

Checklist: Legally Enforceable Agreement (Lease)

Policy, Procedures and Operational Guidelines

1. Ensure that P&P Manual contains the specific requirement that individuals will have a legally enforceable lease that provides the same responsibilities and protections from eviction/discharge/transfer as other community members and as aligned with landlord-tenant law.
2. Ensure that the P&P Manual describes how and when the individual will be informed of the lease and lease requirements.
3. Ensure that P&P Manual describes the specific procedure to obtain due process if a modification is required, in keeping with the description in the *Checklist for Person-Centered Plan Documentation of Modifications to HCBS Requirements*.
4. Ensure that P&P Manual requires provider staff to be trained with regard to the lease and lease requirements.

- ✓ Does the Manual contain the expectation for each policy?
- ✓ Does the Manual describe the provider’s specific procedures for ensuring each policy is implemented?

Check to confirm the policy is complete	Yes	No
1. Contains		
2. Describes		
3. Describes		
4. Requires		

Ensure that provider staff have been trained to competency for this requirement.

1. Is there training curriculum available for review?
2. Does the training material accurately reflect the requirement and what it should look like in practice?
3. Do the training rosters show that all staff have been trained in this requirement?

Name of Training: _____

Name of Trainer: _____

Date of Training: _____

Training Roster Available: _____

Provider Confirmation

External Review for Heightened Scrutiny Review & Advocacy

Name of Policy:		<i>Reviewer</i>	<i>Name of Reviewer</i>	<i>Date</i>
Policy Page and/or Number		Certification		
Date Policy Completed/Approved		Monitoring		
Approved By:		Advocacy		

NOTE: External Reviews will include ‘Observation’ and ‘Interview’ questions below during Certification and Monitoring Visits

Observations	Individual/Staff Name(s)	Date
Observe that all individuals have a current and signed, legally enforceable lease agreement.		
List any individuals who do not have a lease available for review and that is consistent with the policies described above.		
List any individuals who have modifications that require due process consistent with policy.		
Interviews	Individual/Staff Name(s)	Date
Interview individuals, and/or guardians if applicable, to ensure they are aware of the right to and existence of the legally enforceable lease.		
Interview staff to ensure they are aware of an individual’s right to a legally enforceable		

lease agreement.		
Notes:		