

Authorization for Release of Information

I, _____ understand that the staff at TPP may need to be in contact with personnel at other agencies in order to coordinate the services necessary to assist in preserving my tenancy. I authorize staff at TPP to exchange only such information as is necessary to assist in preserving my tenancy.

I give my permission for TPP to contact _____ and exchange pertinent information. I also give permission for _____ to release information to TPP.

Client's Signature

Date

Staff Signature

Date

Sample 3: Berkshire County TPP Release Form

**BERKSHIRE COUNTY REGIONAL HOUSING AUTHORITY (BCRHA)
TENANCY PRESERVATION PROJECT**

Authorization for Release of Information
Two-Way

Name: _____ **Other Name(s):** _____
Address: _____ **Phone:** _____
Social Security #: _____ **Date of Birth:** _____

I authorize BCRHA to receive and release information from or to the person, agency or facility named below, either verbally or in writing, as indicated in this authorization.

Name: _____ **Attention:** _____ **Phone:** _____
Street: _____ **City/Town:** _____ **State:** _____ **Zip:** _____

BCRHA Contact Information:

Name: Christine Green **Phone:** 413-443-7138 X11
Fax: 413-443-8137
Address: 150 North Street, Suite 28
Pittsfield, MA 01201

The person filling out this form must provide details as to date(s) of requested information. Please note that a request for release of psychotherapy notes cannot be combined with any other type of request. Specify information to be released e.g., Entire Record, Admission(s) Documentation, Discharge Summary(ies), Transfer Summary(ies), Evaluations, Assessments and Tests, Consultation(s) including names of consultant(s), Treatment Plan(s), ISP(s) & PSTP(s), Physical Exam & Lab Reports, Progress Note(s):

Purpose for the authorization:

The subject of the information or Personal Representative initiated the authorization (specific purpose not required)
or

Coordinate care

Referral

Obtain insurance, financial or other benefit information

Other purpose (please specify)

A copy of this authorization shall be considered as valid as the original.

Name of person/facility/agency other than BCRHA to receive or release information: _____

I understand that I have a right to revoke this authorization at any time. If I revoke this authorization, I must do so in writing and present it to BCRHA at the BCRHA address identified on page one. I understand that the revocation will not apply to information that has already been released pursuant to this authorization. This authorization will expire (specify a date, time period or an event) _____ or, if nothing is specified, it will expire when I am no longer receiving services from BCRHA. I understand that once the above information is disclosed to a person, facility or agency outside BCRHA, the recipient may redisclose it and the information may not be protected by federal or state privacy laws or regulations. I understand that authorizing the use or disclosure of the information identified above is voluntary. I need not sign this form to receive treatment or services from BCRHA and/or the other named person, facility or agency. However, lack of ability to share or obtain information may prevent BCRHA, and/or the other named person, facility or agency, from providing appropriate and necessary care.

Your signature or Personal Representative's signature

Date

Print name of signer

THE FOLLOWING INFORMATION IS NEEDED IF SIGNED BY A PERSONAL REPRESENTATIVE

Type of authority (e.g., court appointed, custodial parent)

Specially Authorized Releases of Information (please initial all that apply)

_____ To the extent that my medical record contains information concerning alcohol or drug treatment that is protected by Federal Regulation 42 CFR, Part 2, I specifically authorize release of such information.

_____ To the extent that my medical record contains information concerning HIV antibody and antigen testing that is protected by MGL c.111 §70F, an HIV/AIDS diagnosis or treatment, I specifically authorize disclosure of such information.

Your signature or Personal Representative's signature

Date

INSTRUCTIONS:

1. This form must be completed in full to be considered valid.

2. Distribution of copies: original to appropriate BCRHA record; copy to Individual or Personal Representative; copy to person/facility/agency making request.

HIPPA Form

Sample 1: Bay Cove HIPPA Notice

Bay Cove Human Services, Inc.
66 Canal Street
Boston, Ma 02114

NOTICE OF PRIVACY PRACTICES

This notice describes how information about you may be used and disclosed and how you can get access to this information. Please review it carefully.

If you have any questions about this Notice of Privacy Practices, please call the Privacy Officer at 617-371-3000 or write to Bay Cove Human Services, 66 Canal Street, Boston, MA 02114.

I. Introduction

Federal privacy law gives you some control over any records we keep about you. This Notice of Privacy Practices describes how we may use and share information among staff here and with others who are working with you, and explains how you tell us how to do it. It also explains how you can read the things we have written about you, and how you can get documents we have about you that came from other programs.

“Protected Health Information” means health information (including identifying information about you) we have collected from you or received from your health care providers, health plan, employer or a health care clearinghouse. It may include information about your past, present or future physical or mental health or condition, the care you received, and payment for your health care services.

We are required by law to maintain the privacy of your health information and to provide you with this explanation. We are legally required to follow the policies that are explained here.

II. How We Will Use and Share Your Health Information

A. We can share some information about you without special permission, but sometimes we can do it only if you give us permission. Here we have listed those uses that do not need your special permission:

1. Staff who work for BayCove can share information as they work with you, without special permission from you.
2. Organizations that pay for us to work with you, such as DMH or Medicaid, might need information about the things we are doing with you. We are allowed to give them that kind of information without special permission from you.

3. We are always trying to get better at what we do. Sometimes we look at individual records to see what we are doing, and to decide how well we are doing, and how we could do better. The law allows us to do that without special permission from you. If we write a report about how we are doing, we won't put any information about you or any one person, though—that will stay private.

4. We can share information from your file so that we can get information about benefits and services to you and the people working with you. If you don't want us to do that, you can tell us and there is a form to sign that will make sure we don't share your information for that purpose.

5. When we are asking people to donate money, we may include you in that, and use the information we have to send you a letter or call you. This is not our usual practice at all, but the law does allow it unless you tell us not to. If you tell a staff member, our Privacy Officer will bring you a form you can sign that will prevent us from using your information for that purpose.

B. We will only share information about the areas listed below if we obtain your written permission (AUTHORIZATION) in advance.

1. If our staff need to talk or write to someone outside Bay Cove, such as your Case Manager, Therapist or Medical Doctor, we will ask for your permission first—this is called AUTHORIZATION. We have a form that lists the people you usually work with, and if you agree to sign it, we will then be able to talk to them whenever it makes sense for your care.

