Section 811 Project Rental Assistance Program (Fiscal Year 2013)

Referral and Tenant Selection Plan

Approved by MDHCD June 7, 2016

Grant #MD06RDD1301 (Statewide)

I.   **Purpose**

This document sets forth the general guidelines and procedures for selecting tenants for the Section 811 Project Rental Assistance Program (PRA). It supplements the requirements for the Program as detailed in the Cooperative Agreement, HUD NOFA, Inter-Agency Partnership Agreement among DHMH, MDOD, and DHCD, and other federal and state regulations. This document, in combination with the DHCD-approved tenant/resident selection plans for each of the properties participating in the PRA program, constitutes the grantee-approved Tenant Selection Plan.

Background

In March 2015, the U.S. Department of Housing and Urban Development (HUD) announced the award of Section 811 Project Rental Assistance funding to 25 states, including Maryland. PRA funds will be used as project-based rental assistance for DHCD–financed rental units, including Low-Income Housing Tax Credits (LIHTC) units. DHCD will select the units to receive the PRA funds. The PRA funding will cover the difference between the rent the household can afford, paying no more than 30% of income for rent, and up to the fair market rent for the unit. DHCD will operate the rental housing subsidy for participating properties.

Voluntary supportive services for persons in the Section 811 PRA units will be provided by DHMH and MDOD. DHMH will make available the following voluntary support services to Section 811 PRA tenants who are eligible for Medicaid funded services: The Home and Community-based Options Waiver (CO), the Community Pathways waiver (CP), Community First Choice (CFC), the Brain Injury Waiver (BI), the Medical Day Care Program (MDC), Medical Assistance Personal Care (MAPC), state-funded services for individuals with intellectual and/or developmental disabilities in the Supports Only eligibility category, Psychiatric Rehabilitation Program Services and other Medicaid State Plan behavioral health services. Case managers will monitor and ensure the implementation and adequacy of the service plan and maintain contact with participants in Section 811 PRA units. MDOD will make available the Attendant Care Program and will extend service coordination through a formal agreement with the six Centers for Independent Living in Maryland to participants who may not otherwise have case management.

For information about the HUD 811 PRA program, please visit
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/grants/section811ptl.

For more information on Maryland's Section 811 PRA program, please visit the DHCD website at http://dhcd.maryland.gov/HousingDevelopment/Pages/section811/Section811.aspx. Documents available at this website include:

- Program Summary
- HUD Cooperative Agreement

- Applicant and Tenant Process
- Move-In/Move-Out Inspection Form
- Lease Addendum
- Affirmative Fair Housing Marketing Plan
- Section 811 PRA Occupancy Interim Notice, and
- Frequently Asked Questions

II.   Program Eligibility Requirements

In order to occupy a Section 811 unit, a person must meet the following eligibility criteria:

- Non-elderly adults at least age 18 and below age 62 at the time of leasing
- Maryland Medicaid recipient
- Has a disability as defined by HUD
- Eligible for Maryland long term supports and services
- Income at or below 30% of area median in the jurisdiction where the unit is located

Eligible applicants are prioritized for Section 811 PRA in the following order:

1. Institutionalized Medicaid Recipients
2. Households At Risk of Institutionalization Due to Current Housing Situation
3. Developmental Disabilities Administration (DDA) Community Pathways waiver participants moving from Group Homes/Alternative Living Units (ALUs) to independent renting; Mental Hygiene Administration (MHA) Brain Injury waiver participants moving from ALUs to independent renting and MHA Residential Rehabilitation Program participants moving to independent renting, and
4. Homeless persons who are Medicaid recipients, prioritized in HEARTH Act definition order (HEARTH Act of 2009)

Persons not meeting a priority category will be eligible for the program in a non-prioritized status.

III.   Procedures for Accepting Applications and Selecting Tenants for the Section 811 PRA Units

   A. Program Application Process: The following procedures will be used for providing outreach to potential applicants, accepting applications, determining eligibility, selecting applicants for referral to available units, and selecting referred applicants for leasing.

