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**HUMAN RIGHTS AUTHORITY - PEORIA REGION**  
**REPORT OF FINDINGS**

**Case #15-090-9016**  
***CWTC (Community Workshop and Training Center)***

**INTRODUCTION**

The Human Rights Authority (HRA) opened an investigation after receiving complaints of possible rights violations with services at CWTC. The complaints alleged the following:

- 1. Inhumane treatment, including apartment complex did not have hot water from the months of November 2014 until February 2015.**
- 2. Inadequate grievance process, staff and the facility human rights committee were made aware of the issue regarding water and the issue was not resolved and clients at the complex are afraid to speak regarding issues.**

If found substantiated, the allegations would violate the Mental Health and Developmental Disabilities Code (MHDD Code) (405 ILCS 5/2) and regulations relating to Housing and Urban Development (HUD) (24 CFR 891) and (24 CFR 5).

The facility has residential services in Lewistown, Canton, Pekin, Peoria and Chillicothe. The CWTC provides community living facilities, community independent living arrangements (CILAs), and apartments. There are 12 apartment complexes with 100 clients. The apartments are HUD Section 8 housing and receive no state funding. The clients receive services at the apartment based on needs, for example some clients receive assistance with meal preparation, grocery shopping and financial management.

To investigate the allegations, HRA team members met and interviewed members of the CWTC staff and reviewed documents pertinent to the case.

**COMPLAINT STATEMENT**

The complaint alleges that in November, a client reported no hot water in her apartment but nothing reportedly was done and the facility only made excuses for the situation. Examples for the excuses were that the facility was waiting for HUD money and also the weather was too cold to work at resolving the complaint. The clients were allegedly told to let the water run until it became hot and were also told to boil water for dishes. Even when running the water, it would only get warm and then that stopped occurring as per the complaint. The complaint states that

clients were told that because the water was getting warm, it could not be reported as an issue. The client was reportedly told that the issue was reported HUD in November but, after contacting HUD, it was discovered that it was recently reported in the month of February. The client was finally told that the issue was going to be fixed, according to the complaint.

The complaint also alleges that owners and management were contacted about the lack of hot water but nothing was done to resolve the issues. The CWTC Human Rights Committee was reportedly made aware of the issue yet nothing was done. The Committee told the client to speak to a specific staff member about the issue and that was allegedly the only guidance to resolve the problem. The client did not know who to contact regarding complaints because no one with CWTC took action on the grievances. Additionally, clients are reportedly afraid to speak up about issues because they fear eviction and being scrutinized by staff.

### **INTERVIEW WITH STAFF**

#### **Interview with CWTC staff (3.31.2015)**

Staff explained that the facility owns apartments but contracts a property management team to maintain the apartment complexes. Staff said that the issue was reported on 11/20/2014. Staff reviewed the issue and checked the water. They reported that after running the water, it warmed up but the issue was still reported to the property management team. It was documented that the property management team dealt with the issue the next day. When maintenance tested the water, the temperature was 104 degrees and all apartments had hot water. The client still maintained that there was no hot water. The property management team's maintenance staff worked on the issue as well as two separate plumbers. It was discovered on December 9<sup>th</sup> that the client's shower head was not spraying hot water. The maximum capacity of the shower flow was not adequate and was replaced. Eventually, a circulating pump was installed in the apartment complex. Staff said that the water temperature was tested on November 25<sup>th</sup> in the apartment and the entire building.

The hired plumbers suggested installing a circulating pump which helps with increasing hot water delivery. The pump was installed on February 3<sup>rd</sup>. The plumber said that the client always had hot water but there was a delay. The client first expressed satisfaction with the hot water but, on February 11<sup>th</sup>, said that the water is not hot enough. Staff said that the water temperature was set for 110 degrees and no higher because they would receive the complaints that the water is too hot. They had no complaints from other tenants about hot water. Staff said the client did not have to shower at another apartment, even with the broken shower head. Also, the client was not told to boil water.