2. Sometimes we need to send for written records from someone outside Bay Cove who works with you now or used to work with you. It can be helpful to talk with them about what was helpful to you, or how they understood the issues you have to deal with. We can only do that with your written permission.

C. Written Authorization: When you agree to give us permission to share or ask for information about you, we ask you to sign a form called an Authorization.

1. Authorization is time-limited, and usually lasts 1 year—the expiration date is on the form. Once that date is over, we can't share information unless you sign a new form.

2. The form specifies who we can talk to, and you can choose to authorize us only to communicate with certain people—it's up to you.

3. When you authorize us to send for written information, we have to say exactly what documents we are looking for—we can't just ask for your whole record. The things we ask for will be listed on the Authorization Form, so you will know exactly what we are asking for.

4. We ask for information in order to give you the best possible services. If you restrict us from getting information about you or sharing that information with others who work with you, we may not be able to give you the best care we can.

D. **Special Circumstances:** There are certain other times when we can share information without your special authorization.

1. **Emergencies:** Sometimes it is important to give information right away. For example, if you have a medical emergency and become unconscious, we will give health information to the paramedic who comes in the ambulance, and to the doctor in the emergency room.

2. **Research:** An official research study could look at your record here, but only if they promise to keep the information about you private.

3. To keep others safe from an immediate threat

4. Public Health Department and other government agencies require that we share information when people have certain diseases that they are tracking, when someone is exposed to something dangerous, or when there might be abuse or neglect involved.

5. **Court and Police:** Usually we will only share information if a judge orders us to, but there are some other special legal circumstances that could come up. In most serious matters we will cooperate with police by sharing information with them, but when possible we will ask for your authorization to do so.

6. **Military and Veterans:** If you are a member of the armed forces, they generally have access to your records here.

7. If you are in jail or prison we are required to share information if requested by law enforcement authorities.

III. Your Rights Regarding Health Information

A. **Right to Access:** You can see your record and make copies of it. Although not required by law, usually this will include progress notes. It does not include copies of records obtained from other programs that worked with you, but we will tell you what records are in your file and help you request copies directly from those providers.

B. **Right to Request an Amendment:** You have the right to ask us to change any information in your file, even after you have left the program. We may not agree to change particular information, but we will always help you add your own statement that disagrees what we have written, or otherwise gives your own point of view. If we do not agree to make the changes you ask for, we will give you an explanation in writing.

C. Right to an Accounting: You have a right to know what information we share. If you ask for it, we will give you a written list of the things we have sent and where they were sent. If you ask for what was sent covering more than one year, there could be a small fee.

D. Right to Request Restriction: You can ask us not to share information with certain people by filling out a Request for Restriction form. If we feel that we need to share that information, we may not agree to the restriction, but in that case we will explain our reasons to you in writing.

E. Right to Request Confidential Communications: You can tell us how to communicate with you and restrict the way we do it, and we will do everything we can to follow your wishes. For example, you may ask us not to contact you at work, or not to send mail to your home.

F. Copy of this Notice: You have the right to a written copy of this notice.

IV Complaints

If you believe that your privacy rights have been violated, you can file a complaint with us (through our Privacy Officer) or with the Secretary of the U.S. Department of Health and Human Services (our Privacy Officer can help you to do this).

V. Changes to this Notice

If and when we make changes in this notice, we will provide an up-to-date copy in the program office and on our website, www.baycove.org. Our privacy officer or any staff will be happy to answer any questions about the policy and any changes to it.

BAY COVE HUMAN SERVICESACKNOWLEDGEMENT OF RECEIPT OF PRIVACY NOTICE

Date_____

Name_____

(If not client, what is your relationship?_____)

I have received a copy of the Bay Cove Human Services Privacy Notice. I have had the opportunity to read it or have it read to me and have had my questions answered.

Signature

HUD RELEASE LANGUAGE

(Must be attached to all releases allowing service provider to talk to housing provider and/or housing provider to talk to service provider)

To Applicant or Tenant: You do not have to sign this consent to allow contact if you decide not to request an accommodation or if the information about who is to give information and who is to receive the information is not clearly filled in.

I GIVE PERMISSION TO GIVE INFORMATION TO:

Name _____
Title _____
Housing Authority or Development Name _____
Address _____
Phone/TTY _____

I GIVE PERMISSION TO GIVE INFORMATION FROM:

Name _____
Title _____
Service or Medical Organization _____
Address _____
Phone/TTY _____

REGARDING:

Tenant or Applicant Name _____
Address _____
Phone/TTY _____

I hereby authorize the service or medical provider named above to contact the housing staff listed above or housing provider listed above to contact the service or medical provider listed above to verify disability status and need for the requested accommodation in relation to preserving my tenancy as described below. I understand that this information will be kept confidential and used only to make a decision about my reasonable accommodation request. I understand I may change my mind and notify the housing and service provider that I no longer give permission to discuss my request.

Signed: _____ Date: _____

(Adult resident with disability or guardian)

Assessment Forms

Sample 1: Hamden/Hampshire Adult Assessment

Mental Health Association, Inc.
TENANCY PRESERVATION PROGRAM
Adult Participant Assessment Form
(Please fill out for each ADULT household member)

Please check if person is head of household _____

Case ID Number: _____

1. AGE

- 18 – 39
- 40 – 49
- 50 – 62
- 63+

2. Race/Ethnicity

- White, not Hispanic
- African American, not Hispanic
- Hispanic
- Asian
- Native American
- Other, (specify) _____

3. Gender

- Male
- Female

Are you a Veteran? ____ Yes ____ No

4. Primary Language

- English
- Spanish
- Russian
- Other (specify) _____

5. Prior Homelessness

- Yes
- No

If yes;

Number of episodes _____

Ending date of most recent homeless episodes

- Within last year
- One to Two years ago

- Two or more years ago
- Duration of most recent homeless episodes
- Less than 12 months ago
- More than 12 months

Did resident receive Housing Search/Tenancy Support Services in accessing this housing?

