

STRATEGIES FOR USING NED CATEGORY 2 HOUSING CHOICE VOUCHERS

A TRAINING GUIDE

For Housing Specialists Working with Non-Elderly
Persons with Disabilities

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NON-ELDERLY PERSONS WITH DISABILITIES (NEDS)

HOUSING CHOICE VOUCHER PROGRAM (HCVP) TRAINING

HCVP OVERVIEW

The Housing Choice Voucher Program (HCVP) is a federal program designed to assist low-income families, persons with a disability and elderly people afford to rent decent, safe, and affordable housing in the community. A rental subsidy based on the cost of moderately priced rental housing is provided monthly by a Public Housing Authority (PHA) under a contract with the U.S. Department of Housing and Urban Development (HUD). Assistance in the Housing Choice Voucher Program is based on a family's income, assets and deductions. The HCVP, unlike other federal programs, is not an ENTITLEMENT. Housing assistance is limited by the amount of funding appropriated and HCVP participants must adhere to program and leasing rules and regulations. The NED Category 2 HCVP is a special set-aside voucher program specifically targeted to individuals transitioning from nursing homes and other types of institutions.

The following steps list the general processes that an applicant follows before and after receiving assistance: (these processes are determined by each PHA and may vary from PHA to PHA)

1. Preliminary Application
2. Selection from Waiting List
3. Screening and Eligibility Determination
4. Voucher Briefing
5. Voucher Issuance
6. Housing Search
7. Request for Tenancy Approval
8. Rent Reasonableness Determination
9. Housing Quality Standards Inspection
10. Approval and execution of lease and HAP
11. Annual Recertification
12. Rent Increases
13. Moves
14. Interim activities

PHAs are required to develop a HUD-approved Section 8 Administrative Plan stating policies and procedures for all of the above and any other policies for managing a Housing Choice Voucher Program. The Administrative Plan is unique to each PHA and must be approved by HUD.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Obtain a copy of the PHA Administrative Plan.
2. Review the Administrative Plan to develop a basic understanding of PHA eligibility criteria, waiting list policies, criminal background policies, tenant selection criteria, housing inspection standards, and other general PHA administrative procedures.
3. Learn PHA staff organization: Who is responsible for eligibility? Who is responsible for approving a rental unit? Who is responsible for leasing? Who is responsible for scheduling unit inspections? Who is responsible for annual recertification? Who is the occupancy specialist?
4. Develop personal contact with relevant PHA staff.
5. Offer to meet with PHA staff to share respective program/services policies and procedures. This discussion can include identification of roles and responsibilities of respective programs, types of services provided to consumers, program benefits and constraints, understanding of eligibility criteria, etc...

ELIGIBILITY FOR THE NED CATEGORY 2 HCVP

The NED Category 2 HCVP serves non-elderly adults with a disability, 61 years or younger, and transitioning from a nursing home or other type of institution.

DOES THE APPLICANT MEET THE MINIMUM NED CATEGORY 2 HCVP REQUIREMENTS?

- Age 18-61
- Verification of disability

A person with a disability is defined as an individual who:

1. Has a disability as defined in Section 223 of the Social Security Act; OR
 2. Is determined to have a physical, mental, or emotional impairment which is
 3. Expected to be of long-continued and indefinite duration; AND
 4. Substantially impedes his or her ability to live independently; AND
 5. Is of such nature that such ability could be improved by more suitable housing conditions; OR
 6. Has a developmental disability as defined in Section 102 of the Developmental Disabilities Assistance and Bill of Rights Act
 7. **Includes** persons with acquired immunodeficiency syndrome
 8. **Excludes** a person whose disability is based solely on drug or alcohol dependence
- A disabled household is a family whose head, spouse, or sole member is a person with a disability. It may include two or more persons with a disability living together, or one or more persons with a disability living with one or more live-in aides. The definition does not include households where the person with a disability is a minor child.

WHAT DEFINES A NURSING HOME OR OTHER HEALTH CARE INSTITUTION FOR CATEGORY 2 VOUCHERS?

- State licensed long-term care facility
- Intermediate care facilities and specialized institutions including private and state-owned psychiatric facilities that care for persons with a developmental disability or mental illness.
- Excludes board or care facilities, adult homes, adult day care, adult congregate living, residential services, and community-based congregate settings.

HOW DOES A PHA VERIFY DISABILITY STATUS?

A PHA can verify an applicant's disability status in a number of ways. Review the Administrative Plan for acceptable methods of verifying disability. Methods can include the following:

- Receipt of SSI or SSDI proof of income letter
- Statement from a physician or other reliable medical source
- Statement from a state Department of Health or Mental Health

PHA staff may not ask an applicant what kind of disability or diagnosis they may have or ask an applicant with a disability if they can live independently.

DOES THE APPLICANT HAVE A CRIMINAL BACKGROUND THAT WILL DENY HIM/HER ELIGIBILITY FOR THE HCVP?