   For the purposes of this document, the term "case manager" (CM) will mean a case manager, Independent Living Specialist employed by a Center for Independent Living (CIL), Supports Planner, targeted case manager, Coordinator of Community Supports, service coordinator, resource coordinator, or other contracted professional working with eligible persons to assist with planning for and monitoring the provision of services to individuals with disabilities.

   i.   Outreach: Outreach to potential applicants will be provided by case managers working with people with disabilities, as well as MDOD and DHMH staff and contractors, as

appropriate. Every effort will be made to distribute information about the program to those who potentially meet the program eligibility criteria. People who are interested in the program will be advised that they need a case manager to apply for the program.   If an interested person does not have a case manager, the Center for Independent Living (CIL) serving the county in which the person resides can provide case management services.   Information on contacting the local CIL will be provided to these persons.

    a. <u>Affirmatively Furthering Fair Housing Marketing Plan (AFFHMP) </u>– Outreach will comply with the Maryland AFFHMP to ensure the least likely to apply are provided information about the opportunity. The AFFHMP addresses outreach to persons least likely to apply. These persons include those who have communication differences, are deaf or hard of hearing, are blind or sight impaired or for whom English is a second language.   Maryland's AFFHMP can be found at http://dhcd.maryland.gov/HousingDevelopment/Pages/section811/Section811.aspx. Questions about the AFFHMP and outreach should be directed to the MDOD Director of Housing Policy and Programs at 410-767-3635 or patriciar.sylvester@maryland.gov.

    ii. <u>Opening and Closing of the Waitlist. </u> The Waitlist was opened on November 17, 2014 with specific notification via email to case managers with applicants on the Weinberg Registry and general outreach to support planning agencies and other interested stakeholders. A decision to close the Waitlist will be made by MDOD, in consultation with DHMH and DHCD and will be posted to MDOD and DHCD's websites.

iii. <u>Referral and Eligibility</u>: Potential applicants will be referred for eligibility determination by a case manager. Referrals are made by the case manager using a web-based system available at www.socialserve.com ("Waitlist Registry"). This Waitlist Registry pre-screens potential applicants and facilitates submission of a full application for persons meeting basic program eligibility.

    a. In order to be determined eligible, a potential applicant's criminal background may not include a requirement to register on a sex offender registry or a conviction for production of methamphetamine on federally assisted property.

    b. The Waitlist Registry date and time stamps all eligible applications.

    c. Eligible applicants are able to indicate the counties in which they are willing to live. The Waitlist Registry will provide information regarding an applicant's eligibility for the program in each jurisdiction in which the person has indicated a willingness to live.

iv. <u>Notification of Ineligibility</u>: During the pre-screening phase of the application, the Waitlist Registry will provide a "results page" notification if an applicant has been determined to be ineligible for the program or for a particular jurisdiction in which they indicated a willingness to live. This notice will remind case managers to inform the applicant of their eligibility determination. Case managers can print the "results page" using their web-browser print function. Case managers are able to use the back button to return to parts of the application to correct or update information. Changes to the pre-screening application information will trigger the system to rescreen for eligibility.

If a person believes that eligibility has not been determined correctly, they may contact the MDOD Waitlist Manager.

v. <u>Waitlist Review</u>: Eligible applicants are placed in a "Pending: New" status upon completion of the application. The MDOD Waitlist Manager reviews all applications. If the application review is satisfactory, the Waitlist Manager changes the application's status to "Waiting: Approved". If the Waitlist Manager determines that an application requires further clarification, the application is changed to a "Pending: Verification Needed" status, and the Waitlist Manager contacts the case manager to obtain additional information or clarify existing information. When all questions have been answered, the Waitlist Manager changes the status of the application from "Pending: Verification Needed" to "Waiting: Approved".

vi. <u>Updating Registry Information:</u> Case managers are expected to review and update information in the Waitlist Registry on a regular basis. If an applicant's housing situation changes, the applicant's information must be updated so that the applicant is properly identified for the applicable Priority Category. The Waitlist Manager will work with the case managers to ensure that all referrals are made based on accurate and current information at the time of referral.

vii. <u>Prioritization of Referrals for Available Units:</u> Using current and accurate information at the time of referral, applicants in the "Waiting Approved" status are prioritized for referral to available units by the MDOD Waitlist Manager based on:
    a. Matching of the applicant's indicated preference for location and size of unit with the available unit's location and size;
    b. the applicant's priority category ; and
    c. the date/time stamp of the application.

viii. <u>Priority for Accessible Units</u>: Priority for accessible units among referred applicants will be given to applicants requiring accessibility features.