- Yes, Name of Organization _____
- No

6. Source of Income at time of referral

- TANF (Welfare)
- SSI, SSDI, Veterans, Social Security
- Employment
- Child Support
- Other (specify) _____

7. Health Insurance

- Medical/Dental Insurance at time of referral
- None
- Medicaid/Mass Health
- Medicare
- Other (specify) _____

8. Are you under the care of any doctor?

- Yes __PCP in the past 3 mos./__in the past 6 mos./__in the past 1+yrs.
__Psych in the past 3 mos./__in the past 6 mos.__in the past 1+ yrs.
- No

9. Have you used the Emergency Room?

- Yes __in the past 3 mos./__in the past 6 mos./__in the past 1+yrs.
- No

10. In-patient treatment in past 2 years prior to referral

- Mental Health respite or in-patient
- Estimated Number of episodes
Total duration
 - < 10 days
 - 11 to 30 days
 - > 30 days (specify) _____
- Substance Abuse
 - Estimated Number of Detox episodes
 - Estimated Number of Acute residential episodes
Acute Residential Duration
 - < 10 days
 - 11 to 30

- > 30 days (specify) _____
- Intensive Outpatient services
 - Specify _____
 - Estimated Number of episodes
 - Total duration*
 - < than 1 month
 - 1 to 3 months
 - > than 3 months (specify) _____

11. Disability (*check all that apply*)

- Substance Abuse
- Mental Health
- Mental Retardation
- Other elderly cognitive problems
- HIV/AIDS

12. Medical (*check all that apply*)

- Asthma/lung disease
- Infectious diseases
- Cardiac disease
- Hypertension
- Anemia
- Obesity
- Diabetes
- Cancer
- Injuries
- HIV
- Other _____

12. Case Management received in the past 2 years

- Yes
- No

If yes, specify type of case management

- SA
- MH
- MR
- HIV/AIDS
- Elderly
- DSS
- Other (specify) _____

13. Case Management received at time of referral ?

- Yes
- No

If yes, specify type of case management

- SA
- MH

- MR
- HIV/AIDS
- Elderly
- DSS
- Other (specify) _____

14. Other services received in the past two years

- SA treatment Agency Name: _____
- MH treatment Agency Name: _____
- MH Forensics Agency Name: _____
- MR Services Agency Name: _____
- HIV/AIDS Services Agency Name: _____
- Elder Services Agency Name: _____
- DSS Agency Name: _____
- Housing search/support Agency Name: _____
Services
- DYS Services Agency Name: _____
- Homemaker Services Agency Name: _____
- Other (specify) Agency Name: _____

15. Other services received at time of referral

- SA treatment Agency Name: _____
- MH treatment Agency Name: _____
- MH Forensics Agency Name: _____
- MR Services Agency Name: _____
- HIV/AIDS Services Agency Name: _____
- Elder Services Agency Name: _____
- DSS Agency Name: _____
- Housing search/support Agency Name: _____
Services
- DYS Services Agency Name: _____
- Homemaker Services Agency Name: _____
- Other (specify) Agency Name: _____

16. New services *recommended* to tenant

- SA treatment Agency Name: _____
- MH treatment Agency Name: _____
- MH Forensics Agency Name: _____
- MR Services Agency Name: _____
- HIV/AIDS Agency Name: _____
- Elder Services Agency Name: _____
- DSS Agency Name: _____
- Housing search/support Agency Name: _____
Services
- DYS Services Agency Name: _____
- Homemaker Services Agency Name: _____
- Other (specify) Agency Name: _____

17. New Services *accepted* by tenant

- SA treatment
- MH treatment
- MH Forensics
- MR Services
- HIV/AIDS Services
- Elder Services
- DSS
- Housing search/support Services
- DYS Services
- Homemaker Services
- Other (specify)

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Agency Name: _____

Sample 2: Hamden/Hampshire County Case Assessment Form

**Mental Health Association, Inc.
TENANCY PRESERVATION PROGRAM
CASE ASSESSMENT FORM**

NOTE: Items in *Italics* are information service providers need but would not be included in evaluation sent to MHFA.

INTAKE DATE:

PERSON COMPLETING INTAKE:

BACKGROUND AND HOUSING/EVICTION INFORMATION

1. *Name:*
2. *Date of birth:*
3. *Social Security No.*
4. **Date of Referral:**
5. **Case ID Number:**
6. *Address:*

7. *Telephone:*

8. **Family Constellation:**

- Single**
- Couple**
- Family**

If Family,

Of Adults
Of Children 0-5
Of Children 6-12
Of Children 13-17
TOTAL # OF CHILDREN

9. **Type of Housing:**

- MHFA Housing**
- HUD Housing**
- Chicopee Housing Authority**
- Holyoke Housing Authority**
- Springfield Housing Authority**
- Other Housing Authority**

- **Other project based subsidized housing**
- **Private Housing with State or Federal tenant-based subsidy**
- **Managed by:**
- **Private Housing, no subsidy**
- **Other**

10. Referral Source:

- **MHFA Housing Provider/Lawyer**
- **Housing Authority**
- **Housing Court**
- **Legal Services**
- **Other, please specify**

11. Timing of Referral:

- **Before eviction proceedings have begun**
- **After 14 or 30 day notice, but before entry of summons & complaint**
- **At time of pre-trial mediation**
- **Post eviction order (N/A after July 1, 2000)**

12. Type of Tenancy Problem(s)- *check all that are applicable*

- **Non-payment of rent; *arrearage amount \$***
- **Unit/Common area damaged**
- **Unsanitary/hazardous condition of unit**
- **Interfering with rights of neighbors**
- **Criminal activities affecting housing (specify)**
 - **Illegal drugs**
 - **Violence**
 - **Prostitution**
 - **Other**
- **Foreclosure**
- **Condemnation**
- **Other**

13. Person(s) alleged to have caused tenancy problem – *check all that apply*

- **Adult tenant**
- **Child tenant (age 14-18)**
- **Child tenant (age 13 or below)**
- **Guest/boyfriend-girlfriend**

14. *Do you have a support system? What is it?*

Sample 3: Brockton Assessment Form

TENANCY PRESERVATION PROGRAM INITIAL ASSESSMENT

Client:

Referral Source:

Reason for Referral/Presenting Problem:

1. Housing

Type of Housing

- MHFA Housing
- Brockton Housing Authority Project
- Other Housing Authority Project: _____
- Other project based subsidized housing: _____
- Private housing with State or Federal Tenant-based subsidy
- Private housing, no subsidy

