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Emergency Shelters

Sec. 17-590-1. Definitions

As used in Sections 17-590-1 to 17-590-7 inclusive, as follows:

(a) “Applicant” means a public, or private organization or agency that has submitted an emergency shelter grant application to the Department of Human Resources.

(b) “Client” means any homeless individual eighteen (18) years of age or over, or homeless family, or emancipated minor, who is in need of and requests emergency shelter services.

(c) “Commissioner” means the Commissioner of the Department of Human Resources or a designee.

(d) “Dangerous weapon” means any instrument, article or substance which is capable of causing death or serious bodily injury.

(e) “Department” means the Department of Human Resources.

(f) “Emergency” means a situation in which immediate action must be taken to meet the needs of individuals or families who do not have sufficient resources to secure shelter.

(g) “Emergency Shelter” means housing in a single, accessible location, excluding residential treatment centers for drug and/or alcohol abuse, youth shelters, halfway houses and transitional living programs, that provides at a minimum, sleeping and bathroom facilities for homeless individuals and families in a facility that meets local building, health, fire, safety and handicapped persons access codes, and zoning requirements.

(h) “Emergency Shelter Services” means, but is not limited to, purchase of emergency shelter services in other than a central facility, and the social, health and related services that may be part of the individual emergency shelter program. It does not include residential treatment centers for drug and/or alcohol abuse, youth services, halfway houses and transitional living programs.

(i) “Grant Application” means a request for funds to develop and/or maintain an emergency shelter program and may include one or more of the following eligible expenses: minor facility renovation, administrative and program expenses, and/or purchase of emergency shelter services.

(j) “Operator” means the applicant, or designee of the applicant, who is responsible for the on-site management and operation of the emergency shelter, and/or the administration of emergency shelter services.

(k) “Physical assault” means a willful touching of a person by another person with intent to do harm with any instrument, article or substance, or any portion of the body, and shall include the attempted use of a dangerous weapon by one person against another.

(l) “Resident” means a person who receives any type of services from a shelter program which is a recipient of Department funding.

(m) “Threat” means a verbal or physical expression of an intent to harm, or otherwise cause bodily injury to another person or to damage property.

(Effective February 1, 1993)

Sec. 17-590-2. Application process

(a) The Commissioner shall review and approve the operating policies of shelters receiving grants from the Department. The Department shall require an applicant or recipient to comply with the following requirements in order to receive funding for emergency shelter services:

(1) Demonstrate sufficient demand for emergency shelter services and/or emergency shelter services in a particular location.

(2) Demonstrate that the applicant has the administrative and managerial capability to establish and operate an emergency shelter facility and/or provide emergency services in a sensitive, humane and cost effective manner.

(3) Submit an application to the Commissioner that includes the following written information:

(A) table of organization and by-laws of governing body;

(B) written operating/admission policies;

(C) written grievance procedures;

(D) house rules;

(E) a description of program staffing (paid/volunteer) that indicates a minimum staff to client ratio of one staff member per 25 residents;

(F) goals and objectives of program;

(G) a description of the emergency shelter services which will be provided;

(H) a description of the physical facility as to: location; accessibility to transportation and health/social and related services; type and size of building; handicapped persons access; any available parking area; space allocation for shelter activities and capacity of shelter;

(I) evidence of conformity of the program and building to local zoning ordinances, local building codes and state fire and health regulations;

(J) schedule of the daily operation of the emergency shelter and services offered;

(K) completed Department budget forms that contain the fiscal information necessary for the Commissioner to authorize payments based on each shelter's capacity and the level of funding available from other sources; and

(L) if applicable, a report on the number of grievances filed pursuant to the shelter grievance procedure, the reasons for each grievance, and the disposition of each grievance.

(4) Submit operating policies that comply with Section 17-590-4 and Section 17-590-5.

(5) Submit grievance procedures that comply with Section 17-590-6 and Section 17-590-7.

(b) All grant requests may be accepted, rejected or modified at the discretion of the Commissioner. The decision of the Commissioner may not be appealed.

