



Virginia Housing

Section 811 Project Rental Assistance

Tenant Selection Plan

The Section 811 Project Rental Assistance (811 PRA) program provides project-based rental assistance for extremely low-income persons with disabilities, ages 18-61 at move in. In FY 19, the Department of Housing and Urban Development (HUD) awarded Virginia Housing (VH) funding for 180 units of subsidy. These 180 units will be used to provide permanent, supportive, rental housing throughout Virginia.

VH, the grantee for Virginia, is partnered with the VA Department of Behavioral Health Developmental Services (DBHDS) to provide decent, safe, and sanitary rental housing through the use of rental assistance payments to owners with existing, new or rehabilitated multifamily properties. The subsidy payment will provide the owner with the difference between the tenant's portion of the rent and the approved unit rent.

Each locality will work through a single point of contact, the Referral Agents (RA) under DBHDS authority. The RA's will develop a network to include Local Lead Agencies (LLAs) and service providers within their locality to identify and refer eligible applicants to the supportive housing units as they become available through vacancy. The RA's will maintain the role of the LLA should the need arise. The Wait list Administrator (Virginia Housing) will maintain the wait list by priority status, and then the date and time the application is received as outlined in HUD Handbook 4350.3 REV-1. CHG 4.

OUTREACH

RA's and LLAs will provide information about the 811 PRA program opportunities and available housing to service providers in their authorized localities. Service providers will identify potential applicants within their caseloads currently residing in institutional settings and other non-community-based settings to gauge interest in the 811 program. The service provider will refer potential applicants to the LLA and/or RA, who will pre-screen applicants and place them on the wait list via the Wait List Administrator (VH) for referral when units become available. Applicants will be referred to properties when a vacancy occurs.

Every effort will be made to affirmatively market the 811 PRA program to those who potentially meet the program's eligibility criteria. Outreach will comply with VH's AFHMP to ensure that individuals least likely to apply are provided information about the 811 program. Interested applicants will be advised that all applications must be processed through the RA's and/or stakeholders working within their locality. To become an eligible stakeholder, each agency must contact their RA or LLA.

DBHDS and VH will monitor RA outreach activities and referrals. Monitoring will include evaluation of outreach efforts designed to include Limited English Proficiency (LEP) populations and the RA/LLA's referral and wait list systems to ensure all disability groups are fairly considered for the 811 PRA program. DBHDS and VH will also monitor the priority levels and waitlist management to ensure persons transitioning from institutions, the highest priority group, receive first consideration for 811 PRA housing.

EFFECTIVE COMMUNICATIONS

RAs and LLAs will ensure that all information and outreach is provided in a manner that is effective for persons with hearing, visual and other communications-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. RAs and LLAs will also take reasonable steps to provide access to persons with LEP who may apply for the program and need services or information in a language other than English.

VH has compiled a list of translation services throughout the Commonwealth and the RA will utilize these services. Additionally, the RA and LLA will keep VH apprised of any translation needs that may arise. If a need presents itself, DBHDS and VH will explore the option of distributing marketing materials in a particular language.

IDENTIFYING AVAILABLE UNITS

After approval of the Rental Assistance Contract (RAC), the property owner must inform the Wait list Administrator of vacant units available for 811 PRA units. Owners must hold the 811 PRA units open for 60 days. If the Wait list Administrator is unable to refer an applicant in 60 days, the owner/agent may fill the unit with a non-811 PRA applicant from the property wait list. When a suitable unit is available and two or more 811 PRA applicants are available to move in, preference should be given based on the priority groups listed below. If both applicants are in the same priority group, then preference should be given to the applicant placed on the wait list first based on the application date and time.

REFERRAL PROCESS

Service Agencies will identify potential applicants and assist them, as needed, to complete the 811 PRA application. The application will be reviewed by either the RHC or the Wait list Administrator. Once reviewed, the applicant will be placed on the 811 PRA wait list in order of priority status, then date/time the application was received. Applicants will be referred when there is a vacant unit, and they are the first available applicant for the locality where the unit is located. Up to five referrals will be sent for each vacant unit.

When the referral is received by the owner/agent, the applicant should be added to the property wait list and designated as an 811 PRA applicant. The owner/agent will conduct applicant screening for program and site-specific requirements listed in the property Tenant Selection Plan.

*****All referrals to the property MUST come from the 811-wait list. Property owners/agents and other organizations will not be able to directly refer clients to the property for assistance under the 811 PRA program. Referrals should be directed to the Wait list Administrator.**

TARGET POPULATIONS

- A. Eligible **PRA** participants must meet all program eligibility criteria including:
 - Virginia residency.
 - Household income that does not exceed 30% of the applicable area median income adjusted for family size.
 - Household composition that includes at least one person with a disability that

meets the definition within the Agreement; who is within the target population; and who is older than 18 years of age and less than 62 years of age at the time of admission to the property; and

- Eligible under the rules of the property.