Type Tenancy Problem(s)—Check all that are applicable

- Non-payment of rent
- Unit/Common Area damaged
- Unsanitary/hazardous condition of unit
- Interfering with rights of neighbors
- Criminal Activities effecting housing (specify):
 - Illegal drugs
 - Violence
 - Prostitution
 - Other (Specify)_____
- Foreclosure
- Condemnation
- Other (Specify)_____

Prior Homelessness

- Yes No
- If yes, Number homeless episodes_____
- Ending date of most recent homeless episode
 - Within past year
 - 12-24 months
 - 2 or more years ago
- Duration of most recent homeless episode
 - Less than 12 months

- More than 12 months
- Did resident receive Housing Search/Tenancy Support Services in accessing this housing?
 - Yes, Name of Organization _____
 - No

Other Information on Homeless Episodes:

2. Financial Issues

Source of Income at time of referral

- TANF (Welfare)
- SSI, SSDI, Veteran's, Social Security for: _____
- Employment
- Other (specify) _____

Amount of Income: _____

Bills

- Electric Company: _____
 - Included in rent
 - Payment is current
 - Client applied for reduced rate
 - Client owes money, total due _____
- Gas Company: _____
 - Included in rent
 - Payment is current
 - Client applied for reduced rate
 - Client owes money, total due _____
- Phone Company: _____
 - No phone
 - Payment is current
 - Client applied for reduced rate
 - Client owes money, total due _____
- Other bills owed by client:

3. Health

Medical Insurance at time of referral

- None
- Medicaid/Mass Health
- Medicare
- Other (specify)_____

Health Care Provider: _____

Physical Conditions/Disabilities:

Medications:

4. Mental Health

Mental Health Concerns:

Medications:

Treatment, including hospitalizations:

5. Substance Abuse:

Current concerns:

6. Family

Name	Relation	DOB	Concerns

1. DSS Status

- Prior but no current DSS involvement at time of referral
- Current DSS involvement at time of referral
- Referral made to DSS
- No DSS involvement prior to or during TPP status

2. Juvenile Justice Status

- None
- Prior but no current court or DYS involvement
- Current court or DYS involvement

Healthcare Provider: _____

Services:

7. Other Pertinent Information

Sample 3: Hamden/Hampshire TPP Child Assessment Form

Mental Health Association, Inc.
TENANCY PRESERVATION PROGRAM
Child Participant Assessment Form
(Please fill out for each CHILD in the household)

Case ID Number: _____ **CHILD#** _____

1. Name: _____

2. Date of Birth: ____/____/____

3. Gender:

- Male
- Female

4. Disability/Medical status:

- Depression
- Anxiety
- PTSD
- Psychosis
- Eating Disorders
- Cognitive/Developmental Delay
- Learning disability
- Attention Deficit Disorder
- Behavioral Challenges
- Asthma
- Ear Infections
- Speech Problems
- Dental Problems
- Injuries
- Other Infections _____
- Other chronic medical problems(specify)_____

5. Are you under a doctor's care?

- Yes ___PCP in the past 3 mos./___in the past 6 mos./in the past 1+yrs.
___Psych in the past 3 mos./___in the past 6 mos./___in the past 1+yrs

No

Were you hospitalized?

- Yes ___ in the past 3 mos./ ___in the past 6 mos./___in the past 1+yrs.
- No

If yes, Number of episodes: _____

Total duration

- < 1 week
- 1-4 weeks

- > 4 weeks

6. School/Head Start:

- Name: _____
- Address: _____

7. DSS Status:

- Prior but no current DSS involvement at time of referral
- Current DSS involvement at time of referral
- Referral made to DSS
- No DSS involvement prior to TPP status

8. Juvenile Justice status:

- None
- Prior but no current court or DYS involvement
- Current court or DYS involvement

Case Resolution Forms

Sample 1: Hamden/Hampshire Case Resolution Form

Mental Health Association, Inc.
TENANCY PRESERVATION PROGRAM
RESOLUTION FORM

(To be completed after Court Decision, Management Withdrawal of Eviction Proceedings or Voluntary Move-out)

NOTE: Items in *Italics* are information service providers need but would not be included in evaluation or sent to MHFA.

1. *Name:*
2. **Case ID Number:**
Referral Date:
3. Closed Date:
4. **Outcome of Case (check appropriate box)**
 - **Eviction Denied (no cause found)**
 - **Refused services/defaulted, evicted, connected to homeless outreach/housing search**
 - **Refused services/defaulted, evicted, outcome unknown**
 - **Stabilized, completed court supervision**
 - **Moved to more appropriate setting, with increased services**
 - **Evicted, but connected to homeless outreach/housing search**
5. **New/Changed services *recommended* by Tenancy Preservation Program**

Case Management (specify type)

- | | |
|---------------------------|-------------|
| ○ SA | Agency Name |
| ○ MH | Agency Name |
| ○ MR | Agency Name |
| ○ HIV/AIDS | Agency Name |
| ○ Elderly | Agency Name |
| ○ DSS | |
| ○ Schools (special needs) | |
| ○ Other (specify) | |

Other Services (specify type)

- | | |
|-------------------------|-------------|
| ○ SA Treatment | Agency Name |
| ○ MH Counseling/therapy | Agency Name |
| ○ MH Medication Mgmt. | Agency Name |

- **MR Services** Agency Name
- **HIV/AIDS** Agency Name
- **Elder Services** Agency Name
- **DSS**
- **Housing search/support services**
- **DYS Services**
- **Homemaker Services**
- **Other (specify)**

6. New/Changed services *accepted* by tenant

- **None**

Case Management (specify type)

- **SA** Agency Name
- **MH** Agency Name
- **MR** Agency Name
- **HIV/AIDS** Agency Name
- **Elderly** Agency Name
- **DSS**
- **Schools (special needs)**
- **Other (specify)**

Other Services (specify type)

- **SA Treatment** Agency Name
- **MH Counseling/therapy** Agency Name
- **MH Medication Mgmt.** Agency Name
- **MR Services** Agency Name
- **HIV/AIDS Services** Agency Name
- **Elder Services** Agency Name
- **DSS**
- **Housing Search/support services**
- **DYS Services**
- **Homemaker Services**
- **Other (specify)**