- **Federal Criminal Background Denial Criteria**
 - Production/manufacturing of methamphetamines on federally supported property
 - Registration as a sex offender
- **PHA Criminal Background Criteria**

PHAs set their own screening criteria for HCVP applicants. A PHA has the option to screen applicants for the following:

- Drug-related criminal activity or other criminal activity that is a threat to the health, safety, or property of others
- Non-payment of rent to a PHA
- History or pattern of disturbing the rights of other residents to the peaceful enjoyment of their housing
- Poor treatment of previous housing units and premises

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

- Refer only NED Category 2 HCVP eligible applicants.
- Provide consumer support with completing PHA application (s).
 - Assist consumer with understanding application.
 - Suggest PHA provide a place on application for a secondary contact such as the service provider or housing specialist.
 - Suggest PHA provide alternatives to in-person application submission such as mail/fax or proxy drop-off.
- Identify PHA eligibility staff. These staff persons are sometimes referred to as housing specialists or housing case managers who are assigned to process eligibility.
- Review Criminal Background procedures with consumer.
 - Initiate discussion with consumer by explaining PHA criminal background policy and possible avenue (s) for appeal /explanation, especially if activity is related to a disability.
 - Review State Judiciary case search with applicant to check for inaccuracies and/or verify information.
 - Explain and assist with expungement procedure .
 - Review mitigating circumstances regarding criminal activity with client.
 - Explain the PHA appeal process:
 - PHAs are obligated to modify their criminal screening policies to accommodate a person with a disability
 - The PHA may consider the mitigating circumstances particularly if the criminal activity is related to a person’s disability; eligibility staff and eligibility supervisory staff can assist with this issue.

EXAMPLE OF A MITIGATING CIRCUMSTANCE RELATED TO A DISABILITY

You are assisting a person with a disability who has a history of misdemeanor crimes that primarily involve loitering and disorderly conduct. After discussions with the consumer, you learn that he was not taking any prescribed medications for his mental health concerns and during this period had difficulty functioning in the community. You also learn that he was not receiving any level of supportive services. You need to request a Reasonable Accommodation stating the circumstances; stating that the person is now receiving supportive services; and that a plan of care/service for this person will incorporate supports with the goal of preventing a lapse in medication treatment. Emphasize that his behavior while on the medication is generally appropriate in the community.

REQUIRED DOCUMENTATION FOR NED CATEGORY 2 HCVP ELIGIBILITY

HUD requires PHAs to verify a person's age, income, citizenship status, and identification. When HUD performs an audit on a PHA individual case files will be reviewed and must contain the following documentation to be in compliance with HUD:

6. Birth Certificate

- Obtained from State Vital Records offices

7. Alternative Document (s) when/if Birth Certificate is unavailable

- SSA Proof of Income Letter with DOB printed
- Passport
- Baptismal Certificate
- DD 214

8. Social Security Card

- To obtain a new or replacement card, apply in person at local Social Security Office.
- Provide government-issued identification such as the birth certificate.
- Or, mail in application with original government -issued identification.
- Call for information, as necessary 1 800-772-1213
- Use alternative document (s) when needed:
 - SSA Proof of Income Letter
 - DD 214
 - Medical Assistance or Insurance Card with Social Security number printed
 - Copies of tax returns

There is no fee for this service.

9. Government-Issued Photo ID

10. Current Proof of Income

The following documents support proof of income:

- Letter certifying Benefit and Support Income / Social Security benefits (SSI/SSDI)
 - Order on line from <http://www.ssa.gov>, 1 800-827-1000
 - Or request a copy in person at local Social Security office.
 - The letter must be dated within 60 days of submission.

- b. Other types of non employment income may include:
 - Unemployment compensation
 - Pension
 - Child support
 - Alimony
 - Welfare or Public Assistance (TCA)
 - Regular support from family or friends
- c. Employment Income documentation must include:
 - Name, address and phone number of employer
 - 3-4 current pay stubs to show rate of pay, overtime, hours worked
 - Any other type of income from employment
 - W-2 and Tax returns may be required
- d. Checking and Savings Accounts
 - Current savings account statement
 - 6 months of checking account average activity
- e. Stocks, Bonds and Other Investments
 - Current statements
- f. Assets Disposed
 - Any asset that the person has sold or given away within the previous two years

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Assist the consumer with obtaining housing documentation as soon as possible.
2. Obtain a signed consent form from the consumer so that the service provider can inquire and/or obtain housing documents or other housing information.
3. Use alternative forms of documentation if necessary.
4. Consult PHA eligibility staff for acceptance of alternative housing documentation.
5. Review HUD Occupancy Guidebook and Public and Indian Housing (PIH) updates found on the HUD website regarding policy and procedure updates for HCVP eligibility.

