

Alaska Section 811 Project-Based Rental Assistance Program Tenant Selection Plan

Background

In April 2015, the U.S. Department of Housing and Urban Development (HUD) awarded the Alaska Housing Finance Corporation (AHFC) funding through the Section 811 Project-Based Rental Assistance program (PRA) to provide rental assistance for up to 200 households who meet the eligibility criteria as outlined below.

AHFC and the Alaska Department of Health and Social Services (DHSS) are collaborating to implement the Alaska 811 Program combining housing assistance and supportive services to serve extremely low income, disabled Alaskans, exiting institutions who qualify for permanent supportive housing.

NeighborWorks Alaska (NWA) is contracted to screen applications for federal eligibility and manage the program waitlist.

Purpose

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

Relationship to Owners Plans

The Section 811 PRA program guidelines and requirements apply only to Section 811 PRA assisted units. Owners/Property Managers must comply with these guidelines without modification for units currently leased under the program. All owners participating in the Section 811 PRA program will incorporate the Section 811 PRA program guidelines and requirements as well as the target population to the Tenant Selection Plan they currently have onsite and will maintain their own tenant selection procedures and site-specific occupancy policies for non-811 PRA program units.

1. Eligibility:

- a) In order to occupy an Alaskan 811 PRA Program unit, an individual must be **nonelderly** (between the ages of 18 and 62 years old) and meets the HUD definitions of **extremely low-income** (at, or below, 30 percent area medium income) and **disabled** as defined by 42 U.S.C § 8013(k)(2) and/or 24 CFR § 891.305.
- b) Eligible applicants qualify to receive long-term services from DHSS. Services are voluntary and not a condition of participation in the Program.

- c) Eligible applicants first complete the DHSS application for disability and priority population verification.
- d) Eligible applicants must be United States citizens or eligible immigrants. Eligible immigrants are persons who are in one of the immigrant categories as specified for HUD programs. Eligible applicants must be able to certify eligible immigrant status when applying for the Program.
- e) Priority Populations: The Alaska Section 811 PRA program includes assistance for two priority populations:
 - i) **Tier One:** Individuals that meet the eligibility criteria outlined above who are currently in Assisted Living Homes (ALH), on state General Relief and supported by state general funds, and are appropriate candidates for independent supportive housing.
 - ii) **Tier Two:** Individuals that meet the eligibility criteria outlined above who are re-entering the community from institutional care or other separated settings, including long-term (more than 60 days) drug or alcohol treatment, at serious risk of institutionalization or deferred from institutionalization through a therapeutic program (such as wellness court), homeless or at-risk of becoming homeless or exiting from another Permanent Supportive Housing program that required homeless or chronic homeless status at entry.
- f) Disqualifying Criteria: Section 811 PRA program applicants will be excluded from program participation per the following HUD defined disqualifying criteria:
 - i) Any household with a member(s) who was evicted in the last three years from federally assisted housing for drug-related activity, with the following exceptions:
 - (1) The evicted household member has completed an approved, supervised, drug rehabilitation program; or
 - (2) The circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
 - ii) Any household with a member(s) who is currently engaged in illegal use of drugs or for which the owner has 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.
 - iii) Any household with a member who is subject to a sex-offender lifetime registration requirement in any state.
 - iv) Any household where there is reasonable cause to believe that a 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.

2. Fair Housing and Non-Discrimination

- a) AHFC and all participating Section 811 PRA developments will adhere to all Fair Housing and Civil Rights laws as well as Section 504 Regulations.
- b) *Non-Discrimination:* Owners of developments will not discriminate based on race, color, sex, sexual orientation or gender identity, religion, age (as long as the age meets the program eligibility requirements), handicap, disability, or national origin.
- c) *Affirmative Fair Housing Marketing Plan (AFHMP):* Outreach will comply with the Alaska Section 811 PRA program's AFHMP. The AFHMP is an outreach tool to market to prospective tenants who are eligible for the Section 811 PRA program but are

least likely to apply. Those considered least likely to apply include individuals who are poly-disabled, and/or have behavioral health needs and dementia, and/or people with language barriers where English is not their first language.

- d) *Limited English Proficiency*: Section 811 PRA program information and materials are available on the AHFC and DHSS websites, which feature an option to translate any of the content or materials. Translation services are also available for all potential clients through DHSS and their service partners.
- e) *Reasonable Accommodation Policy*: Owners of developments with Section 811 PRA assistance must comply with Section 504 requirements. See HUD Occupancy Handbook 4350.3, sections Two-8.
- f) *Violence against Women Act (VAWA)*: Owners will screen applicants based on the property's approved Tenant Selection Plan which will include and comply with the Section 811 PRA program requirements, including meeting the requirements of the Violence against Women Act (VAWA) Reauthorization Act of 2013.