ix. <u>Referral of Applicants for Available Units</u>: The MDOD Waitlist Manager will refer up to 5 applicants for each available unit within one month after being notified that a unit will become available due to turnover, or approximately 6 months prior to initial leasing of a new unit. The MDOD Waitlist Manager will take the following steps as part of making referrals for available units:
    a. Contact the case managers working with prioritized applicants to verify applicant interest in the available unit and confirm the current accuracy of the information in the Waitlist Registry.
    b. Confirm the applicant's continued eligibility and priority for referral based on current and accurate information and ensure Waitlist Registry is updated as needed.
    c. With applicants identified for possible referral and/or their case managers, review tenant selection criteria for the unit, provide technical assistance regarding acquisition of documentation required for the property application, assist with determining the need for reasonable accommodations/modifications and assist with resolving any barriers to housing such as credit, rental history and criminal background.

      d.   Notify the applicants and case managers that their completed applications are to be submitted to the Waitlist Manager by the applicant or their case manager within 2 weeks of the applicant being notified of unit availability.

      e.   Review all applications received for completion, and contact the applicant and case manager if additional documentation is needed.

      f.   Send completed applications to the property manager for the unit within one week of receipt.

      g.   Proactively manage the application process to ensure that completed applications are forwarded to the property manager as they are received and that delays by an applicant in completing their application in a timely manner do not impact the referrals of completed applications by other applicants for the available units.

x.   <u>Reasonable Accommodation and Modification Requests:</u> Owners of properties with PRA units must comply with Section 504 of the Rehabilitation Act of 1973. See HUD Occupancy Handbook 4350.3, section 2-8 for more detail. The MDOD Waitlist Manager will assist the applicant and case manager with possible reasonable accommodation and/or modification requests. The Waitlist Manager will comply with legal and regulatory provisions concerning such requests, including applicable provisions of HUD Occupancy Handbook 4350.3.   If it is determined that an applicant wishes to request a reasonable accommodation or modification, the MDOD Waitlist Manager's assistance may include providing a possible template for making a request in writing, a summary of the Reasonable Accommodation and Modification Policy for the property and information regarding possible strategies for meeting the needs of the applicant. At no time will the MDOD Waitlist Manager interfere with the applicant's decision to request an accommodation or modification. If the applicant concurs, a request for a reasonable modification will be communicated to the property as soon as possible, ideally prior to completion of construction. A determination of whether the request will be accommodated will be made by the property owner/designee.

xi.   <u>Selection of Tenants:</u> Property managers will screen applicants based on the property's DHCD approved Tenant selection plan for the property, which shall comply with PRA requirements, including the Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA). This may include completing a criminal background, credit check and rental history check. Property managers will provide the results of the screening to applicants and to the MDOD Waitlist Manager, and advise the applicant of their appeal rights. Property managers will offer the unit to the approved applicant with the highest priority and first date/time stamp.

xii.   <u>Non-selected Applicants:</u> Applicants who were not selected to lease the offered unit will be returned to the registry with the same priority status and date/time stamp. These applicants will be the first to be offered newly available units in the county in which they desire to live provided their then current information indicates that they remain eligible. The Waitlist Manager will ensure that the applicants are informed that they were not selected. Applicants should direct their questions to the Waitlist Manager.

xiii.   <u>Refusing a Unit</u>: Applicants may refuse an offered unit. These applicants will return to the registry with the same priority status and date/time stamp. Should an applicant refuse 3 units, the MDOD Waitlist Manager and MDOD Director of Housing Policy and Programs will review the circumstances of each refusal. If it is determined that insufficient reasons led to refusing units, the applicant will be removed from the list. The MDOD Waitlist Manager will notify the applicant and case manager of the review process and determination. Applicants may re-apply at any time.

xiv.   <u>Unit Transfer Policy</u>: With limited exceptions, transfers among units are not permitted and vacant units will be filled from the Waitlist Registry. A request for an exception to this policy shall be handled under Section J 4 of the Interagency Partnership Agreement and requires the consensus of all three agencies, DHCD, DHMH, and MDOD. Exceptions shall be limited to situations that address a request for reasonable accommodation or for other emergency or significant housing or health need.

 xv.   <u>Documentation of Procedures</u>: The MDOD Waitlist Manager documents the status and completion of all steps in the application process in the Waitlist Registry system.

xvi.   <u>Notification of Changes to the Tenant Selection Plan:</u> Changes to this Tenant Selection Plan will be posted to DHCD's website.