Staff explained that the apartments are considered Section 8 housing through HUD. The CWTC owns the buildings with a HUD mortgage. The facility is allocated funds throughout the year as part of the mortgage and if it is not spent, it is placed in a reserve account. The facility used the reserve account to pay for the pump and the use of the money had to be approved by the HUD. The HUD would not regularly get involved in these issues, but in this case the HUD was contacted about the issue as well as a local housing organization and a politician's office. The National Housing Compliance office was also contacted. The HUD did not contact the CWTC

but did speak to the property management company. The HUD does perform annual inspections of the apartments and the facility inspection was December 3<sup>rd</sup> and here was hot water at that time. None of the other agencies contacted spoke with the CWTC about the situation. The CWTC felt that if it were an issue, one of the agencies contacted would have brought it to their attention. The estimate for the pump was sent to the HUD on January 2<sup>nd</sup> and it was approved on January 29<sup>th</sup>. The pump was replaced on February 3<sup>rd</sup>. The facility started receiving estimates for the pump on December 13<sup>th</sup> and they received 3 different estimates. They only turned in 2 because one was so expensive.

Clients can speak with a resident manager about complaints, as well as several other staff members. Contact information is posted for clients which includes staff cell phone numbers. Additionally, they provide contact information for the Illinois Guardianship and Advocacy Commission (IGAC), the HUD, the Office of Inspector General, and other agencies. Clients can call staff/agencies anonymously. The complaint was not presented to the Human Rights Committee by the client and staff was unsure who the client may have talked to outside of the meeting. Staff asks that clients contact the Director of Quality Improvement to begin the grievance process. The Director of Quality Improvement would interview the individual and provide the information to the program administrator. If the client was not satisfied with the outcome, the issue would be presented to the Human Rights Committee and, if still not satisfied, it would be presented the agency director. The client must state that they want to file a grievance. The grievance process is in the residential handbook and provided in the client's rights statement. The process is also posted on the bulletin board. The client's rights are reviewed with the clients annually.

The patient received a client's rights statement which she signed. The rights policy is also located in the handbook. The handbook is currently located in the community room. Staff never said that it was too cold to work on the water temperature, and they explained that the water heater is located inside the building, so weather would not be an issue. Staff also stated that the client never followed the facility grievance procedure but they are not required to follow the procedure. Clients can also contact the property management company directly. The management company has a 24 hour answering service and maintenance crew. The facility has had issues with leaks in the middle of the night which were resolved.

Staff explained that the most frequent reason for eviction is not paying rent, but the facility does not evict often. There have been some evictions because clients are a danger to themselves or others and because of medical issues, but most often it is due to the lack of rent payment. The facility rights state that there would be no retaliation if a complaint is filed. If a client does not feel comfortable with one staff member, they are able to contact other staff. Staff have switched the client's case managers because of mismatched personalities. They do not know if the client was ever told to speak with the individual mentioned, but this person was never contacted before on other issues.

### **FINDINGS (Including record review, mandates, and conclusion)**

#### **Complaint #1 –**

Concerning the complaint of inhumane treatment the HRA began by reviewing facility case notes. The first case note dated 11/20/2014 was written by a Family Support Worker. The note reads “[Client] reported to staff that she has no hot water in her apartment. Staff went to her apartment and let the water run for a few minutes and then it became hot. [Client] reported that the water is not hot enough and it takes to long for the water to get hot.” Another case note on the same day, written by a CWTC administrator reads “I received a call from [staff] at [apartment complex]. [Client] is stating she has no hot water. I requested that [staff] go to the apartment and let the water run to see if it gets warm then hot. I also asked her to check with other tenants to see if any other apartments had problems. [Staff] called back to say that the water did get hot but had to run for awhile. No other tenants felt there was a problem. I contacted [staff] our property manager at [property management company] to report the issue. [Staff] stated she would send maintenance out right away.” Another case note written by the support worker dated 12/3/2014 states that the “[Client] called staff reporting that she has no hot water and is wanting to know when it will be fixed. Staff informed [client] that she spoke with [administrative staff] previously. [Client] reported that she knew that and the maintenance men had been there to check on the water. Staff went to [client’s] apartment and checked her water. She continues to have hot water after the water runs for a few minutes.” The administrator case note on the same date reads that the administrator was contacted by the support worker and that the client “... is still having an issue with hot water. [Client] is stating that she had no hot water. I asked [support staff] to check the water with [client]. Both agreed that the water does get hot but it takes some time. The maintenance men have been to [client’s] apartment and have verified that she does have hot water but it needs to run for a bit. I made a follow-up call to [staff] since this continues to be an issue. At that time, I requested a plumber to be sent out to assess the situation. I requested that this be done as soon as possible.”