B. The PRA target populations consist of (1) individuals with intellectual disabilities or other developmental disabilities, and (2) individuals with serious mental illnesses who are recipients of, or are eligible to receive, Medicaid long-term care services and supports or services certified as equivalent by Virginia. The specific disability populations covered under this Agreement are further defined as follows:

1. Individuals with an Intellectual or Developmental Disability (DD)

Individuals with an intellectual or other developmental disability as defined in the Code of Virginia and who are included in the population described in Commonwealth's Settlement Agreement with the U.S. Department of Justice [United States V. Commonwealth of Virginia, United States District Court for Eastern District of Virginia (Civil Action No. 3:12 CV 059)] who choose to live independently, prioritized as follows:

- Priority 1: Individuals transitioning from congregate settings, including skilled nursing facilities, intermediate care facilities, state training centers, and group homes, or.
- Priority 2: Individuals who are either homeless, at risk of homelessness, severely rent-burdened, or experiencing an imminent threat to health or safety in their current residential setting, or
- Priority 3: Individuals who, at the time of referral, live with their families of origin.

Under the terms of the above referenced Settlement Agreement, individuals with developmental disabilities must also be current recipients of a Medicaid Developmental Disabilities Waiver service (Building Independence Waiver, Family and Individual Supports Waiver, or Community Living Waiver) or on a waiting list for such a waiver service. These eligibility standards also apply to this target population for the HUD 811 PRA program.

2. Individuals with a Serious Mental Illness (SMI)

Specifically, individuals with SMI as defined in the Code of Virginia who are identified in Virginia's *Olmstead Strategic Plan* as requiring affirmative strategies to address long-term or repeated institutional stays or risks of institutionalization, including those who are:

- Priority 1: patients in state psychiatric facilities.
- Priority 2:
 - experiencing chronic homelessness or who are literally homeless and at risk of becoming chronically homeless, or;
 - unstably housed and frequently using hospital inpatient or

- emergency departments; mental health crisis services; or criminal justice interventions, or;
- residing in a supervised residential setting such as Assisted Living.

PROGRAM ELIGIBILITY AND PRE-SCREENING REQUIREMENTS

Pre-screening by the RA/LLA and Service Providers will be conducted to ensure program eligibility will be applied uniformly to all program applicants to prevent discrimination and avoid fair housing violations. They will conduct the following informal pre-screening of applicants before a referral is made to the landlord:

- Income – the eligible applicant household’s annual income must not exceed the extremely low-income limit (at or below 30% Area Median Income) as published annually by HUD.
- Age – at least one member of the household applying for the 811 PRA unit must be non-elderly (18-61) at time of move-in.
- Disability – at least one person in the household applying for the 811 rental subsidies must also be disabled, 18-61, and receiving (or be eligible to receive) Medicaid with services and supports provided through DBHDS.
- Social Security – The Social Security numbers of all family members must be provided. Acceptable forms of verification and exceptions to this rule may be found in the HUD Handbook 4350.3 REV-1, Chapter 3.
- Household Size – Household size must be verified to ensure the family is referred to a property with an appropriately sized unit. It is the responsibility of the property manager to verify need for an additional bedroom size based on a reasonable accommodation.

Applicants should not be placed on the 811-wait list who do not have all documentation and is not ready for referral to a vacant unit. Service providers are required to keep the referral’s information current.

Owners / Agents are responsible to comply with all HUD rules and regulations and to apply the property’s tenant selection plan criteria. All required documents must be in the tenant’s file for review.

APPLICANT REJECTION AND APPEAL PROCESS FOR THE 811 PROGRAM WAITLIST

If an applicant’s situation changes and he or she is no longer eligible to remain on the 811-wait list, the applicant will be notified in writing.

An appeal of the rejection and/or removal from the 811-wait list may be requested. The applicant must appeal in writing to the attention of Virginia Housing 811 PRA Regional Portfolio Manager, Virginia Housing, 601 S. Belvidere Street, Richmond, VA 23220, within ten (10) business days from the date of the waitlist removal letter. A review of the appeal and supporting documentation will occur timely and a written decision will be mailed to the applicant and their service provider.