7. Lead Service Agency/Other Contact

Continuing

New

- **DMH**
- **DMR**
- **DPH-BSAS**
- **DPS-AIDS**
- **MRC**
- **Elder Services**
- **DSS**

- **Other (specify)**

Date Form Completed: / /

Form Completed by:

APPENDIX 3 - MASSHOUSING DATA REPORT FORM		open cases from previous FY														FY to Date Totals	FY to Date %
New Cases			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN			
individuals															0	#DIV/0!	
couples															0	#DIV/0!	
families w/ children															0	#DIV/0!	
TOTALS			0	0	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	
Closed Cases*			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FY to Date Totals	FY to Date %	
current housing preserved	n/a														0	#DIV/0!	
homelessness prevented, more appropriate hsg	n/a														0	#DIV/0!	
homelessness prevented, other housing	n/a														0	#DIV/0!	
homelessness prevented, institution	n/a														0	#DIV/0!	
homelessness prevented, family/friends	n/a														0	#DIV/0!	
homeless w/ Tx plan, shelter	n/a														0	#DIV/0!	
homeless w/ Tx plan, street	n/a														0	#DIV/0!	
disposition unclear, refused	n/a														0	#DIV/0!	
disposition unclear, withdrawn	n/a														0	#DIV/0!	
other	n/a														0	#DIV/0!	
TOTALS		n/a	0	0	0	0	0	0	0	0	0	0	0	0	0	#DIV/0!	
Other Program Activity			JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	FY to Date Totals	FY to Date %	
caseload contacts	n/a														0	n/a	
consultation contacts	n/a														0	n/a	
# consultations	n/a														0	n/a	
# on waiting list	n/a														0	n/a	

APPENDIX 4 - SAMPLE JOB DESCRIPTIONS

BAY COVE HUMAN SERVICES, INC.

Employee Name: _____

Date Reviewed:

Position Title: *Director*
(Boston Tenancy Preservation Project)

Department: Residential Services

Reports To: Director of Residential Services

Mission Statement:

BayCove's mission is to provide high-quality services to children and adults who face the life-long challenges of mental illness, drug and alcohol dependency, and developmental disabilities. The mission of the Boston TPP is to assist adults and families with disabilities who are facing possible eviction and resulting homelessness to retain their current housing or move to more appropriate housing.

Job Summary:

The Tenancy Preservation Project Director is responsible for developing and operating innovative and flexible services that preserve tenancy and prevent homelessness for many of Boston's most vulnerable citizens. Through the establishment of individualized appropriate services that address underlying issues related to problem tenancy, eviction and resulting homelessness can be prevented. The Director and the team of staff that s/he supervises will work to maintain collaborative relationships across systems to insure coordinated plans that resolve obstacles to quality tenancy. This is an exempt position.

Supervisory Responsibilities:

- Supervises all staff involved in TPP including senior clinicians and an administrative assistant

Essential Functions of Position:

- Works directly with clients, referred by Housing Court, BHA or MHFA Providers and Legal Services, to establish service plan to prevent eviction
- Provides assessment, referral and case management of clients to resolve issues of problem tenancy
- Supervises staff in the provision of TPP services and in the administrative operation of and review of these services
- Provides clinical and administrative on call services as needed in order to achieve programmatic goals
- Provides clinical assessment, service plan development, and effective crisis intervention for adults and families with disabilities

- Facilitates engagement in ongoing community and hospital based services for TPP participants that will enable them to successfully negotiate community tenancy
- Provides for relevant and ongoing staff development and training.
- Oversees all clinical, programmatic, administrative, and fiscal aspects of TPP
- Maintains communication with all funders and stakeholders regarding TPP services and ongoing evaluation of such services
- Communicates programmatic and system issues that interfere with successful tenancy for people with disabilities that are poor to the Boston TPP Advisory Committee
- Provides stabilization services, especially related to the long-term permanence of clients
- Develops plans for more appropriate housing, usually housing with regular assistance, when present difficulties cannot be resolved (i.e. eviction cannot be prevented).
- Works collaboratively with BHA, MHFA housing providers, Legal Services, Housing Court personnel, DPH and DMH and other public and private agencies to establish program services and build professional relationships to sustain and enhance the TPP's capacities
- Maintains professional relationships with local area human service providers to develop resource bank for client services to preserve tenancy
- Works on program planning, development, and policy issues in coordination with the Division Director
- Demonstrates the ability to work with people and families who represent a diverse cross section of Boston's poor and working poor including people of all ages, people with complex disabilities, people from differing ethnic, racial, and linguistic communities in a culturally and linguistically responsive manner
- Assists in proposal development and submission in order to secure ongoing funding for TPP services
- Maintains database and routinely quantifies and reviews program performance with respect to expected outcomes. As needed, revises service design and implementation in the service of maximizing TPP's delivery of successful outcomes
- Performs all other duties and projects as assigned by the Division Director

Qualifications:

- Licensed Master's degree in social work or a related human service field or equivalent experience
- Well-developed clinical, assessment, crisis intervention, case management, client advocacy and organizational skills
- Demonstrated ability to work effectively with poor and treatment resistant or treatment unresponsive adults and families in a respectful manner that fosters engagement, hope, and tenancy retention
- Minimally 10 years experience working with homeless or formerly homeless individuals
- Minimally 10 years supervisory and demonstrated leadership experience
- Excellent writing and oral communication skills
- Bilingual in Spanish, Mandarin, Cantonese, or Creole preferred
- MA driver's license and use of personal vehicle for work related tasks and travel

Personal Characteristics:

- Ability to work collaboratively as a member of multidisciplinary and cross-functional teams
- Ability to function as an effective change agent
- Ability to negotiate and resolve differences in a creative and flexible manner with varied stakeholders including TPP participants, housing court personnel, housing management staff and landlords, social service and treatment agencies, etc.
- Ability to function under pressure in a fast paced and challenging human service environment
- Ability to be flexible, open and responsive to ongoing feedback and complex economic, structural/systemic, and biopsychosocial problems
- Ability to articulate and communicate the TPP mission in a consistent and enthusiastic manner to all stakeholders

Evaluations:

Your five month evaluation will be completed by _____.

Your one-year evaluation will be completed by _____. After the first year, an evaluation will be done at the yearly anniversary of your hire date.