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PHA ELIGIBILITY PACKET

The PHA eligibility packet contains forms and documents that are both HUD specific and PHA specific that allow eligibility staff to examine and verify a household's income and assets, expenses, employment history, family composition, criminal background, and other factors. Eligibility packets are lengthy; expect 15-20 pages of forms, information and other documentation. In general, most PHA eligibility packets request the following:

1. Certification of Divestiture of Assets
2. Employment Verification
3. Source of Income Verification
4. Medical Expense Verification
5. Residency Verification
6. Personal Declaration of house hold data/housing history
7. Citizenship Verification (HUD 214)
8. Authorization for Release of Information (HUD 9886)
9. Other forms/information necessary to determine eligibility

PHAs determine their own policies regarding what manner the eligibility packets are released, collected and processed. These policies are stated in the PHAs Administrative Plan. If any of these methods presents a hardship for a person with a disability, a reasonable accommodation can be requested.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Assist the applicant with completing all forms and providing all required signatures.
2. Assist the applicant with submitting all HOUSING DOCUMENTATION—Social Security card, birth certificate, government-issued id, and proof of income and assets for each household member.
3. Submit the complete eligibility packet by the stated deadline.
 - If an applicant cannot obtain some of the documentation by the deadline date, submit the eligibility packet with a letter of explanation and a statement of when the applicant expects to submit the missing documentation.
4. Identify the PHA eligibility staff person who will process the eligibility packet.
5. Obtain a receipt of submission from PHA and retain copies of original housing documents.
6. Understand that PHAs are required by HUD to obtain specific documentation and verification for every household member. Household files are maintained for every HCVP participant and are periodically audited by HUD for compliance.
7. Understand that PHAs are required to “affirmatively further fair housing.” This means that PHAs must take active measures that may include the following:
 - a. Partnering with a disability advocacy organization

- b. Providing applications and eligibility packets in accessible formats
 - c. Visiting the home of a person with a disability to provide assistance with application completion
 - d. *or* allowing more time to fill out the application.
8. Look for opportunities to assist PHAs with furthering their commitment to fair housing.

VOUCHER ISSUANCE

If a person meets all of the eligibility criteria for the NED Category 2 HCVP and funding for the voucher is available, an orientation or briefing is scheduled by the PHA. Voucher briefings can be lengthy and complex; expect a 1-2 hour briefing duration. Generally, briefings are conducted in group settings. HUD requires that every PHA explain the following during the briefing:

1. Description of the program
2. Discrimination and fair housing
3. Household responsibilities
4. PHA payment standard and Utility Allowance policies
5. Housing search and leasing process

The voucher is a standard HUD form authorizing a household to look for an eligible unit. The following information is specified on the voucher:

1. Unit Size in number of bedrooms
 - a. Each PHA can establish its own policy regarding the number of bedrooms allowed for a household based on the family composition. Examples of family compositions and the corresponding voucher size include:
 - i. One-bedroom voucher:
 1. A single adult with a disability
 2. Two related adults
 3. A single adult with a minor child
 - ii. Two-bedroom voucher:
 1. Two unrelated persons with a disability
 2. A single adult with two dependent children of the same gender
 3. A person with a disability requesting a reasonable accommodation for an extra bedroom to accommodate medical equipment
 4. A person with a disability requiring a live-in aide
2. Date voucher issued and date voucher expires (mm/dd/yyyy)
 - a. PHAs must give a voucher holder at least 60 days to find a unit that meets the program guidelines.
 - b. If a unit is not found within 60 days of the expiration date, a PHA can grant an extension allowing a household to keep looking for a unit. A person with a disability can request an extension (even beyond 120 days) as a reasonable accommodation.
3. PHAs *may* state on the Voucher the household's minimum and maximum "total tenant payment" (TTP). For the minimum TTP, most households contribute 30% of monthly adjusted income toward rent and utilities. The maximum TTP is set at 40% of monthly adjusted income.
4. Vouchers do **not** state the amount of rent that a landlord will receive from a PHA. The rent to owner is determined by a formula after taking into consideration the estimated cost of

utilities, unit size, unit amenities and other factors. Landlords are sometimes confused by this process and may ask why the voucher does not state an actual maximum amount a PHA will authorize to pay for a unit.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Attend HCVP briefing/orientation with the consumer.
2. If a consumer cannot attend the scheduled orientation ensure that PHA briefing staff is notified and reschedule the briefing.
3. Confirm that the correct unit size voucher was issued.
4. Confirm PHA policy requirements for requesting an extension if necessary.
5. Identify PHA staff responsible for scheduling inspection and approving rent.
6. Request a list from the PHA of available wheelchair accessible units; PHAs are required to provide such lists to individuals who need these units.
7. Understand that a PHA does not receive any funding for administrative fees for issuing a voucher; the voucher must be under full lease in order for a PHA to be compensated for its effort to determine eligibility, issue a voucher, and lease a voucher.
8. Understand that a PHA is monitored for its “utilization” rate—how many funded vouchers actually get leased up under a Housing Assistance Payment (HAP) contract.

