

Resident Agreement

A close-up photograph of a person's hands in a white shirt. The right hand is holding a gold fountain pen and is in the process of signing a document. The left hand is holding a stack of papers. The background is a blurred cityscape with tall buildings and greenery. The overall scene is professional and focused on the act of signing a document.

Ensuring your resident agreements meet ORH
Measures

A photograph of a legal office setting. In the foreground, a person wearing a blue shirt and a watch is writing in a notebook. To their right, a golden scale of justice sits on a desk. In the background, a wooden gavel rests on a stack of books. The scene is dimly lit, with a soft glow from a window in the background.

I am not an attorney

**PLEASE SEEK LEGAL COUNSEL ON YOUR RESIDENT
AGREEMENTS**



Purpose

- Resident agreements help you and residents ensure understanding
- Clarify that you are a recovery housing program
- Outline the expectations for residents
- Clearly state any fees or charges
- Agreement is entered into PRIOR to the resident moving into the home

Clearly state the home is a recovery home

- This must be stated clearly
- Be clear that no resident may use or possess the following ON OR OFF the property
 - Illicit Substances
 - Alcohol
 - Recreational Cannabis



The resident agreement is a LEASE



- This means that recovery homes in Ohio are considered landlords
- There is no way around this
- You **CAN NOT** request that residents agree that they are not tenants and that they have no landlord tenant rights
- Ensure you are prepared to uphold your obligations under the lease

How long the agreement is for

- You can decide the length of the agreement
- Weekly, Monthly, Annually
- If you use a weekly lease, you can include language that allows the week to week lease to continue **WITHOUT** signing a new agreement **AS LONG** as terms do not change.
 - This means that if you want to increase rent, you need to provide notice and get a new lease signed





Advanced Deposits

- Do you require advance deposits?
- It is permitted to do so.
- If you do, you must include in your agreement
 - The amount of the fees
 - What the resident can do to earn the deposit back



Monthly or Weekly Fees

- Include the amount of the fee
- When the fee is due
 - BE SPECIFIC
 - YES – “Fees must be paid by Friday at 5:00PM”
 - NO – Fees are due once a week
- If you have a week-to-week lease, collect fees weekly
- Be sure the actual amount is in the agreement



Sliding Fee Scales

- Sliding Fee Scales are Permitted
- You must submit to ORH the tool that you use to calculate the sliding fee scale
- The scale must be based on objective criteria and applied to everyone equally

Example

- Helping Ohio Recovery Housing would like to adjust rent payments so it is accessible
- They create a system where residents report their income to the home.
- Residents pay either 30% of their income or \$100 per week whichever is lower.
- For each resident, they collect paystubs or other income verification and calculate the appropriate rent payment



Example

- Helping Ohio Recovery Housing will turn in to ORH
 - A copy of the resident agreement
 - A copy of their sliding fee scale/ policy that describes their process



Be sure to stick to your resident agreement

If you allow exceptions for one person, you must allow exceptions for everyone



Example:

- Diana moved into Helping Ohio Recovery Housing.
- Diana was struggling, so the organization allowed her to skip rent payments without a formal agreement for a couple of months
- Once Diana finds a job, she does not want to pay rent.
- Diana claims that she was not told that she had to start paying rent, and refuses to pay
- Because Helping Ohio Recovery Housing does not have a formal agreement in writing, and has a pattern of allowing residents to not pay rent, it will be difficult to force her to start paying rent



Include
information on
any other fees
residents pay

Utility Fees

Trash collection fees

Activity Fees

Parking Fees

Others

Not allowable



Collecting Food Stamps as a form of rent*



Collecting food stamps and using them to purchase food for the whole house*



Collecting “donations” in place of rent



Requirements that force residents to perform specific work or fundraising in place of rent



*Programs with contracts with local CDJFS can act in accordance with their CDJFS contract



Example

- Helping Ohio Recovery Home encourages residents to buy and share meals together
- Many of the residents receive SNAP benefits (food stamps)
- Each resident is their own food stamp household
- Therefore, the recovery home does not require the residents to buy and share meals with others, but instead establishes family meal nights where residents can all bring their own food
- If residents decide to share meals, that is up to them, but the home does not require this



Refunds

- Either clearly state that refunds are not offered OR
- Describe how residents may get a refund



Ending the Resident Agreement - Operator

- Include information on how the OPERATOR may notify the RESIDENT that they are ending the Resident Agreement
- Circumstances in which the OPERATOR will end the agreement



Ending the resident agreement - RESIDENT

- Include information on how the RESIDENT can notify the OPERATOR that they are ending the agreement
- Just as important as allowing operator to provide notice
- It is in your best interests to make this a simple process



Abandoning the Property

- Include Information on when you will consider the property to be abandoned, and the person no longer resides there
- Get legal advice on this piece!



Example

- Imagine you have a resident who can not be reached when it is time to check in on residents
- You follow all of your organizations policies regarding attempting to reach and find this resident to ensure that they are ok
- At what point do you consider this person to have abandoned the program?
- At what point do you secure their belongings?
- This is going to be different for every program – especially based on Level of support

A photograph of two cardboard boxes. The top box is labeled 'STUFF' in red marker with a smiley face drawn below it. The bottom box is labeled 'CLOTHES' in black marker. The boxes are on a light-colored wooden floor.

Resident Belongings that are left behind

- If a resident abandons the home and leaves behind property
- At what point do you gather their things
- How long you keep them for
- What the resident can do to get them back



Reference your policies

- Include a reference to your other policies
 - Do not need to be reprinted word for word
 - You can say “residents are expected to follow the policies outlined in the Resident Handbook”
-



Agreements **CANNOT** contain the following

- Request that residents waive landlord tenant or fair housing rights
- Requirements that residents get services from a specific treatment provider in order get housing
- Requirements that the resident must move out of the home once treatment is complete
- Requirements that residents must leave the home after an arbitrary amount of time.
- Requirements that residents make donations or do fundraising in exchange for housing
- Requirements that residents turn over EBT or other benefits to the operator in exchange for housing

Take the time to make the
agreement as easy to read as
possible



Example

- Helping Ohio Recovery Housing is a non-profit organization
- They want residents to volunteer as a part of living in the recovery home
- Residents can choose to volunteer for Helping Ohio Recovery Housing at their annual fundraiser
- Residents can also choose other volunteer opportunities in the community, such as at the food pantry, animal shelter, or other locations

Final Note: Homes can not be involved in the personal financial affairs of residents

- No borrowing or loaning of money or items of value
 - No cosigning on bank accounts
 - No being the rep payee for a resident
-
- More details will be covered in future sessions



The image features a dense field of 3D question marks. Most are dark grey and recede into the background, creating a sense of depth. In the center, a single question mark is rendered in a bright yellow color, standing out prominently. The word "Questions" is written in a clean, white, sans-serif font, centered horizontally and partially overlapping the yellow question mark.

Questions