

## **Section 811 Project Rental Assistance Program**

### **Referral and Tenant Selection Plan**

*Approved by MDHCD September 5, 2019*

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#### **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 MDH, 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 February 2013, the U. S. Department of Housing and Urban Development (HUD) announced the award of Section 811 Project Rental Assistance Demonstration funding to 13 states, including Maryland. In March 2015, the U.S. Department of Housing and Urban Development announced the award of another round 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 MDH and MDOD. MDH 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 Supports Waiver, Community First Choice (CFC), the Brain Injury Waiver (BI), the Medical Day Care Program (MDC), Community Personal Assistance Services (CPAS), 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](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 PRA 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 services and supports
- Income at or below 30% of area median in the jurisdiction where the unit is located
- Criminal background does not include a lifetime sex offense registry requirement  
Criminal background does not include conviction of the production of methamphetamine on Federally-assisted property

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; Behavioral Health Administration (BHA) Brain Injury waiver participants moving from ALUs to independent renting; BHA Residential Rehabilitation Program participants moving to independent renting; and Home and Community-Based Options (CO) Waiver participants moving from a MDH- Office of Healthcare Quality licensed Assisted Living Facility (ALF) to independent renting, and
4. Homeless persons who are Medicaid recipients, prioritized in HEARTH Act definition order (HEARTH Act of 2009)

Persons who were placed on the Waitlist Registry on or before February 28, 2017 and do not meet a priority category are eligible for the program in a non-prioritized status. Effective March 1, 2017, the Waitlist Registry is closed to new applicants who do not meet a priority category.

**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 Services, 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 MDH 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. Affirmatively Furthering Fair Housing Marketing Plan (AFFHMP) – Outreach will comply with the Maryland AFFHMP to ensure the least likely to apply are provided information about the opportunity. These persons include those who have communication differences, are deaf or hard of hearing, are blind or have low vision or for whom English is a second language. Maryland’s AFFHMP can be found at

<https://dhcd.maryland.gov/HousingDevelopment/Documents/section811/Signe d-AFHMP-FY13.pdf>

Questions about the AFFHMP and outreach should be directed to [housinginfo.mdod@maryland.gov](mailto:housinginfo.mdod@maryland.gov).

- ii. Opening and Closing of the Waitlist. 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 MDH and DHCD and will be posted to MDOD and DHCD’s websites.

- iii. Case Manager Waitlist Guidance and Expectations. Guidance for case managers who wish to enter the eligible applications into the waitlist can be found at:

<http://mdod.maryland.gov/housing/Documents/Case%20Manager%20ManualPWP.pdf>

- iv. Referral and Eligibility: 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](http://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 criteria.

- 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 records a date and time stamp for all eligible applications.
  - c. Eligible applicants are able to indicate up to 5 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.
- v. Notification of Ineligibility: 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.
- vi. Waitlist Review: 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 or the case manager has updated the application, the Waitlist Manager will need to be notified so that he/she can change the status of the application from "Pending: Verification Needed" to "Waiting: Approved".
- vii. Waiting Approved Status: An applicant whose application has received Waiting Approved status is available for contact should a unit become available in a county in which the applicant is willing to live and when the application is high in priority. The waitlist manager will not give out waitlist numbers or timeframes for when housing will be offered.
- viii. Updating Registry Information: 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. Case managers are expected to update and certify applications annually OR when an applicant reports changes in income; household composition; health care changes, current living situation, etc.