DEVELOPING A HOUSING STRATEGY FOR A NED CATEGORY 2 VOUCHER HOLDER

Developing a housing strategy is vital to addressing a person's needs that go beyond locating a physical housing unit—it includes an inventory of the neighborhood, community, public services, habitability, setting, accessibility, and affordability. It involves an understanding of a person's goals and aspirations and how these play into realistic housing opportunities. Searching for the “right” home can be difficult, time consuming, and very challenging for a person with a disability who is transitioning from a nursing home or other institution. A successful approach involves close interaction with the consumer and his/her family/friends and other social networks, service provider (s), and PHA staff to develop a practical housing strategy that aims to secure a home that meets the basic expectations of safety, accessibility, and affordability.

Following are the steps to developing a housing strategy:

1. Conduct a housing intake session.
2. Learn about consumer's goal for community living.
3. Help a consumer identify housing barriers to renting in the private rental market.
4. Incorporate the use of “Reasonable Accommodation” definitions.

1. CONDUCT A HOUSING INTAKE SESSION

During the housing intake session with the consumer, obtain the following information:

- a. Former places of residence, with the consumer identified as one or more of the following:
 - Head of Household renter (lease)
 - Occupant on lease
 - Home Owner
 - Lived with friends/family
- b. Rent payment history
- c. Eviction history
- d. Experience living in Public Housing or other subsidized housing or HCVP experience
- e. Credit History
 - Past due utility/phone bills
 - Money owed to a public housing authority
 - Bankruptcy filing
 - Past due rent
 - Medical bills
 - Past due credit card bills
 - Open judgments

f. Neighborhood Amenity Needs

Proximity to

- Family/friends
- Medical supports
- Public transportation for care attendant(s)
- Food shopping, other stores, and recreation
- Church or other social support
- Other supports for identified needs

g. Housing Characteristics

- Amount of physical space/layout
- Noise level
- State of repair/age

h. Neighborhood Characteristics

- Safety/crime
- Demographics/older vs. younger/families
- Poverty concentration
- Day and nighttime level of people activity

i. Accessibility Needs

- Ground floor unit or elevator building
- Access to bathroom
- Access to living and sleeping areas
- Common area accessibility eg. lobby/parking lot
- Neighborhood accessibility

j. Utility Needs

- Medical condition and related equipment requiring higher utility consumption
- Utility payment history

2. LEARN ABOUT THE CONSUMER'S GOALS FOR COMMUNITY LIVING

Learn about a consumer's goals for community living and his/her desired living arrangements in the community. Initially, goals may seem unrealistic or unreasonable. Identify and involve a person's family and friends to assist with achieving realistic community living goals.

3. HELP A CONSUMER IDENTIFY HOUSING BARRIERS TO RENTING IN THE PRIVATE MARKET

Barriers to renting in the private rental market may include poor rental history, poor credit history, and a criminal background. This information should be obtained during the housing intake session. Develop actions to reduce or minimize housing barriers.

EXAMPLE

A person with a disability has stated that she missed the last several months of rent payments when she became ill and/or hospitalized two years ago and subsequently lost her rental housing. She is not sure if she was evicted or if she ever turned in her keys to the previous landlord. The person's credit report shows that she has three judgments against her for past due rent and currently owes over \$1500.00 in rent.

ACTIONS TO REDUCE OR MINIMIZE HOUSING BARRIERS:

1. Attempt to contact previous landlord and request if judgments can be forgiven due to person's health situation. A landlord reference may be needed in the future, so the goal is to take responsibility for arrearage and pursue solutions within reasonable means.
2. Develop a letter for a future apartment application that states the dates when health complications began; include hospital record admission dates and other supporting documents. If the person had a long period of on-time rental payments prior to the illness, state this in the letter.
3. If the person has supportive services in the community, state how service provider/case manager can assist with setting up plans to help a person pay rent on time, etc.
4. If the poor rental history cannot be rectified, help a client to identify possible housing options that will overlook a poor rental history. This might involve working with a landlord who is willing to forgo a credit check. The housing options may not be within the original aspirations of the consumer, but remind him/her that good rental history can be re-established which will open up other future housing choices.

4. INCORPORATE THE USE OF A REASONABLE ACCOMMODATION

When developing a housing strategy, incorporate the use of a Reasonable Accommodation to assist a person with a disability locate and secure affordable, safe and accessible housing. Examples of Reasonable Accommodations include:

- a. Locating housing that is accessible, close to public transportation, and within close proximity to a family member may require a higher payment standard. A PHA may approve an **exception payment standard** for a person with a disability up to 110% of the Fair Market Rent (FMR) without obtaining HUD approval. Requests for payment standards above 110% must be submitted by the PHA to HUD.
- b. Leasing a unit from a relative may be necessary in order for a person to live in safe, accessible and affordable housing. PHAs must approve the leasing of a unit from a relative if needed as a reasonable accommodation.
- c. Living in a special housing type may be necessary for a person with a disability to be safe in the community. PHAs must permit vouchers to be used in special housing types such as Single Room Occupancy (SROs) units, shared housing, group homes, congregate housing, and assisted living. A reasonable accommodation may be requested to use a voucher in these types of housing situations.