Signature of employee: _____

Signature of employer: _____

This job description is intended only to provide general guidance. It is understood that the position may evolve over time, and that additional or different duties may be added at management's discretion. It is the policy of Bay Cove Human Services, Inc., to review and update job descriptions annually; however, updates or revisions may occur within a given year as indicated.

BAY COVE HUMAN SERVICES, INC.

Employee Name: _____ **Date Reviewed:** _____

Position Title: *Clinician (part-time)*
(Boston Tenancy Preservation Project)

Department: Residential Services

Reports To: Director, Boston Tenancy Preservation Project

Mission Statement:

BayCove's mission is to provide high-quality services to children and adults who face the life-long challenges of mental illness, drug and alcohol dependency, and developmental disabilities. The mission of the Boston TPP is to assist adults and families with disabilities who are facing possible eviction and resulting homelessness to retain their current housing or move to more appropriate housing.

Job Summary:

The Tenancy Preservation Project Senior Clinician is responsible for developing and operating innovative and flexible services that preserve tenancy and prevent homelessness for many of Boston's most vulnerable citizens. Through the establishment of individualized appropriate services that address underlying issues related to problem tenancy, eviction and resulting homelessness can be prevented. The Senior Clinician will work as part of a small multidisciplinary team to maintain collaborative relationships across systems to insure coordinated plans that resolve obstacles to quality tenancy. This is an exempt position.

Supervisory Responsibilities:

N/A

Essential Functions of Position:

- Communicates with TPP Director through regular supervision to ensure task completion and sharing of information
- Works directly with clients, referred by Housing Court, BHA or MHFA Providers and Legal Services, to establish service plans to prevent eviction
- Provides assessment, referral and case management of clients to resolve issues of problem tenancy
- Provides clinical assessment, service plan development, and effective crisis intervention for adults and families with disabilities
- Facilitates engagement in ongoing community and hospital based services for TPP participants that will enable them to successfully negotiate community tenancy
- Maintains communication with all team members and stakeholders regarding TPP services and participates in the ongoing evaluation and improvement of such services

- Communicates programmatic and system issues that interfere with successful tenancy for people with disabilities that are poor to the Boston TPP Director
- Provides stabilization services, especially related to the long-term permanence of clients
- Develops plans for more appropriate housing, usually housing with regular assistance, when present difficulties cannot be resolved (i.e. eviction cannot be prevented)
- Works collaboratively with BHA, MHFA housing providers, Legal Services, Housing Court personnel, DPH and DMH and other public and private agencies to establish program services and build professional relationships to sustain and enhance the TPP's capacities
- Maintains professional relationships with local area human service providers to develop resource bank for client services to preserve tenancy
- Works on program planning, development, and policy issues in coordination with the TPP Director
- Provides for ongoing documentation of service plans, contacts, progress towards pragmatic goal achievement, and outcomes
- Demonstrates the ability to work with people and families who represent a diverse cross section of Boston's poor and working poor including people of all ages, people with complex disabilities, people from differing ethnic, racial, and linguistic communities in a culturally and linguistically responsive manner
- Performs all other duties and projects as assigned by the TPP Director

Qualifications:

- Licensed Master's degree in social work or a related human service field or equivalent experience
- Bilingual in Spanish, Mandarin, Cantonese, or Creole
- Well-developed clinical, assessment, crisis intervention, case management, client advocacy and organizational skills
- Demonstrated ability to work effectively with poor and treatment resistant or treatment unresponsive adults and families in a respectful manner that fosters engagement, hope, and tenancy retention
- Minimally 5 years experience working with homeless or formerly homeless individuals
- Minimally 10 years clinical experience working with adults and families with serious psychiatric, cognitive, and behavioral disabilities
- Excellent writing and oral communication skills
- MA driver's license and use of personal vehicle for work related tasks and travel

Personal Characteristics:

- Ability to work collaboratively as a member of multidisciplinary and cross-functional teams
- Ability to function as an effective change agent
- Ability to negotiate and resolve differences in a creative and flexible manner with varied stakeholders including TPP participants, housing court personnel, housing management staff and landlords, social service and treatment agencies, etc.

- Ability to function under pressure in a fast paced and challenging human service environment
- Ability to be flexible, open and responsive to ongoing feedback and complex economic, structural/systemic, and biopsychosocial problems
- Ability to articulate and communicate the TPP mission in a consistent and enthusiastic manner to all stakeholders

Evaluations:

Your five month evaluation will be completed by _____.

Your one-year evaluation will be completed by _____. After the first year, an evaluation will be done at the yearly anniversary of your hire date.

Signature of employee: _____

Signature of employer: _____

This job description is intended only to provide general guidance. It is understood that the position may evolve over time, and that additional or different duties may be added at management's discretion. It is the policy of Bay Cove Human Services, Inc., to review and update job descriptions annually; however, updates or revisions may occur within a given year as indicated.

APPENDIX 5 - SAMPLE BROCHURES

If you are involved in eviction proceedings, we can help,



People who are eligible for TPP services include families and adults who have received a notice for an eviction hearing in Boston. In order to receive TPP services people must have a disability (i.e. psychiatric illness, physical illness, developmental delay and/or problems with drugs or alcohol) that may be related to the alleged lease violation(s).

Sample 1: Boston

Referral Process:

You must be referred by the Judges or Housing Specialists of the Boston Housing Court



Tenancy Preservation Project Program
Housing Court Department
Edward W. Brooke Court House
24 New Chardon Street
Boston, MA 02114
(617) 371-3153

THE BOSTON TENANCY PRESERVATION PROJECT PROGRAM



Working with YOU to preserve YOUR tenancy, improve your quality of life, and to reduce homelessness in Boston

A Bay Cove Human Services, Inc. program

Sometimes people have difficulties maintaining their tenancies. This can be particularly hard for people challenged by disabilities.

The Boston Tenancy Preservation Project Program is designed to preserve tenancy when ever possible, and to link people with disabilities to the best services available to meet their needs.

The Boston Tenancy Preservation Project Program also can assist landlords and tenants in preserving tenancy, or in some cases TPP can assist in working with existing community providers to try to find more appropriate housing.



HERE'S HOW IT WORKS:

Tenancy Preservation Project Program(TPP) staff meets with you, the tenant, as soon as possible at the court.