- ix. Prioritization of Referrals for Available Units: 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 unit size need with the available unit;
  - b. the applicant’s priority category; and
  - c. the date/time stamp of the application within the priority category.
- x. Priority for Accessible Units: Priority for accessible units among referred applicants will be given to applicants requiring accessibility features.
- xi. Referral of Applicants for Available Units: The MDOD Waitlist Manager will refer 2-3 applicants for each available unit within one month after being notified that a unit will become available due to turnover, or approximately 4-5 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 manager working with prioritized applicant and provide no more than 5 working days for the case manager to verify applicant interest in the available unit and confirm the current accuracy of the information in the Waitlist Registry.
    - i. If the applicant’s waitlist registry information has changed, the Waitlist Manager will confirm the applicant’s continued eligibility and priority category and ensure that the Waitlist Registry is updated as needed.
    - ii. Note that a change in information can change the applicant’s eligibility, unit size need and priority category.
    - iii. Applicants with continued eligibility will remain on the Waitlist Registry with the date/time stamp of their original application.
  - b. When an applicant is interested in applying to the property, send the property Tenant Selection Plan, application and information on documentation required for the application to the applicant’s case manager
  - c. Notify the applicants and case managers that completed applications are to be submitted to the Waitlist Manager within 14 calendar days of the Waitlist Manager emailing the application to them. Completed applications can be sent by the case manager or the applicant.
  - d. Review all applications received for completion, and contact the applicant and case manager if additional documentation is needed.
  - e. Send completed applications to the property manager for the unit within one week of receipt.
  - f. 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. This may include moving forward with applicants as they are ready to proceed whether or not they are in priority order.
- xii. Reasonable Accommodation and Modification Requests: Owners of properties with PRA units must comply with the Fair Housing Act, Maryland Fair Housing Act, Section 504 of

the Rehabilitation Act of 1973 and the Americans with Disabilities Act. See HUD Occupancy Handbook 4350.3, section 2-8 for more detail. Upon request, 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 copy of the property's Reasonable Accommodation and Modification Policy 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. Applicants will be encouraged to submit requests for reasonable modifications 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.

- xiii. Selection of Tenants: 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. Because of the project-based rental assistance provided for each PRA unit, a referred applicant's ability to pay rent and credit history is only relevant to tenant selection in circumstances when the credit history affects the ability to obtain utilities in the applicant's name and when the applicant owes money to another property owner. 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. With notice and approval of the Waitlist Manager, property managers will offer the unit to the approved applicant who is ready to proceed and has the highest priority and earliest date/time stamp. Applicants who are selected for a unit and accept the unit will be marked as "housed" in the Waitlist system, which removes them from the registry.
- xiv. Non-selected Applicants: 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 may 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 via email or phone correspondence. Applicants should direct their questions to the Waitlist Manager.
- xv. Refusing a Unit: 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 unit offers, 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 waitlist. The MDOD Waitlist Manager will notify the applicant and case manager of the review process and determination. Applicants may re-apply at any time.

- xvi. Unit Transfer Policy: With limited exceptions, transfers to units within an apartment community or to other communities with HUD 811 PRA units are not permitted and vacant units will be filled from the Waitlist Registry. A request for an exception to this policy for a reasonable accommodation, other emergency or significant housing or health need of the Section 811 PRA participant or other household member or due to a change in household size shall be handled under Section J 4 of the Interagency Partnership Agreement and requires the consensus of all three agencies, including DHCD, MDH and MDOD. Requests can be made at any time. Participants will receive a written response to the request within 14 business days.
- a. Requests to transfer to a different unit within the participant's apartment community for disability-related reasons are managed by the community owner/owner agent and shall be made to the community owner/owner agent according to the community policy.
  - b.
  - c. Procedure for requests to transfer to a different apartment community with HUD 811 PRA units for disability related/medical reasons or for other emergency or significant housing or health need of the Section 811 PRA participant or other household member:
    - i. A program participant may request to transfer to a unit at a different apartment community with HUD 811 PRA units. As an example, a person who has a change in medical providers that results in lengthy travel may request to transfer to an apartment community with HUD 811 units that is located closer to the medical provider.
    - ii. Making a request: Transfer requests for these reasons can be made verbally or in writing. Program participants are urged to make requests in writing. Written requests should be submitted to [housinginfo.mdod@maryland.gov](mailto:housinginfo.mdod@maryland.gov). Verbal requests can be made to the Waitlist Manager at 410-767-3647 or to the MDOD Director of Housing Policy and Programs at 410-767-3635.
    - iii.
    - iv. Unless the need for the request is obvious, written documentation substantiating the need for the transfer or other accommodation is required from a healthcare provider or other professional with sufficient knowledge of the participant's needs to verify the need for the requested transfer or other accommodation. Medical or disability needs documentation must be provided in writing on the official letterhead of the healthcare provider. If the healthcare provider or other professional does not have official letterhead, contact information must be included in his or her letter.
  - d. Transfer requests due to change in household size
    - i. Transfer requests due to change in household size that are not related to disability are not considered a reasonable accommodation request. A request for a live-in aide should be made as a reasonable accommodations request.