RECOMMENDED **ACTIONS** FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Develop an assessment tool to assist with the housing intake process
2. Assist the consumer with overcoming any housing barriers
3. Discuss housing goals with the consumer
4. Identify housing needs
5. Develop strategies to help meet the needs and goals of the consumer
6. Become familiar with the use of reasonable accommodations to assist with securing safe, affordable and decent housing

HOUSING SEARCH PROCESS

Searching for a safe, decent and accessible home can be difficult, time consuming, and very challenging for a person with a disability who is transitioning from a nursing home or other type of institution.

OBTAINING LOCAL REAL ESTATE DATA AND RENTAL INFORMATION

Locating such appropriate housing involves utilizing multiple resource opportunities:

1. PHAs for lists of available wheelchair accessible units; PHAs are required to provide this information
2. PHAs for lists of owners and/or apartment listings; not all PHAs compile these lists
3. On-line listings
 - a. State and/or local sponsored affordable housing directories
 - b. GoSection8
 - c. Craigslist
 - d. National Affordable Housing Management Association
<http://nahma.apartmentsmart.com>
 - e. Multiple other on-line listings
4. Newspapers –local and regional
5. Professional Realtors
6. Real Estate publications/Apartment Rental Guides
7. Friends, family and other social networks
8. Non-profit housing providers
9. Low Income Housing Tax Credit listings

Locating and securing housing is a process that builds upon developing relationships with property owners, landlords, leasing agents and others. Develop methods to track these relationships and contacts and foster them. When requesting information on the availability of a unit, always ask a landlord to provide vacancy information 60-90 days in advance. Generally, tenants are required to submit a notice to vacate 60 days in advance.

The housing search effort also involves working closely with landlords who may not have any prior experience working with the HCVP. PHAs generally have landlord outreach programs and designated staff persons who can assist a landlord with becoming more familiar with the HCVP. Landlords do not have to accept the HCV as a source of income unless mandated by a state or local ordinance. Landlords generally have questions about the following:

1. How long will it take to process all of the paperwork?
2. How long will it take to schedule the inspection?
3. How will payments be issued and when will payments start?
4. How much rent can be charged?
5. What will cause a unit to fail inspection?
6. How will I know if the tenant is a “good” tenant?

Most landlords require prospective tenants to complete a rental application when applying for a rental property. The application may contain an authorization for the landlord to obtain a copy of a prospective tenant's credit report and rental history. Landlords must consider all applicants equally. State law prohibits discrimination based on race, color, national origin, religion, sex, marital status, mental disability, or presence of children.

Landlords may also charge prospective tenants fees. The Application Fee is almost always non-refundable. Other on-refundable fees, such as, reservation or holding fees, move-in, redecorating or cleaning fees, pet deposits, etc. may **not** be charged or imposed by a landlord.

Each apartment development and/or landlord/property owner will have its own set of approval criteria which can include credit history, income to rent ratios, criminal history, and rental history. Many landlords rely upon a "rental score" to estimate the relative financial risk and rental history risk of renting to a prospective applicant. A rental score is a mathematical analysis of information, which is found in credit reports. Such factors as, eviction data including judgments and property damage claims, bill paying history, income, debt and inquiries on a person's credit /consumer report affect the rental score. This score represents an estimated risk to the landlord. Rental decisions are based on how much risk a landlord is prepared to assume. A rental score may mean denial at one apartment, while the same score may be approved at another apartment complex. Generally, the higher the rent, the more stringent the approval criteria.

When landlords obtain information about a potential tenant's credit history, rental history, previous evictions or other personal information, and they use the information to determine what they require from a tenant, they must provide an "adverse action notice". This requirement is monitored and regulated by the Fair Credit Reporting Act (FCRA). Adverse actions can trigger "conditions" of acceptance by a landlord. For example: A low credit score may mean

- The landlord will allow a co-signer
- The landlord can impose a higher rent deposit
- The application denied altogether

Should a person's application be denied, contact the consumer reporting agency within 60 days to inquire about the denial factors. The apartment property manager/leasing agent will not have access to this information; they will only receive a "score". If an applicant is denied, request an opportunity to provide additional information about a person's mitigating financial or rental history circumstances. Inform the landlord about any supportive services that may help a person with a disability maintain housing, pay rent on time, or offer other services to support a person's successful tenancy. These requests often need to be submitted to a corporate office when the apartment complex is part of a chain and not independently owned.