TPP staff assess the underlying causes of the problem.

We work with you, the tenant or tenants, in addressing the problems and accepting services that will help you to maintain your tenancy

OR

We develop plans with your service providers to help you secure more appropriate housing.

TPP will work out a service agreement and will monitor the service agreement until the tenancy is stabilized.

This program is made possible through funding from Mass Housing, The City of Boston Jobs and Community Service Department, The City of Boston Emergency Shelter Grant monies, the Vincent Mulford Foundation and Liberty Mutual.

APPENDIX 6 - LIST OF HOUSING COURTS AND THEIR LOCAL SESSIONS

Housing Court	Session	TPP available
Boston	Boston	Yes
NorthEast	Lawrence	Yes
NorthEast	Lowell	No
NorthEast	Lynn	No
NorthEast	Salem	No
SouthEast	Attleboro	No
SouthEast	Brockton	Yes
SouthEast	Fall River	Yes
SouthEast	New Bedford	Yes
SouthEast	Taunton	No
Worcester	Dudley	Yes
Worcester	E.Brookfield	No
Worcester	Fitchburg	Yes
Worcester	Gardner	No
Worcester	Marlboro	No
Worcester	Uxbridge	Yes
Worcester	Worcester	Yes
W.Mass	Greenfield	Yes
W.Mass	Northampton	Yes
W.Mass	Pittsfield	Yes
W.Mass	Springfield	Yes

APPENDIX 7 - SAMPLE TPP CASES

SAMPLE 1: BERKSHIRE COUNTY TENANCY PRESERVATION PROGRAM

Christine Green, Casework Coordinator
150 North Street, Suite 28 Pittsfield, MA 01201
(413) 443-7138 x11 Fax (413) 443-8137
e-mail: stpt46@msn.com

Landlord: Berkshire County Regional Housing Authority

Tenant Name:

TPP#:

Docket #:

Date:

HISTORICAL:

On 9/29/04, Arlene Correa of the Housing Court, Western Division referred tenant to the TPP of BCRHA. This case was put on hold until 11/8/04 when TPP Casework Coordinator officially started.

The referral was made based on the following landlord allegations:

- Tenant has been in public common areas in an inebriated state harassing other tenants;
- Tenant has not abided by the terms set forth in the Stipulation and Agreement of the Parties entered into on April 4, 2004.
- Regardless of reasonable accommodations (physical moving of tenant from 1sr to the 3rd floor to alleviate the level of street and yard noise) that were made on or about 4/1/04, similar issues continue to arise.

Tenant states the following:

- Since the landlord made reasonable accommodations due to her disability, there was an addition of a formal common/meeting space for tenants. This space is used for tenants of the building to congregate and socialize. Tenant alleges that the noise bothers her and causes an increase in PTSD symptoms;
- That she needs to travel near this common area when disposing of her rubbish and feels as if people are scrutinizing her which causes an increase in PTSD symptoms;
- That she admits self-medicating with alcohol to deal with the escalation in her PTSD which in turn can cause her to be confrontational with other tenants and management.

TPP Casework Coordinator Assessment and Recommendations:

Assessment:

Tenant is currently drinking after a 16-year period of sobriety. Tenant states that her relapse is directly related to the stressors of her current housing situation and an attempt to control the escalation in her PTSD symptoms. Tenant currently has no supports in place.

Tenant's current state can be directly attributed to: (a) the perceived, and often times real, social stigma that has followed her from the first floor tenancy; (b) the altered reasonable accommodations that relocated a common meeting room from the first floor to the third floor after tenant moved in which has created a higher level of noise and an increased number of people congregating in the common area; tenant has a right to access without undue hardship as do the other tenants; (c) possible unsolicited targeting of tenant by neighboring tenants.

Tenant has conceded that, at times, she has responded to the level of noises and congregations of people in an inappropriate way. She has been perceived by neighboring tenants as threatening and abusive which has resulted in several written complaints. Management has been extremely cooperative in accommodating tenant and working with her to stabilize her tenancy. However, her drinking, as it relates to her inappropriate interactions with other tenants in common areas, has seriously put her housing at risk.

Recommendations Regarding Tenancy:

At a minimum the tenant shall:

- Abstain from entering common areas in an inebriated state;
- Abstain from being abusive or harassing to other tenants, understanding that this tenant's natural way of dealing with people can at times be abrupt and less than social;
- Access TPP Casework Coordinator at the times when it becomes difficult to manage responses to outside stimuli;
- Access appropriate means to communicate complaints (i.e. written or verbal grievances to management).
- Upon notification, give landlord 48-72 hours to address any written or verbal grievances and inform tenant of corrective measures;
- Access TPP if tenant thinks that corrective measures were not adequate and then TPP Casework Coordinator can then mediate these concerns with the management.

At a minimum management shall:

- Communicate with TPP Casework Coordinator any concerns or issues regarding tenancy with Tenant via written or verbal communication;
- Communicate any concerns or issues with tenant via written communication;
- Evaluate any concerns brought forth by other tenants for their severity and use possible mediation tactics when appropriate.

Recommendation Regarding Substance Abuse and Mental Health:

- Tenant actively engages in alcohol treatment and/or counseling (including, but not limited to: detoxification, one-on-one counseling; AA/NA meetings). TPP will provide referrals to: McGee Detox Unit, counseling with the Brein Center of MHSAB and area recovery meetings.
- Tenant seeks evaluation of her mental health and considers medication options. TPP will provide referrals to: Brein Center of MHSAB.
- Applies for DMH services with the assistance of the TPP Casework Coordinator;
- Tenant actively seeks out positive social supports (i.e. AA/NA sponsor) and, when stable will seek out social groups or educational classes with the assistance of the TPP Casework Coordinator (Elder Center, Ad-Lib, or art or writing classes at the local college).

Additional Recommendations:

TPP Casework Coordinator will continue to monitor and evaluate tenancy and tenant's progress for at least 6 months or when terminated by tenant whichever should come first. Weekly visits/phone contact will be a part of the monitoring process along with follow-up with collaterals which will include landlord and their legal counsel where appropriate.

Signature below indicates tenant's agreement with and willingness to participate in the above plan. Tenant agrees to provide a good faith effort in complying with the above plan; however non-compliance of the portion titled *Recommendations Regarding Tenancy* could be used to go forward with the eviction process as outlines in the Stipulation and Agreement of the Parties dated April 4, 2004.