On 12/5/2014, there is another note from support staff stating that the client made a phone call to the property management company stating she has no hot water and that a plumber will inspect next week to give an estimate. The administrator has a similar note on the same day and also wrote on 12/10/2014 (two days after the plumbing assessment) that “The plumber stated that the apartment did have hot water (according to [property management staff]) but recommends some type of pump to help push the water down the hall. I requested [property management staff] to get bids for this.” A note dated 12/11/14 from the support staff states that it was explained to the client that bids were sent to HUD and a note it states that the client said “... she does have hot water but it is not hot enough to suit her.” An administrator’s note from the same date also states that the process was explained to the client and that the client admitted to having hot water, but it was not hot enough. The other clients were asked and they said that they have hot water in their apartments. Another undated note from the administrator stated that the property management team received a call from the National Housing Compliance about the client’s hot water but there is no statement about what was discussed. A support worker case note on 1/22/2015 states that the client has involved her church in the water issue and the church members have been calling CWTC and the property management staff. It also stated that “... they have sent a letter to the State Representative reporting to her that [client] has been out of hot water in her apartment since November and have called that [sic] HUD Housing Authority.” The final support work note, dated 1/29/2015 states that a male client reported that the local commission office had been at the apartment of the client who reported no hot water. The commission staff asked the man about his apartment and he replied that it takes a bit for his

kitchen faucet to work but the bathroom is fine and then reported that he has no issues with water. The staff asked other tenants who responded that they had no issues.

The HRA reviewed the minutes from a tenants meeting that took place on 11/25/14 which reported the client had no hot water in the shower and the notes state that the property management company was notified of this. Other tenants were asked with their water and they reported that everything was fine.

The HRA also reviewed invoices and estimates relating to plumbing. On 12/9/2014 there was an invoice stating the plumber "Checked water heater and found no trouble. Checked all fixtures and found all fixtures had hot water except for shower. Found the stop in shower valve had broken, not allowing max flow of hot water through the valve. Removed broken pieces and repaired." The HRA reviewed two estimates on installing a recirculating hot water pump and piping (both dated 1/2/2015). Included was a description of services and work rendered from one of the plumbing companies indicating a new circulating pump was installed on 2/3/2015. The HRA also reviewed a HUD inspection of the apartment complex which had no mention of any issues with the hot water at the facility. The report was dated 12/3/2014 and the final score received was a "97b" which indicates that there were non-life threatening deficiencies according to the HUD website. The HUD website states that a hot water heater would be reviewed in the "Unit" area of the report. In the report, there is a deficiency in the unit section but it refers to "Inoperable/Not Lockable (Windows)" in a unit.

The HRA also reviewed a document provided to tenants by HUD titled "Resident Rights & Responsibilities" which reads that residents have "The right to have repairs performed in a timely manner, upon request, and to have a quality maintenance program run by management." This document was signed by the tenant with hot water issues.

The HUD regulations for Supportive Housing for the Elderly and Persons with Disabilities requires that "Housing assisted under this part must be maintained and inspected in accordance with the requirements in 24 CFR part 5, subpart G" (24 CFR 891.180). Under that section in the general HUD housing standards, it states "(2) Where applicable, the dwelling unit must have hot and cold running water, including an adequate source of potable water (note for example that single room occupancy units need not contain water facilities)" (24 CFR 5.703 (d)).