When working with an apartment complex, inquire about applicant approval criteria. Always be honest about an applicant's housing and credit history. If the approval criteria are stringent, then re-consider whether an application should be submitted. Remember that an application fee will be assessed and is non-refundable if the application is denied. Not all landlords use a "rental scoring" system; the rental scoring system is generally used by privately managed apartment developments to ensure equal treatment of all applicants.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Identify multiple rental housing resources and listings
2. Develop a method to track landlord contacts
3. Be prepared to submit an application fee
4. Use the housing strategy to best determine location, development type, desired amenities
5. Develop strategies to improve chances of application approval
6. Inquire about rental scoring criteria with landlords.
1. Always encourage consumer to be honest about rental and credit history Identify property owners that do not use the rental scoring system to approve application
2. Be prepare to explain HCVP to a prospective landlord, addressing these factors:
 - Guarantee of monthly rent to owner from PHA
 - Explanation of PHA paperwork requirements for landlords
 - Explanation of RFTA, rent reasonableness, HQS inspection
 - Responsibility of landlord for own tenant screening
 - Utilization of PHA landlord resources/contacts

SEARCHING FOR ACCESSIBLE UNITS

The Fair Housing Amendments Act was passed in 1988 which included provisions for increased accessibility of multifamily housing for people with disabilities, particularly persons in a wheelchair. These provisions known as the design and construction requirements took effect for new construction after March 13, 1991. The design requirements apply to buildings with elevators and all first floor units in buildings with four or more units.

The design and construction requirements for “handicap” accessibility of new construction under the Fair Housing Act require that properties have the following features:

1. An accessible building entrance on an accessible route
2. Accessible and usable public and common use areas
3. Usable doors
4. An accessible route into and through the unit
5. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations
6. Reinforced walls for the later installation of grab bars
7. Usable kitchens and bathrooms

HUD provides technical guidance on ways to meet the design and construction requirements. For example a “usable door” for a person in a wheelchair is 32” wide, when measured from the face of the open door to the stop. An “accessible location” for a light switch is no less than 15” and no more than 48” from the floor. HUD’s guidelines are not mandatory; they are intended to provide a safe harbor for compliance with the Fair Housing Act.

1. An accessible apartment building means The building can be approached, entered and used by individuals with disabilities
2. An accessible unit means The unit is located on an accessible route and can be approached, entered and used by an individual with a disability.

Apartment managers and leasing agents may state that they have a “handicap” accessible unit available. Understand that this may mean that the unit is in compliance with the Fair Housing Act and may provide basic accessibility features. It will not mean that the unit has a roll-in shower, grab bars, lowered kitchen cabinets, etc. Always inquire about the specific accessible features appropriate for the individual consumer when a landlord states that they have a handicap accessible apartment.

Adaptable means the ability to alter or change a unit to accommodate the more unique needs of an individual with a disability. Adaptability is an important concept that needs to be utilized when searching for a unit for a person with a disability. If an apartment meets the basic accessibility guidelines—approachable and usable—for a person with a disability, can additional accommodations be made such as installing grab bars, lowering cabinets, widening bathroom doors, installing a roll-in shower, removing a sink to increase turning space, etc.?

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Understand the difference between accessible and adaptable.
2. Inquire about features of a “handicap accessible” unit.
3. Assist the consumer with understanding accessibility vs. adaptability.
4. Work closely with the service provider and consumer to determine adaptability/accessibility needs such as ramps, grab bars, and assistive technology to be utilized in a unit to increase independence and safety.

LEASING PROCESS

The process to secure a safe, affordable and decent home with a HCV involves understanding the PHA leasing process and working with the PHA who is responsible for approving the rent and housing quality of the unit.

UNDERSTANDING THE PHA LEASING PROCESS

The following terms and language will be used throughout the leasing process:

Fair Market Rent (FMR): estimate of gross rental prices

Payment Standard: amount used by PHA to calculate housing subsidy to family

Contract Rent: Total rent paid to owner

Utility Allowance: Estimated consumption of utilities

Gross Rent: Sum of contract rent and utility allowance

Total Tenant Payment (TTP): tenant payment for rent *plus* utilities

Tenant Rent: monthly amount tenant pays directly to landlord as rent

Housing Assistance Payment (HAP): Amount paid by PHA to landlord as rent

Utility Reimbursement: utility allowance exceeds the Total Tenant Payment (TTP)

Rent Reasonableness: rent must be reasonable based on local market and unit amenities

Under HUD regulations PHAs establish “**payment standards**” for its HCVP based on the number of bedrooms in the unit. A studio/efficiency, one-bedroom, two-bedroom unit, etc. will have its own payment standard. A payment standard is based on HUDs **Fair Market Rents (FMRS)**. FMRs estimate the “gross” rental price of a unit which is the cost of rent plus the cost of utilities. FMRs are also based on the number of bedrooms in a unit and reflect modestly priced rental housing in a specific market area. A PHA has the discretion to set its payment standard at an amount between 90 and 110% of the FMR for a specific market area, allowing a PHA to respond more directly to local housing market conditions.

Most rental units in the private rental market do not include the cost of utilities in the monthly rent charge. Utility payments are made separately and directly to the utility provider by the tenant. In order to factor the cost of tenant-paid utilities into total monthly rent costs, PHAs calculate a **Utility Allowance**. The Utility Allowance is used to determine the total monthly housing cost of a unit which is the gross rent.