(c) The applicant will be notified in writing of the acceptance or rejection of the application within sixty (60) days. If an application is rejected, the applicant will be notified of the reason(s) for the rejection.

(Effective February 1, 1993)

Sec. 17-590-3. Financing and program review

(a) The allocation of funds shall be by a contract that shall set forth the specific conditions under which the grant is awarded.

(b) Sections 17-590-1 through 17-590-7, inclusive comprise the minimum standards of eligibility for Department funding. Meeting the minimum requirements does not guarantee that an applicant or awardee will receive Department funding, nor that funding will be awarded in subsequent fiscal years.

(c) Grant funds must be utilized consistently with the grant award and grant funds are subject to recovery if not so utilized.

(d) The grantee shall submit periodic program and progress reports on Department forms as required by the Commissioner and shall maintain records of the use of the grievance procedure which are available to the Department for review upon request.

(e) The performance of each awardee shall be reviewed and evaluated at least annually by the Department. Such reviews and evaluations may be performed by examining the awardee's documents and reports, by site visits by Department staff, or by a combination of both document review and site visits. An awardee's performance shall be evaluated by a review of:

(1) its compliance with Sections 17-590-1 through 17-590-7, inclusive and the terms and conditions of its contract; and

(2) its financial reports to the Department and annual audit.

(f) If the Department determines that the awardee has failed to meet its obligations under subdivisions (1) and (2) above, it may place the awardee on probation or, when the failure is serious or repeated, terminate its contract.

(Effective February 1, 1993)

Sec. 17-590-4. Operating policies of shelters

(a) **Admissions policy:**

(1) The admissions policy shall reflect the goals and objectives of the program.

(2) There shall be no discrimination in the acceptance of clients, on the basis of race, religion, national origin, or sexual orientation and no rejections of clients on the basis of past conduct unconnected to the shelter or shelter program.

(3) It shall describe a process for screening all persons entering the shelter or its programs for obvious signs of illness or injury, including intoxication from drugs and/or alcohol, and a process for referring those exhibiting such signs to the proper facility.

(4) If it is the policy of the grantee to search an individual prior to admittance, said procedure must be so conducted that it does not unduly infringe upon the privacy rights of the individual.

(5) A confidential record shall be kept of all clients admitted, referrals made, and services offered and the number of individuals who are refused admittance and the reasons for refusal, except in the case of refusal because of insufficient beds, in which case a record of the number of people turned away will be maintained.

(6) A homeless individual or family as defined in accordance with subsection (b) of Section 17-590-1 shall not be denied access to a shelter due to the inability to pay a fee.

(b) **House rules:**

(1) The house rules shall be posted in a conspicuous location in a public area of the facility. Each client seeking admission to a shelter shall sign a form provided by the shelter indicating that they were advised of the house rules; the penalties of violating said rules; and they agree to abide by the posted house rules. This document shall be part of their case file. The rules shall be clear, explicit and administered fairly. They shall include the penalty for infringement of house rules. The penalty shall be clearly stated and evenly enforced. The house rules and their penalties shall be periodically reviewed by the shelter, with input from shelter residents. Copies of the shelter's house rules and any subsequent revision thereof shall be made available to staff and residents and be provided to the Department.

(2) House rules shall be reasonable, and shall address, at a minimum, the following:

(A) daily schedule;

(B) permitted length of stay and conditions under which extensions will be granted;

(C) resident fees/contributions;

(D) bed reservation or daily reapplication;

(E) bathing;