#### *Complaint #1 - Conclusion*

After reviewing the records, the HRA found no evidence to support that the unit did not have hot water from November 2014 until February 2015 and because of this, the HRA finds the complaint **unsubstantiated**.

#### **Complaint #2 –**

The HRA began by reviewing the facility handbook. The handbook has a section discussing the Human Rights Committee and states that "This committee makes sure that I am treated fairly and that my rights are being followed. The committee looks at all policies, procedures and rules at CWTC that might limit my rights. The committee reviews all potentially

restrictive programs for consumers and approves or makes recommendations for program improvement. The committee is step 4 of the grievance procedure. The committee is informed of all grievances and abuse/neglect charges from consumers served.” The handbook also outlines the facility grievance procedure. The procedure states that “If I am dissatisfied or unhappy with any CWTC residential service (policies, procedures, programs, decisions about me) there is a grievance procedure I can use. If I exercise my right to file a grievance, CWTC cannot come back at me by excluding, suspending, discharging, or reducing services for filing a grievance.” The procedure also states that “If I am dissatisfied with any CWTC services, I should first talk to my case manager to try and solve the problem. If I am not satisfied with my case manager’s solution, my case manager will help me discuss the problem with the Director of Quality Improvement who will try to solve the problem with conflict resolution. If I am not satisfied with these results, I can proceed to step 1 of the grievance procedure.” Step 1 requires contacting the Director of Quality Improvement who will interview and write the grievances. The Director will deliver this to the Administrator of Residential Services. A meeting will be scheduled within three working days of initial contact. The situation will be investigated and there will be a recommended solution. If the client is not satisfied with that solution, then he/she will meet with the Executive Director who will meet with the client within 7 working days. The Executive Director will also investigate and make a recommendation and if the client is not satisfied with the recommendation, the Director of Quality Improvement will arrange for a meeting with the Human Rights Committee. If the client is not satisfied with that decision, then he/she is given the contact information for IGAC or Equip for Equality. The handbook also has an illustration of the grievance procedure. The HRA reviewed the facility grievance policy and procedure which mirrors the procedure illustrated above and also explains that there is an annual review of grievances that is performed by the Incident Review Committee for the purpose of making changes and also the grievances are reviewed by the Human Rights Committee on a quarterly basis.

The handbook also requires that “CWTC must tell me about the grievance procedure and the abuse/neglect procedure. I will be told about it in several ways” including an explanation during intake, postings on the review at One Voice meetings, reviews at yearly staff plan meetings and in the residential and vocational handbooks. There is also a review of the abuse/neglect policy in the handbook. There is also a handbook section titled “Empowerment of Consumers” which describes the facility voice suggestion box (which is a private telephone answering machine where clients can leave suggestions), resident meetings, and One Voice, which is the self-advocacy organization at CWTC. The description of One Voice reads “In this group, I can learn to speak for myself, how to make my own decisions and how to direct my own life.” The handbook also states “CWTC uses several methods to assure that my rights are being followed and that I am satisfied with my residential services.” The methods include satisfaction surveys, resident council meetings, person centered/individual service plans, the Human Rights Committee, the One Voice program, voice suggestion box, and access and referral to legal entities for appropriate representation. The handbook also provides the phone numbers for several administrative staff members (but the staff cell phones do not appear in the handbook). The facility provided a signed acknowledgement by the client that the handbook was received on 5/19/2014. The acknowledgement reads that the handbook was explained to the client in a way that they understand and also states that “I know I that I can go to my case manager at any time

with questions, concerns, issues or clarification regarding these policies, procedures, rules and regulations.”