Rent for a one-bedroom unit:	\$ 800.00
<u>Utility Allowance(gas heat, electric for lights, gas hot water)</u>	<u>\$ 200.00</u>
Total monthly housing cost/Gross Rent	\$1000.00
FMR for a one-bedroom in market area:	\$1000.00
PHA sets Payment Standard at 110% FMR for a one-bedroom in market area	\$1100.00= payment standard
Tenant Monthly Adjusted Income	\$1000.00
Total Tenant Payment (30%)	\$ 333.00
Tenant Monthly Rent to Landlord	\$ 133.00
Tenant Monthly Utility Payment (Estimated)	<u>\$ 200.00</u>
Total Tenant Payment (TTP)	\$ 333.00
PHA monthly payment to landlord:	\$ 667.00

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Obtain the FMR rent summary from HUDs website: www.huduser.org/datasets/fmr
2. Understand a consumer's ability to pay monthly utility bills when selecting a unit. Utility payments can fluctuate and vary depending on the type of unit, type of utility and other factors
3. Begin the housing search by looking for units within the Fair Market Rent (FMR) for the bedroom size on the voucher

WORKING WITH PHA TO LEASE THE UNIT

Once a person with a disability has been approved for an apartment in the private rental market, the **Request for Tenancy Approval (RFTA)** is completed by the prospective landlord and submitted to the PHA. The RFTA needs to be submitted in person to the appropriate PHA staff. Generally the RFTA is submitted to front office staff and is then forwarded to the leasing department. Obtain a receipt of submission.

Each PHA will set its own policy regarding leasing procedures and time-frames. Some PHAs will only allow a new lease up to occur on the first of the month. Refer to the PHA **Administrative Plan** for specific policies and procedures.

The RFTA will trigger the following PHA actions:

1. Rent reasonableness
2. Housing Inspection
3. HCVP Payment Standard compliance
4. Determination of subsidy amount

The PHA must verify that a rent charged by an owner is reasonable when compared to similar unsubsidized units in the community. The rent reasonableness calculation takes into account the location, size, type, quality, amenities, facilities, management and maintenance of each unit. A rent must not be in excess of rents currently being charged by the same owner for comparable unassisted units.

The PHA may enter a period of negotiation with the landlord if the rent is deemed unreasonable. The PHA leasing staff will contact the landlord and offer what would be considered a reasonable rent as determined by the PHA rent reasonableness process. A landlord will also be given an opportunity to provide market rent comparables during the negotiation process.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST :

1. Assist the landlord with completing the RFTA and submitting to the PHA leasing staff.
2. Assist the PHA leasing staff by offering to work with the landlord to produce market comparables.
3. Assist the landlord in understanding the rent reasonableness calculation process.
4. Stay in contact with the landlord even if he/she refuses to accept the offered rent. Contact the landlord within a short time period to inquire if the unit is still on the market, and if so, ask if he/she would be willing to reconsider the reasonable rent offered by the PHA.
5. Confirm PHA policy on when lease-ups can occur. Some PHAs only allow a new lease that is dated on the first of the month.

PHA HOUSING INSPECTION

HUD requires that a unit leased under the HCVP must pass HUD's **Housing Quality Standards (HQS)**. A PHA HQS inspector physically examines the interior and exterior of a unit to ensure that it meets HQS. The housing must be in decent and safe condition. Generally the HQS inspection procedure is as follows:

1. PHA schedules an inspection with landlord/property owner.
2. The unit must be vacated and the electricity turned on
3. The inspector will pass/fail unit while on site.
4. If the unit fails, the inspector will state in writing the required repairs and time-frame for making repairs.
5. A failed inspection will require a re-inspection.

Refer to the PHA's Administrative Plan for specific HQS policies and procedures.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Learn the PHA's inspection policies and procedures.
2. Identify the PHA inspection scheduling personnel and inspection staff.
3. Assist with landlord contact and inspection scheduling.
4. Assist the landlord with understanding what to expect during HQS.
5. Encourage the landlord to make any necessary repairs prior to inspection date.

PHA FINAL LEASE APPROVAL

If the PHA has approved the rent and the unit has passed the HQS inspection, the PHA will determine the **subsidy amount**. The determination states the amount to be paid directly to the landlord on a monthly basis by the PHA. The remaining amount owed to the landlord is the tenant share of the rent.

At the lease signing, the household will be asked to pay a security deposit and to pay the first month's rent. The PHA is not responsible for making the security deposit payment and is not responsible for the tenant share of rent due at the lease signing.

Security deposit—a security deposit is any money, including a pet deposit or payment or the last month's rent, taken by a landlord, in advance of the time it is due, to protect the landlord against damage caused by the tenant, guests, non-payment of rent, and/or damages incurred by the landlord if the tenant breaches the lease. The maximum amount of a security deposit is determined by State-specific law.