3. Program Procedures

The following procedures document the process to accept applications, determine eligibility, select applicants for referral to available units, and select referred applicants for leasing:

- a) *Outreach Procedures*: Outreach to prospective Section 811 PRA program participants is conducted in accordance with the AFHMP. DHSS in partnership with AHFC will provide information and education on the Section 811 PRA program and its eligibility requirements to staff and community-based service providers/sponsoring agencies participating in the program.
 - i) Eligible individuals are informed of the availability of Section 811 PRA units through communication with referral resources agencies, DHSS departments, specifically the Department of Behavioral Health and the Department of Senior and Disability Services.
 - ii) Outreach will also be conducted through formal presentations, print distribution, DHSS and AHFC websites, specific training on the application process and form completion, and one-on-one technical assistance. DHSS staff will provide direct outreach to individuals who are residing in assisted living facilities as meets the definition of Tier 1.
 - iii) 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 DHSS, who will pre-screen applicants and place them on the waitlist for referral when units become available.
- b) *Prescreening*: DHSS and community-based service providers/sponsoring agencies will assist prospective applicants for the Section 811 PRA program in completing an application designed to prescreen for program eligibility. The applicant will have a sponsoring agency that will be a point of contact during the application and move-in processes. Applicants are not required to receive additional services from any organization.

- i) Basic personal, housing, and services information is also collected from the applicant at this time. If an applicant is potentially eligible for the program, they will be referred to the 811 PRA program waitlist.
- ii) All referrals to the property MUST come from the 811 waitlist. 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 will be directed to the Waitlist Administrator.
- c) Formal Eligibility Determination and Financial Verification: AHFC has contracted with NWA to conduct the final eligibility determination and financial verification for all Section 811 PRA applicants. The following outlines this process:
 - i) DHSS will notify NWA of client disability and tier status eligibility.
 - ii) The service provider/sponsoring agency will work with the applicant to complete the final program application and submit to NWA. This application collects the necessary information to confirm program eligibility and formal verification of income to determine the tenant portion of monthly rent using HUD systems and third-party verifications.
 - iii) NWA will process the application and send a letter of program eligibility and income certification to the sponsoring agency and the applicant. NWA will notify the applicant's service provider/sponsoring agency so they can assist the applicant with the unit application and transition process. This letter will also outline the unit size the applicant is eligible to occupy in adherence with HUD guidance on Occupancy Standards.
 - iv) Applicants will be added to the program waitlist when an application has been submitted, reviewed and approved by NWA staff.
 - v) NWA will perform annual re-certifications of income as required by the Section 811 PRA program.
- d) Waitlist: NWA is the designated manager of the waitlist. Only prescreened applicants will be added to the waitlist in date/time stamp order once they are determined as potentially eligible for the program. If there is no one on the waitlist and a unit is available, the prescreened applicant will move to the Formal Eligibility and Financial Verification process. Eligible applicants will remain on the list until housed in an 811 unit, they withdraw their application, or they become ineligible. AHFC, in consultation with DHSS, may close the waitlist. AHFC and DHSS will follow the same procedure to re-open the waitlist. Service providers/sponsoring agencies will be notified when the waitlist is closed and when it re-opens.
- e) Prioritization of Referrals for Available Units: Applicants on the waitlist are prioritized for referral to available units based on the following:
 - i) Tier One eligible applicants will be prioritized over Tier Two applicants on the waitlist;
 - ii) Date/time stamp of the application; and
 - iii) Matching of the applicant's indicated preference for location and unit specifications with the available unit's location and specifications.
- f) Application for Property/Unit: AHFC will notify NWA when a unit is available. NWA will then notify the applicant at the top of the waitlist and their service provider/sponsoring agency. NWA may refer up to five applicants, in waitlist order, for each available unit. The applicant will have five business days to view the unit and submit an application to the property owner. The property owner will process the

applications and assign the units based on date/time stamp of the property applications. Under no circumstances may a property owner charge an application fee for units assisted through the Section 811 PRA program.

g) Selection of Tenants:

- i) Property owners will screen applicants based on their Section 811 PRA Tenant Selection Plan. The property's screening process may include completing a criminal background, credit, and rental history check.
 - (1) The property owner shall consider any extenuating circumstances when screening applicants based on poor credit histories, rental histories, or criminal backgrounds that might be related to a person's disability.
 - (2) Property owners shall accept and review promptly a reasonable accommodation or reasonable modification request from an applicant per the property's reasonable accommodation and reasonable modification policy.
- ii) Once an application has been screened and all reasonable accommodation and/or reasonable modification requests have been addressed, the property owner will issue a written determination to the applicant.
 - (1) The applicant has up to two business days to accept the unit. Once accepted, the property owner will be responsible for conducting an inspection and issuing the applicant a HUD Section 811 PRA Model Lease.
- iii) In the case of a denial, the written determination will advise the applicant of their right to appeal. AHFC will notify DHSS of the determination who will ensure that the service provider/sponsoring agency is aware of the decision.
- iv) Applicants who are not selected to lease the offered unit will be returned to the waitlist with the same date/time stamp. NWA will notify the service provider/sponsoring agency to ensure that the applicants are informed that they were not selected and will remain on the waitlist. Applicants should direct their questions to DHSS or their service provider/sponsoring agency.