- ii. Making a request: Transfer requests must be made in writing. Written requests must be submitted to [housinginfo.mdod@maryland.gov](mailto:housinginfo.mdod@maryland.gov).
  - iii. Participants must provide written documentation of the change in household size. Examples of documentation include a statement on letterhead from a healthcare provider, an executed Kinship Care Agreement, affidavit of informal kinship care, the birth certificate for a newborn child, court documentation indicating that the participant has filed for or been awarded temporary or permanent custody of a child or has assumed 51% or greater caretaking responsibilities for a child already in his or her custody, marriage certificate and an affidavit that the child/children are added to the household as a result of the marriage, etc.
  - iv. A program participant must request to transfer to a different unit within their current apartment community if the unit size that is needed is available at that community. The wait time for availability is based on unit turnover and cannot be predicted. As an example, if a program participant residing in a 1-bedroom unit is adding a child to the household and 2-bedroom HUD 811 units are included in the participant's current apartment community, the participant may request to transfer to a 2-bedroom at this community.
  - v. Requests to transfer to a unit at a different apartment community: If a program participant has a change in household size and the apartment community in which they reside does not have the unit size needed within the existing HUD 811 units at the property, the participant may request to move to a different community that has HUD 811 units of this size. As an example, a participant resides in a 1-bedroom unit and is adding a child to the household. The apartment community where they live does not have 2-bedroom HUD 811 units. In this situation, the participant may request to move to another apartment community with 2-bedroom HUD 811 units.
- e. If a transfer to another property is approved, the participant can indicate the counties in which they are willing to live. The participant will be given a list of properties with units that meet their needs and county preference(s). When units become available, a notice will be sent to the participant. The participant must respond to accept or decline the offer within 5 business days of receipt, absent extenuating circumstances. If the participant chooses to move to the available unit, an application will need to be submitted to the new property. If the participant declines the unit, they will be notified of the next unit that becomes available that meets their needs and preferences. Participants will be offered up to 3 units meeting their needs and preferences. If the participant declines all three of the offered units, the program Exceptions Committee will meet to review the reasons for the denials and may decide to withdraw approval of the request. The decision of the Exceptions Committee will be sent



in writing to the program participant and the property manager where the program participant resides. Participants may submit a new request at any time.

- f. The Waitlist Manager will keep a list of transfer requests and, when an appropriate unit becomes available, will contact the person on the transfer list with the first date/time stamp of the request. The wait time for availability cannot be predicted. Approved transfers for medical reasons will be prioritized over other transfer requests. Vacant units will be filled from the transfer list first before offering the unit to a person on the waitlist registry.
  
- xvii. Eviction or Termination of Section 811 Lease: A tenant whose Section 811 lease is terminated because of eviction or other reasons and who continues to meet the program's eligibility and priority criteria may re-apply to the program by following the steps outlined in Section III above. This new application will receive a new date and time stamp. Additionally, the new application may not be referred for a unit until 6 months have passed since the date of termination of the applicant's Section 811 lease. A person with more than one termination of a Section 811 lease is ineligible to re-apply for the program. A request for a reasonable accommodation to this policy shall be handled under Section J 4 of the Interagency Partnership Agreement and requires the consensus of all three agencies, DHCD, MDH, and MDOD. In evaluating the request, the agencies will consider the reasons for the prior terminations(s), actions taken by the applicant to address these reasons, and the risk of similar results going forward.
  
- xviii. Documentation of Procedures: The MDOD Waitlist Manager documents the status and completion of all steps in the application process in the Waitlist Registry system.  
Notification of Changes to the Tenant Selection Plan: Changes to this Tenant Selection Plan will be posted to the DHCD website.