- (F) laundry facilities;
 - (G) meals (if served);
 - (H) safe storage of residents' food supplies;
 - (I) social, or other services offered;
 - (J) supervision and discipline of children;
 - (K) duties expected of residents;
 - (L) a description of policies covering violent or disruptive behavior;
 - (M) privacy and confidentiality;
 - (N) fire evacuation and safety procedures;
 - (O) use and handling of prescribed medication;
 - (P) use and/or possession of alcohol, drugs or weapons;
 - (Q) visits from people who are not residents of the shelter;
 - (R) access to telephones;
 - (S) arrangements for safekeeping of residents' financial interests and personal belongings;
 - (T) policies for group meetings of residents;
 - (U) provisions for mail distribution; and
 - (V) access to medical services.
- (c) **Grantees must ensure that residents:**
- (1) will not be suspended or expelled from the shelter or a shelter services unit except for good cause;
 - (2) will be afforded hearings on grievances in accordance with Sections 17-590-6 and 17-590-7;
 - (3) will be offered decent, safe, and sanitary shelter;
 - (4) will have shelter or shelter services matters pertaining to them kept confidential;
 - (5) will have access, directly or through their designated representatives, to their shelter or shelter services records;
 - (6) will be treated by staff with consideration, respect, and dignity and without physical or mental abuse; and
 - (7) will be entitled to equal application of shelter or shelter services rules.
- (Effective February 1, 1993)

Sec. 17-590-5. Expulsion and suspension of shelter residents

- (a) All rules and policies of the shelter, including the shelter's grievance procedures, shall be posted in a conspicuous place and shelter residents shall be given a copy upon request. The shelter's grievance procedures shall include information on how to initiate the grievance process. If the infraction of a rule or procedure might lead to suspension or expulsion of residents, the notice of the rules and policies shall clearly warn residents of this and state the lengths of time of such possible suspensions or expulsions.
- (b) All rules and policies shall be written in plain language and translated for non-English speaking residents. If there is reason to believe the resident is illiterate, the rules and procedures shall be provided orally.
- (c) A resident shall not be expelled or suspended, except for good cause. Good cause includes, but is not limited to, the following kinds of events:
 - (1) violations, after a warning, of posted house rules which seriously or materially impede the operation of a shelter;
 - (2) behavior that poses a threat to the health or safety of other residents, shelter staff, or other people on the premises of the shelter, or to the physical property of

the residents or the shelter or anyone on the premises of the shelter. This may include the possession or use of illegal drugs or alcohol;

(3) violations, after a warning, of case plans or contracts, when the resident has committed him/herself in writing to follow such plan or contract;

(4) expiration of a defined length of stay, unless, according to the shelter's own rules, the resident qualifies for an extension;

(5) theft or destruction of property in or on the grounds of the shelter; or

(6) sexual harassment or sexual activity in violation of shelter rules.

(d) If a shelter resident violates a rule or policy that might lead to suspension or expulsion, except for cases in subsection (e) of Section 17-590-5 below:

(1) The resident shall receive written and oral notice of the infraction prior to suspension or expulsion. This notice shall state the consequences of having violated the rule or regulation; and

(2) The resident shall have an opportunity to request the review of this decision through the shelter grievance procedure prior to the suspension or expulsion. The notice in subdivision (1) of this subsection shall inform the resident of his or her rights to a grievance review and how to request a grievance review.

(e) In cases where the behavior of the resident poses a threat to the health or safety of other residents, shelter staff, or anyone on the grounds of the shelter, or to the physical property of the residents of the shelter or anyone on the premises of the shelter, the resident may be suspended or expelled without any prior warning, or the prior opportunity for a hearing under the shelter grievance procedure. A staff person who has decided to expel or suspend a resident shall, whenever possible, consult with an impartial staff person on whether the decision is appropriate.

(f) A resident may be suspended without prior warning or a prior opportunity for a hearing if he or she poses a threat to the health of other residents, shelter staff or anyone on the grounds of the shelter because the resident is reasonably believed to be infected with a disease that is easily spread through casual contact and/or by airborne means only if:

(1) contamination with the disease could cause serious health problems for others;

(2) the shelter does not have adequate means to isolate the infected residents; and

(3) the shelter, if possible, has attempted to place the resident in an alternative facility.