4. Unit Availability or Vacancy

Property owners will immediately notify AHFC when a vacancy is anticipated, the date the vacancy will occur, and the date the unit will be available for occupancy. These steps will ensure that vacancies are filled quickly. In those instances when a property is not filled quickly, owners may qualify for a vacancy payment. Contact AHFC regarding the Alaska Section 811 PRA program vacancy policy.

5. Unit Refusal: Applicants may refuse an offered unit. These applicants will be returned to the waitlist with the same date/time stamp. Should an applicant refuse 3 units, AHFC and DHSS will review the circumstances of each refusal. If it is determined insufficient reasons led to refusing units, the applicant will be removed from the waitlist. DHSS will notify the applicant and their service provider/sponsoring agency of the review process and determination. Applicants may re-apply at any time.

6. Unit Transfer Policies: The unit transfer policy for each participating property is included in the Tenant Selection Plan (TSP) specific to that property. To ensure compliance with

Section 811 requirements each TSP is reviewed by AHFC at the time of initial execution of the Rental Assistance Contract (RAC). Participating properties will be monitored annually to ensure compliance with the Section 811 program requirements.

7. Rejected Applicants: Applicants who are rejected by the owner/property manager will remain on the waitlist. The NWA Waitlist Manager will ensure that the rejected applicants and their sponsoring agencies are informed that they will remain on the waitlist.

8. Appeals: The property owner will follow the procedures in the HUD Handbook 4350.3 for appeals. The written determination will be issued to the applicant and AHFC. AHFC will notify DHSS of the determination who will ensure that the service provider/sponsoring agency is aware of the decision.
9. Grievance Procedures:
Should a Section 811 applicant wish to file a grievance against AHFC's applicant referral process, the applicant will notify AHFC in writing that he/she wishes to request an Informal Hearing.
 - a) A request for an Informal Hearing must be postmarked or received by AHFC within 10 calendar days of the notice date.
 - b) Field staff will contact the applicant within 10 calendar days to schedule the review.
 - i) Reasonable accommodations can be requested by individuals who experience a disability.
 - c) The review will be scheduled within 10 calendar days of the request. The review may not be delayed unless approved for a good cause by the AHFC Planning Department Director or designee.
 - d) The review may be conducted in person or by telephone.
 - e) The review may be conducted by any AHFC staff person, other than the person who made or approved the decision or a subordinate of the person who made the decision.
 - f) The applicant may ask someone to assist him/her at the review. Any attorney fee or other costs are at the applicant's expense.
 - g) The applicant will be given an opportunity to present written or oral objections to AHFC's position, call any witnesses she/he thinks are relevant and present any documents she/he thinks to support his/her position.
 - h) The person conducting the review shall notify the applicant, in writing, of AHFC's final decision within 5 business days (HUD 4350.3, Section 4.9) of the Informal Hearing.
 - i) The notification will include a brief statement of the reasons for the decision.
 - ii) The decision must include a statement that the applicant has the right to request a HUD review of AHFC's decision.

10. Occupancy Standards

When determining what units Section 811 program applicants may be eligible to occupy, DHSS and AHFC shall adhere to HUD guidance on Occupancy Standards.

- a) One Bedroom = minimum 1 person, maximum 2 persons
- b) Two-Bedroom = minimum 2 persons, maximum 4 persons
- c) Three Bedroom = minimum 3 persons, maximum 6 persons

11. Documentation of Procedures

The NWA Waitlist Manager documents the status and completion of all steps in the application and waitlist process.

12. Notification of Changes to Alaska's Section 811 PRA Tenant Selection Plan

Revision to the Alaska Section 811 PRA TSP will be posted on AHFC's 811 PRA program webpage at ahfc.us.

13. Compliance with Applicable Federal Laws

Owners/property managers must comply with all applicable federal laws, as amended, including but not limited to, the Civil Rights Act of 1964, the Fair Housing Act of 1968, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Violence Against Women Act of 1994 and the Americans with Disabilities Act Amendment Act of 2008.

DRAFT