Renters' Insurance—many landlords now require tenants to purchase renters' insurance and to show proof of purchase during the leasing process. Renters' insurance policies can be relatively inexpensive and they will provide protection against the damage or loss of personal property.

HUD requires that the owners enter into a written contract with the PHA. This contract is the **Housing Assistance Payment (HAP)**. The HAP is signed by the owner and returned to the PHA with a copy of the signed lease. At this point, the HCV holder is now a HCVP **participant**.

RECOMMENDED ACTIONS FOR A SERVICE PROVIDER AND/OR HOUSING SPECIALIST:

1. Assist the consumer with identifying funding for a security deposit and/or first month's rent.
2. Assist the consumer with the utility hook up process.
3. Attend the lease signing with the consumer and assist with understanding lease terms and provisions.
4. Request a copy of the signed lease.
5. Understand the tenant share of rent and the monthly HAP payment.
6. Assist the landlord with PHA leasing paperwork requirements including W-9 forms, bank deposit forms, etc.
7. Assist the landlord with signing and submitting the HAP contract and a signed copy of the lease to the PHA leasing staff
8. Understand that a person should **not** move into a unit without final approval from the PHA. If a person moves in before the unit passes the HQS inspection, the PHA will **not** pay rent to the owner and the tenant will be responsible for the full market rent.

REASONABLE ACCOMMODATION REQUESTS TO PHA

A reasonable accommodation request may seek changes or adjustments to rules, policies, practices or procedures which are followed or prescribed by a PHA.

Generally, a PHA will grant a reasonable accommodation if:

1. the requested accommodation is necessary to provide an equal opportunity to use and enjoy the housing, *and*
2. the requested accommodation does not create an undue financial and administrative burden or constitute a fundamental alteration in the nature of the housing program

EXAMPLES:

1. Reinstatement of an individual with a disability to the waiting list where he or she did not respond to an update notice for reasons related to the disability
2. Permitting an outside agency to assist an applicant with a disability to meet the PHA's applicant screening criteria
3. Permitting a care attendant to assist an applicant with a disability to meet the PHA's applicant screening criteria
4. Requesting an additional bedroom on the HCV to accommodate the need for medical equipment
5. Requesting a live-in aide to reside in the unit
6. Requesting a higher payment standard for a unit to accommodate proximity to medical and family supports
7. Requesting that a PHA staff person conduct the eligibility or recertification interview by mail or at a person's place of residence

REASONABLE MODIFICATION REQUESTS TO A LANDLORD/PROPERTY OWNER

A reasonable modification request to a landlord and/or property owner is a physical modification or change to the structure of a building, unit, or common space area that will permit a person with a disability to have equal access and enjoyment of his/her home. A modification can be made to the inside or outside of a unit or to the common areas.

Generally a landlord or property owner will permit a modification if:

1. The modification is structurally possible and meets building code regulations
 2. The modification does not interfere with the safety of other residents
 3. The landlord is not obligated to pay for the cost of the modification
 4. The tenant may be asked to restore the modification to its original condition upon move out at tenant cost.
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EXAMPLES:

1. Installing a threshold ramp
2. Installing grab bars in the bathroom
3. Widening a bathroom door
4. Installing an automatic water shut-off
5. Moving a mailbox so that a person in a wheelchair can access the mail
6. Removing a portion of a speed bump in the parking lot for a person in a wheelchair
7. Providing a handicap accessible parking space in close proximity to a unit
8. Replacing flooring material for a person in a wheelchair

A person with a disability requesting a reasonable accommodation and/or modification must still be able to satisfy essential obligations of tenancy, that is he/she must be able to pay rent, to care for the apartment, to report required information to the PHA, to avoid disturbing their neighbors, and so on.

The Coordinating Center is a non profit organization founded in 1983 to provide care coordination among individuals with the most challenging needs and disabilities. The Center's core program is designed to identify, locate, and coordinate the myriad services that people need to thrive at home and in their communities. From its inception, the organization has been committed to partnering with individuals, families, and the range of providers to achieve community, rather than institutional, living. The Center's expertise arises from nearly three decades' experience with essential long term care initiatives. These include Medicaid Home and Community Based Waivers serving diverse populations, initiatives created in response to Olmstead, such as the Money Follows the Person Program, and the broad range of essential supportive programs offered through HUD, the Administration on Aging, CMS' Office of Innovation, and HHS.

The suggested strategies in this guidebook are drawn directly from The Center's Housing Office's daily interactions, under Maryland's Medicaid Living at Home Waiver, and the Money Follows the Person Program, supported by the HUD NED Voucher program. The recommended activities reflect the complex realities of the role of Housing Specialists in helping people to overcome multiple obstacles and to take advantage of opportunities to move to homes of their own.

Our hope is that The Coordinating Center's experience will be used and adapted by those who support people with disabilities to have greater access to appropriate housing, the first step toward independence, full community integration, and the realization of personal aspirations.