(g) Behavior that constitutes a threat to health and safety shall be defined by the shelter and shall include the following:

(1) possession, distribution, or use of illegal drugs or alcohol;

(2) possession of a dangerous weapon;

(3) physical violence or the threat of physical violence when there is reason to believe such a threat indicates a genuine possibility of actual physical violence directed at anyone in or on the grounds of the shelter; or

(4) arson or attempted arson.

(h) The shelter must clearly identify in the notice provided under subsection (a) of Section 17-590-5, the rules' infractions that lead to suspension or expulsion without prior notice or a prior hearing.

(i) The resident shall have an opportunity to have any decision to expel or suspend him or her reviewed under the shelter grievance procedure. The burden shall be on the shelter to show that the resident was in violation of the shelter rules. In the case of expulsion or suspension under Section 17-590-5 (e), the review may be conducted after expulsion or suspension.

(j) Any resident who is suspended or expelled shall, whenever possible, be given information on any other facilities available to him or her, and the name and phone number of the person to contact at any appropriate public agency.

(k) If the expelled or suspended resident was originally placed at the shelter by a state agency, that agency must be informed of the expulsion or suspension within one business day.

(Effective February 1, 1993)

Sec. 17-590-6. Shelter grievance procedures

(a) Each shelter shall create a shelter grievance procedure. The shelter shall consult with residents of the shelter when creating the grievance procedure.

(b) The shelter grievance procedure shall be available to any resident who is aggrieved about any adverse action including, but not limited to, suspension or expulsion. The shelter grievance procedure shall also be available to an individual who has been initially refused admittance.

(c) The shelter grievance procedure shall contain the following minimum requirements:

(1) Unless an extension of time is agreed to by both parties, the grievance review shall take place within three (3) business days of the request for a review, except that, in the case of someone who is suspended or expelled without a prior opportunity for a hearing, the grievance review shall take place by the next business day if the resident is placed in an alternative facility pending the review, or within 24 hours of the suspension or expulsion if no other placement is available, or later if an extension of time is requested by the shelter resident;

(2) The grievance review shall be conducted by an impartial person who has the authority to modify, affirm or reverse the decision that is being grieved.

(3) The resident may be represented by any person of his or her choosing.

(4) The resident shall be allowed to review, confront, and refute any evidence relied upon in any decision relating to the grievance; by any appropriate means including, but not limited to, the use of witnesses.

(5) Any decision shall be in writing, shall be based on the evidence presented at the review, and shall explain the parties' rights to an appeal.

(d) An impartial person shall be any person, including an employee of the shelter, who did not take part in the decision or procedure which is being grieved.

(Effective February 1, 1993)

Sec. 17-590-7. Appeal panels

(a) Any decision of a grievance review may be appealed to:

(1) a panel of three (3) people, consisting of a shelter resident or former resident, a shelter staff person or a member of the Board of Directors, and another person not employed by the shelter or receiving shelter services. The panel chairperson shall be the person not employed by the shelter or receiving shelter services; or

(2) an appeal panel consisting of one impartial person who is mutually agreeable to both parties.

(b) The shelter shall maintain a list of people in each of the above categories, to be updated as necessary, and shall select a person from each list for each grievance review. All panel members shall be impartial.

(c) The shelter shall ensure that panel members receive training about the grievance procedure, as appropriate.

(d) An appeal will take place within five (5) business days of the request for a hearing. Other than cases under Section 17-590-5 (e), a decision to suspend or expel will be stayed pending the appeal.

(e) The chairperson shall have overall administrative responsibility for conducting the appeal hearing. The chairperson will:

(1) instruct the other panel members on procedures prior to the hearing;

(2) ensure that the hearing is conducted in an orderly manner;

(3) afford all parties the opportunity to present information fully; and

(4) permit parties to question each other when it is appropriate to do so.

(f) A simple majority vote of the panel will be sufficient to render a decision.

(g) The decision of the panel to reverse, modify or affirm the decision of the shelter shall be sent in writing to all parties involved within ten (10) days of the hearing and will be binding.

(Effective February 1, 1993)