PROGRAM WAIT LIST MANAGEMENT

One master wait list will be maintained for the 811 PRA program in Virginia. The list order will be based on the priority population, then date, and then time the application was received. Applicants may select up to 3 localities in which they wish to reside. When a vacancy occurs, the Wait list Administrator will refer the first five (5) applicants who wish to live in that locality. The order will be based on priority, then date, then time. The property manager will receive the list of referrals in order of the 811-wait list. If more than one applicant applies and is approved, the property manager must utilize the list provided by the 811 Waitlist Administrator to process the applicant listed highest on the list.

If an accessible unit becomes vacant, the Wait list Administrator will refer 811 applicants who need the features of the unit in order of priority, date, and then time. When approved for the accessible unit, the applicant must agree to sign a lease addendum agreeing to move to a non-accessible 811 unit when one becomes available. If there are no applicants needing the features of the unit, the Wait list Administrator will refer applicants in order of priority, date, then time.

The wait list will remain open unless a determination is made to close it by VH. Notification of the closure will be posted on the Virginia Housing HUD 811 PRA webpage and notice will be sent out to all Local Lead Offices where units are located under a HUD 811 PRA contract.

Owners/agents must update the property Tenant Selection Plan to include how they will address 811 referrals sent to the property to fill 811 vacancies.

OWNER RESPONSIBILITIES

Verification Requirement – Adult members are required to sign the following verification forms:

- HUD FORM-9887 *Notice and Consent to the Release of Information to HUD*
- HUD FORM-9887A *Applicant's/Tenant's Consent to Release of Information – Verification by Owners of Information Supplied by Individuals Who apply for Housing Assistance.*
- HUD form 92006, Supplement to Application for Federally Assisted Housing (refusal to complete must be documented).

All household members 18 years of age and older, regardless of whether they have income, must sign these forms. The forms allow owners/agents to request and receive information from HUD's EIV system as well as from third-party sources about the applicant/resident household.

The following information will be verified:

- Income, assets, household composition and Social Security numbers
- Allowable deductions for age, disability, disability expenses and medical costs
- Other screening criteria

No decision to accept or reject an applicant will be made until all verifications have been received.

Owner/Agent Screening – The owner/agent will also conduct applicant screenings. These may include:

- Credit
- Rental history
- Criminal

Owner/Agent must prohibit admission of:

- Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity. The owner/agent may, but is not required to consider two exceptions to this provision:
 - The evicted household member has successfully completed an approved, supervised drug rehabilitation program; or
 - The circumstances leading to the eviction no longer exist (ex. The household member no longer resides with the applicant household)
- A household in which any member is currently engaged in illegal use of drugs for which the owner has a reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety and right to peaceful enjoyment of the property by other residents.
- Any household member who is subject to a State Sex Offender lifetime registration requirement; and
- Any household member if there is a reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with the health, safety and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

The owner/agent must use EIV to verify household income and comply with all applicable requirements in the HUD Handbook 4350.3 REV-1 and HUD Notices. Screening will be conducted on live-in aides and other household members at initial occupancy and when added to the tenant household after initial occupancy.

Please refer to Chapter 3, Paragraph 3-28. B.1 and 2; and Figure 3-5 of the HUD Handbook 4350.3, REV3 for guidance regarding verification of Disability. Please see form HUD-90102.

The 811 program does not verify citizenship for eligibility.

No application fee is permissible for 811 PRA referrals applying to properties participating in the 811 PRA program. In addition, 811 tenants cannot be charged late fees as per the HUD Handbook 4350.3.

The \$25 minimum rent does not apply to the 811 PRA program.

Renters can have zero income and is not a reason for rejection.

REJECTION BY A HOUSING PROVIDER AND APPEAL PROCESS

In all cases where applicants are rejected for housing based on selection criteria, the owner/agent will issue a written notice of the decision specifying the reason for rejection. Written rejection notices must include:

- The specifically stated reason(s) for the rejection.
- The applicant's right to respond to the owner/agent in writing or request a meeting within 14 days to discuss the rejection; and
- That persons with disabilities have the right to request reasonable accommodations to participate in an informal appeal hearing process.

An appeal hearing will be heard by an employee of the owner/agent (not the employee who decided on the rejection action) and a written notice of the appeal decision must be provided to the applicant within 5 business days of appeal hearing.

REJECTED APPLICANTS

Applicants who were rejected from occupying an available unit will be referred to the 811 PRA wait list for a referral to the next available unit. They will maintain the same priority status and original date/time stamp before referral to the rejecting property. The applicants will be offered other available units in the locality in which they desire to live, provided they remain eligible, based on their placement on the waitlist. Service providers should assist an applicant by either addressing and correcting the rejection issues with the applicant or assisting the applicant by submitting a reasonable accommodation request when applying to the next available unit.

UNIT REFUSAL

Applicants may choose to refuse an offered unit. These applicants will return to the 811 PRA wait list with the same priority status and date/time stamp. Should an applicant refuse 3 units, the Waitlist Administrator will review the circumstances of each refusal.