The HRA was also provided a Summary of Consumer Rights and Abuse and Neglect Reporting Notification which states that “I have the right to complain and get an answer back from staff at CWTC. If I do not like the answers, I can complain again. The answers should not take more than a few days.” The form also states that “I have the right to talk to the Executive Director about anything; this includes any decisions made about me, like being left out, suspended, fired or asked to move from my CWTC home.” Another statement reads “I have the right not to be left out, suspended, fired, or asked to move out of my CWTC home and help from staff will not be reduced for complaining and wanting answers about decisions to deny, change, reduce or stop services.” The form states that the client will not be punished for using their rights and that their rights have been explained and provided to them. The form also provides the contact information for Illinois Guardianship and Advocacy Commission (IGAC), Equip for Equality, and other agencies. Another section states that “I have the right to complain and get answers back from staff at CWTC. If I do not like the answers, I can complain again. The answers should not take more than a few days.” This form was signed on 5/19/2014 by the client involved with the complaint. This same rights form also appears in the facility handbook. The HRA reviewed the client’s individual service plan dated 5/27/2014 which states that staff assisted the client in reading her summary of consumer’s rights and abuse and neglect reporting notification.

The HRA also reviewed the Human Rights Committee policy which states that CWTC has developed the committee “for the purpose of safeguarding the rights and welfare of all persons served as those rights are delineated in Chapter 2, Articles 1 and 2 of the Illinois Mental Health and Developmental Disabilities Code (MHDD Code). The Human Rights Committee is a standing committee of the corporate board of directors whose primary focus is the review of CWTC behavior plans, policies, procedures and practices affecting the restricting of consumer rights. The Executive Director or designee will discuss with the Human Rights Committee complaints related to violations of consumer rights, outcome of corrective measures, and procedures instituted to prevent future rights violations.” The policy explains the committee structure, training, access to information and employee cooperation and also the committee’s role and responsibility. One of the responsibilities reads “The Human Rights Committee shall be informed of the training of CWTC staff regarding consumer rights; be informed that rights and the process for filing grievances are posted for consumer review; and be informed that each consumer and guardian has been notified of, and understood these rights at the time of intake and annually thereafter.” Another responsibility reads “The Human Rights Committee shall receive and monitor the organization’s resolution to grievances from consumers, guardians, relatives, staff, or other interested parties regarding alleged violations of rights as outlined in Chapter 2 of the MHDD Code and other governing documents.” Finally the policy states that the Human Rights Committee is the fourth step of the CWTC grievance procedure and this is the step in which the consumer has the opportunity to explain the grievance in his/her own words.

The HRA also reviewed the HUD resident rights and responsibilities provided to the tenants. In that document, there is a section titled “Additional Assistance” which provide contacts to assistance tenants with their rights. The assistance includes the website address of the

local HUD field office, the telephone number for the HUD's National Multifamily Housing Clearinghouse, the telephone number for the HUD's Office of Inspector General Hot Line as well as a phone number to contact should the tenant be discriminated against. The section also has other contacts for additional assistance. As noted in complaint #1, this document was signed by the tenant with hot water issues.

The Mental Health and Developmental Disabilities Code requires that "A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan" (405 ILCS 5/2-102). The HRA saw no regulations requiring a grievance policy for apartments regulated by the HUD's Supportive Housing for the Elderly and Persons with Disabilities program. The HRA spoke with administrative staff from the property management company contracted by CWTC and they stated that HUD recommends that the property management company provide a grievance policy but it is not a requirement. The HRA reviewed the property management company's grievance process which documented procedures for informal grievance settlement and formal hearings.

#### *Complaint #2 - Conclusion*

In the review of the complaint, the HRA found no evidence that the facility grievance process is inadequate and also no evidence that clients are afraid to file grievances. The facility has multiple avenues for clients to voice grievances and there are cited instances recorded in complaint #1 where staff asked other residents about their hot water. Additionally, the facility rights statement indicates that there would be no retaliation for grievances. Because of this, the HRA finds the complaint **unsubstantiated**. The consumer rights form provides contact information for advocacy agencies but fails to describe the mission of the advocacy agencies. The HRA **suggests** that there is a description of the agencies provided to the clients if there is not one provided already.