Tenant Date

Tenant's Legal Counsel Date

TPP Casework Coordinator Date

Landlord/Management Co. Date

Landlord/Management's Legal Counsel Date

SAMPLE 2: BAY COVE HUMAN SERVICES, INC.

TENANCY PRESERVATION PROJECT PROGRAM TREATMENT PLAN

CLIENT NAME: "Jane Smith"

ISSUE: Clutter in Unit

WHAT DOES THE CLIENT NEED TO WORK ON:

"Jane" recently moved in with her mother, who is medically impaired, and "Jane" is her mother's primary care giver. The landlord recently took them to court for not allowing access to the unit for inspection. Upon inspecting the unit, the landlord initiated eviction proceedings against them for allegedly "continuously and habitually paying rent late..." and "failing to maintain the premises in a clean and sanitary manner...". An inspection conducted by a Housing Court Housing Specialist found that the basement needed to be brought up to code, specifically "entrance to basement foyer obstructed..." and "Basement area full of items..... no access to..... wall outlets, or plumbing drain pipes....". At this writing the landlord has refused to enter into an agreement reached in mediation with "Jane", a Housing Specialist and the landlord's attorney.

STRENGTHS TO BUILD ON:

"Jane" has agreed to work with TPP, and she has been receptive to mediation and Housing Court involvement. "Jane" stated there was a discrepancy regarding what the landlord reported about money paid and money owed, and she went through her paperwork and went to the bank to sort out any potential discrepancies. With TPP's assistance, back rent was paid off, and "Jane" paid May's rent on time. She has agreed to bring her unit into compliance as specified by the Housing Specialist, though she has admitted this may take time and she may need hands on assistance.

CLIENT'S GOAL(S):

"Jane" and her mother's housing will stabilize as evidenced by no more housing court involvement by _____.

CLIENT'S OBJECTIVE(S):

1. "Jane" will meet with TPP staff as scheduled at least 75% of the time.
2. "Jane" will share with TPP staff any problems or concerns that are going on with her or her mother that may impact housing, and consider suggestions around how to best address these problems.
3. If problems can't be resolved, "Jane" will allow TPP to engage services to resolve them.
4. "Jane" will allow TPP to prompt and monitor her around payment of rent on time monthly until it is mutually assessed to no longer be of concern.
5. "Jane" will allow TPP staff into her home to assist verbally and as applicable hands on with organizing, cleaning and removing (i.e. to donate to throw away) items from her basement.
6. "Jane" will allow Housing Court representatives and/or the landlord to inspect her unit, with advance notice, and with a TPP representative present.

Client Signature and/or Comments and Date: _____

Guardian Signature (if applicable) and Date: _____

Witness Signature and Date: _____

Witness Printed Name and Title: _____

APPENDIX 8 - SAMPLE INVITATION TO BID

[Date]

[Addressee]

Dear :

The Northeast Tenancy Preservation Program (TPP) Advisory Committee is seeking a qualified agency to operate the program within the jurisdiction of the Northeast Housing Court (see the attached list). Subject to funding availability, the Committee plans to have a program operational in the Lawrence jurisdiction by July 1, 2005.

TPP is a homelessness prevention program for persons with disabilities, operating in collaboration with the Housing Court Department of the Massachusetts Trial Court, as well as MassHousing, the Massachusetts Departments of Housing and Community Development, Mental Health, Mental Retardation, Public Health, and Transitional Assistance, the Executive Office of Elder Affairs, public housing authorities, private management companies, and local legal service agencies.

TPP functions as a neutral party to the landlord and tenant, providing clinical consultation services to the Housing Court. TPP improves the ability of the Housing Court to offer reasonable accommodation to disabled tenants.

TPP targets individuals and families, where a disability is present (e.g. mental illness, substance abuse, issues related to aging, etc.) and directly related to the reason for eviction. TPP clinicians assess the reasons for the eviction, identify needed services, develop a treatment plan to maintain the tenancy, and monitor the case until resolved. If the case involves the Housing Court, TPP will make regular reports, including violations of agreements, to all parties involved in the case (i.e. the Court, property owner, and tenant).

If a tenancy cannot be preserved, TPP coordinates the tenant's transition to a more appropriate placement, preventing homelessness whenever possible. TPP provides intensive, short-term case management services, connecting the tenant to other

community-based services; TPP does not provide on-going case management services. TPP is a voluntary program and participants may terminate their involvement at any time.

On the behalf of the Northeast TPP Advisory Committee, thank you for your interest.

Laurie Byrne
Law Clerk
Housing Court Department
Northeast Division

Attachments

Please respond to the questions listed below. Responses must be limited to 3 pages (excluding budget attachment), double spaced with 12-point font, and emailed to Laurie Byrne, laurie_byrne@jud.state.ma.us, by Friday, March 4th. Responses will be reviewed and finalists will be contacted by Monday, March 21st for interviews to be conducted on Friday, March 25th, from 1:00 – 4:00 PM.

1. Experience with mental health, substance abuse, issues related to aging, homelessness, and housing stability.

Please provide specific information regarding each area listed above. Information should include but not be limited to: (1) current programs related to each area, (2) outreach programs, (3) current affiliations with related agencies, (4) ability to provide clinical supervision, and (5) ability to provide or access transportation to program participants.

2. Program development capacity.

Please describe the agency's resources and capacity to develop and operate a new program with limited and multi-sourced funding. The selected agency will be expected to apply for local, state, and federal grants (e.g. ESG, CDBG). Please identify and describe similar programs developed by the agency and their progress to date.

3. Multi-cultural

Please describe the agency's ability to serve the multi-cultural populations of the Northeast area. Information should include but not be limited to: (1) current programs serving specific multi-cultural populations, (2) success in hiring and retaining multi-lingual/multi-cultural staff, (3) current affiliation with agencies providing services to multi-cultural communities.

4. Budget

Please provide, on the attached state POS budget form, a programmatic budget for 1FTE, Master's level clinician, based on \$65,000 annual funding. There will be no occupancy costs; the Housing Court will provide office space, including access to a computer, telephone, and fax.

5. Other

Please provide any other information that would be useful to the Committee in making a decision.