**Section 145.250 Program Terminations and Appeals**

a) A tenant may be terminated from PSH, after all attempts at tenant participation and mitigation have failed, under any one or more of the following circumstances, unless a reasonable modification of this policy is necessary to prevent the exclusion or denial of benefits of the program and service on the basis of disability pursuant to Title II of the Americans with Disabilities Act (42 U.S.C. 12101):

1) Missing their portion of the rent payment three times or more within an existing current lease period (late payments are not an immediate factor);

2) Refusing to pay their portion of the rent as stipulated in the lease agreement;

3) Refusing to allow or respond to requests for case management wellness visits (in-home, at alternative locations, or virtual) as deemed appropriate by the contracted Service Provider;

4) Serious and repeated lease violations that pose a threat or serious hazard to other residents of the rental property;

5) Convictions by a court of law for a felony offense;

6) Failure to accept an offer for a permanent rental subsidy when one is made available;

7) Receiving rental payments while residing in a unit owned by any family member of the tenant (unless DMH has determined and approved the rental of the unit as providing reasonable accommodations for a person with a disability);

8) Subleasing the unit, assignment of the lease or transfer of the unit;

9) Excessive and continuous damage to the unit or premises by the tenant or any guest to the unit or premises;

10) Engaging in or allowing a guest to engage in any behavior that disturbs the peaceful and quiet enjoyment by others of the premises and the neighborhood;

11) Engaging in or allowing a guest to engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises;

12) Illegal possession or use of a firearm or aggravated assault weapon in violation of federal, State or local criminal or civil laws;

13) Failure to complete an Annual Income Re-examination Review with the SA or PSH Provider; and

14) Fraud, including falsifying income, unauthorized occupants in the housing unit, or deliberate failure to report changes in household composition that would affect program eligibility.

b) If a termination occurs from PSH:

1) The tenant shall be responsible for 100% of the total rent amount as of the date that the final termination determination notice is released by the SA or PSH Provider and as authorized by DMH; and

2) The SA shall inform the landlord in writing directly of the tenant's exit from PSH and the termination of rental payments.

c) A tenant has the right to appeal a termination decision. The tenant or their representative must submit a written notice for an appeal to DMH. This notice is to be received by DMH within 15 calendar days from receipt of the Bridge Subsidy or PSH termination letter. The notice must contain a clear statement disputing the reasons for termination. The notice is to be mailed to:

Housing Coordinator

Department of Human Services-Division of Mental Health

122 S Michigan Avenue, 20th Floor

Chicago IL 60603

d) DMH will convene an appeal hearing within 15 days after receipt of the appeal notice. The appeal hearing committee members shall be composed of the DMH Housing Coordinator, the Deputy Director of Systems Rebalancing, or the Deputy Director of Community Programs and the assigned SA or PSH Provider.

e) The tenant and/or their representative will be notified of the hearing by phone and mail. At least three attempts at phone contact should be made to ensure that the tenant and/or their representative are aware of the hearing. The tenant or representative may be present to provide written or verbal objections to the termination at the time of the hearing.

f) DMH will issue its written determination decision to the tenant and/or representative within two work days after the appeal hearing.

g) Depending on the circumstances of termination, a former PSH tenant may reapply for a Bridge Subsidy, when an open round becomes available, by submitting a formal letter of request to the DMH Housing Coordinator, accompanied with a letter of support from a State contracted Service Provider.

(Source: Amended at 47 Ill. Reg. 7096, effective May 15, 2023)