If it is determined that insufficient reasons led to a refusal of the units, the applicant will be removed from the 811 PRA wait list.

TRANSFERS

Transfers to a different unit at the same property

811 tenants wishing to transfer to a different unit within the same property must submit request to the property manager and follow the transfer policy in the property's Tenant Selection Plan.

The 811 subsidy can only transfer with the 811 resident at the property if the proposed unit (size and rent) is participating under contract through the 811 program.

Transfers to a different 811 participating property

811 tenants wishing to relocate to a different 811 property will need to be referred to the 811-wait list by their service provider. The 811 tenant will now become a new 811 applicant. All eligibility requirements of the 811 program will apply. The applicant will be placed on the 811 wait list by priority, date and time of the new application. In addition, the 811 tenant must apply to the new 811 property when an 811 unit is available, and all screening will be subject to the property's tenant selection plan.

Timing will need to be addressed with both properties, so the 811 tenant is not without housing and the transfer is smooth. Subsidy cannot overlap between properties. A new security deposit may need to be secured. These items should be addressed with the service provider and the property.

MARKET RATE INCOME TENANT GUIDANCE

When the income of an 811 tenant increases and they no longer qualify to receive 811 subsidy, they will begin to pay the market rent at the property. This will not affect their eligibility to remain at the property and pay the applicable rent. In addition, the tenant will still be considered an 811 eligible tenant should their income change, and they once again qualify for subsidy.

The property must utilize the subsidy no longer allocated to the over income tenant by listing the next vacant unit matching the rent and unit size committed in the 811 RAC and begin to receive 811 referrals until the RAC commitment is met.

It is feasible that all 811 units committed under RAC are receiving subsidy and there is an additional 811 eligible tenant paying market rent. Should the 811-tenant paying market rent once again become income eligible to receive subsidy, the market rate tenant must wait for an 811 subsidy to become available. This can happen two ways: 1) an 811 tenant moves out or 2) another 811 tenant can no longer receive subsidy and the subsidy slot becomes available. The property should maintain a list of all tenants paying market rent. If a slot of (non-811) subsidy becomes available at the property, 811 tenants paying market rent are eligible to accept it, assuming all other eligibility requirements are met. However, if an 811 slot of subsidy becomes available, it may only be offered to an 811-market rate tenant.

REASONABLE ACCOMODATION AND MODIFICATION REQUESTS

Owners/agents of the properties with 811 PRA units must comply with Section 504 of the Rehabilitation Act of 1973. See HUD Occupancy Handbook 4350.3, Section 2-8 for more details. The RA or LLA will assist the applicant with possible reasonable accommodation and/or modification request, including the use of assistance/service animals. The request for reasonable accommodation/modification will be communicated to the owner/agent as soon as possible. A determination of whether the request will be accommodated will be made by the property owner/agent.

No pet deposit may be requested for assistance/service animals. The owner/agent will comply with legal and regulatory provisions concerning such request, including applicable provisions of HUD Occupancy Handbook 4350.3.

OCCUPANCY STANDARDS

Owners/agents will establish, in writing, their own reasonable occupancy standards per HUD HANDBOOK 4350.3 REV-1, chapter 3-23. Please include in the property Tenant Selection Plan.

PROTECTIONS FOR VICTIMS of DOMESTIC VIOLENCE

Owners must adhere to the policies and procedures covering the Violence Against Women Act (VAWA) protections. Owner/agent policies must support or assist victims of domestic violence, dating violence, sexual assault or stalking and protect victims – as well as their family members – from being denied housing or from losing their 811 PRA housing assistance because of domestic violence, dating violence, sexual assault or stalking. Refer to HUD Handbook 4350.3 REV-1, chapter 4-4.C.9, and any applicable HUD Notices for specific VAWA requirements.

COMPLIANCE WITH FAIR HOUSING AND CIVIL RIGHTS LAWS

Owners/agents must comply with all applicable fair housing and civil rights requirements including, but not limited to, the Fair Housing Act; Title VI of the Americans with Disabilities Act of 1964; section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; and Section 109 of the Housing and Community Development Act of 1974, and HUD's Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identify requirements when screening applicants. No applicant may be denied on the basis of race, color, religion, sex, national origin, disability and familial status, or according to the Virginia Fair Housing Act guidelines which includes protections for Elderliness, Source of Funds, Sexual Orientation, Gender Identity, and Military Status.

Refer to 24 CFR 5.105(a)(2), 5.403 and HUD's final rule published in the Federal Register at 77 Fed.Reg.5662 for additional guidance.

