

# Community Based Housing Program Guidelines

## Appendix A

### Tenant Selection and Occupancy

Tenant Selection is a collaborative process between the property manager and the Massachusetts Rehabilitation Commission. The collaboration starts with outreach and proceeds through to occupancy.

#### Outreach

While the property manager is encouraged to market the CBH units independently, MRC and other human services agencies are generally in a better position to conduct outreach to the target populations – people with disabilities in institutions or at risk of institutionalization.

The property manager is encouraged to notify MRC as early as possible when a unit will become available – whether it is coming on-line for the first time or is the turnover of an occupied unit. While written or e-mail notices are acceptable forms of communicating information regarding availability of a unit, the property manager must confirm that MRC has received the information, e.g. has provided an e-mail reply or returned a call. Specifically, the manager should notify Housing Coordinator at:

MRC  
27 Wormwood St  
Boston MA 02210  
Phone (617)204-3600  
Fax (617) 204-3877

To better ensure referrals to the available unit are appropriate, the notice of availability should include the following information:

- Location and address of the development
- Photos of the development if possible
- Contact info for an interested party to obtain an application
- Unit information including bedroom size, access features, utilities
- Information about the development such as amenities and proximity to public transportation and other services

It is particularly helpful if the property manager can provide an electronic version of the development application and related materials. Such attachments should be Word documents and **not** PDF documents whenever possible to ensure they can be read by persons with visual disabilities.

Once MRC becomes aware of unit availability, MRC will initiate collaborative outreach efforts. MRC will notify its partner human services agencies including: Commission for

the Blind, Commission for Deaf and Hard of Hearing, Department of Mental Health, Department of Developmental Services, Executive Office of Elder Affairs and the Department of Public Health. Each of these agencies has its own regional and local outreach networks. The state will use these networks to conduct outreach and identify appropriate applicants.

State fair housing law requires that all accessible rental units be listed with MassAccess – registry of accessible housing administered by CHAPA. CHAPA can be contacted at (617) 742-0820 or electronically at [www.massaccesshousingregistry.org](http://www.massaccesshousingregistry.org)

## **Application**

The application process for CBH units will be the same as the application process for the development's other units with two notable exceptions.

- In many developments, the CBH units are the only units with project-based rental assistance. When this is the case, the CBH units are likely to have an additional application step related to approval for the rental assistance. The particular process will depend on the subsidy type and funding source.
- The property manager must determine applicants for the CBH units eligible for the program. MRC can assist with this determination.

## **CBH Eligibility**

In order to be eligible for a CBH unit, an applicant must: (1) have a disability, (2) be institutionalized or at risk of institutionalization, and (3) not be eligible for the Facilities Consolidation Fund Program (FCF). Definitions for each of these follows.

### Disability

Applicant with a disability is defined as: An individual who has a physical or mental impairment that is of a permanent or long and continued duration and that substantially limits one or more major life activities is considered a person with a disability, excepting individuals who are persons with disabilities who are eligible for housing developed with FCF funds; this exception is required by the legislation. Major life activities include: self care, learning, receptive and expressive language, mobility, cognitive functioning, emotional adjustment and economic self-sufficiency. This definition includes elders with disabilities.

### Institutionalization

An applicant who is institutionalized, or at risk of institutionalization, is living in or at risk of being placed in a nursing facility, long term rehabilitation center or hospital.

### Not Eligible for FCF

The Facilities Consolidation Fund Program funds housing in the same manner as CBH but is targeted to clients of the Department of Mental Health and the Department of Developmental Services. CBH is intended to provide housing for persons who are not

clients of these departments. Eligible applicants may have a psychiatric or mental health disability and/or may have cognitive disability or Developmental Services but will not be eligible for the program offered by DMH or DDS.

### **CBH Certification Form**

The Commonwealth has developed a certification form which is used to determine eligibility for CBH. A sample form is at the end of these Guidelines. The form requests information to confirm the three elements listed above (disability, institutionalization and FCF eligibility). The Property Manager should provide potential applicants with the form at the same time they provide the development application.

When a manager receives the form with an application, the following should be confirmed:

- The form is fully and accurately completed.
- The form is signed by a licensed medical, psychological or allied mental health and human services professional who has knowledge of the individual for some duration or a person designated by MRC as a certifier.
- Each question is completed and explanations provided to illustrate the response.

The Property Manager is not expected to verify the information provided by the professional is accurate, simply that the form is complete. Prior to offering an applicant a unit, the property manager will fax the completed form to the MRC Housing Coordinator at (617) 727-1354. MRC will review the form and let the manager know if the applicant is considered eligible or not.

### **Tenant Selection**

Tenant Selection for CBH units should mirror the systems the development has put in place for non-CBH units. Developments are encouraged to use a lottery system – if needed – to ensure the waiting list is set up as equitably as possible. Once the waiting list is established, applicants are added to it on a first-come, first served basis.

Generally, applicants should be selected consistent with the development's written tenant selection policies. When a CBH unit becomes available, if there is a waiting list of applicants, priority in selection will be given **first to applicants who are institutionalized and second to applicants at risk of institutionalization** in a nursing facility, long term rehabilitation center or hospital. The development may layer their own preferences "on top" of these priorities of the CBH program. For example, if a development has a preference for local residents, the development may select a local resident who is at risk of institutionalization before an applicant at risk who does not meet the local preference criteria. In addition, the property manager will want to select applicants based on the best "match" for the unit, i.e. by bedroom size and need for access design features if any are provided in the unit. In summary, the property manager

should select an eligible CBH applicant with the highest priority, closest to the top of the list who best matches the features of the unit.

Tenant selection procedures for CBH units that have project-based rental assistance may have additional steps to take. Developments that receive project-based Section 8 from DHCD, for example, will have to work with the Regional Administering Agencies and their waiting lists in making unit offers. See the DHCD Administrative Plan for Project Based Assistance at <http://www.mass.gov/Ehed/docs/dhcd/ph/pbvplans/s8adminplan.pdf>

The development has the right to screen applicants for a CBH unit in the same nondiscriminatory manner that it screens applicants for non-CBH units. If a CBH applicant is rejected, based on these screening criteria, they must be offered a reasonable accommodation and MRC must be notified.

A reasonable accommodation is a change to a policy, procedure or practice to allow a person with a disability to participate in the program. The classic example is to change the “no-pet” policy in a development to allow a person who uses a guide dog to live in that development. Information about reasonable accommodations in housing are available from many sources including:

<http://www.fairhousing.com/include/media/pdf/finaljointstatement051704.pdf>

[https://www.masshousing.com/portal/server.pt?open=512&objID=239&&PageID=396&mode=2&in\\_hi\\_userid=2&cached=true](https://www.masshousing.com/portal/server.pt?open=512&objID=239&&PageID=396&mode=2&in_hi_userid=2&cached=true)

Managers may contact MRC for technical assistance in tenant selection.

## **Occupancy Issues**

### **Move-in**

Move-in for the CBH target population may not proceed as with the other units in the development.. First, people with disabilities coming from institutions may take longer to move into the apartment because they will be putting new supports in place. For example, someone who has been living in a nursing facility and requires personal care assistance and/or assistance transferring may need to secure PCA assistance. This process can be lengthy and the tenant may not be able to move in until the services are in place.

Second, the vast majority of these applicants will be extremely low-income. Those who have been living in nursing facilities may have had access to less than \$100 per month for the period of time they have been institutionalized. As a result, it is very difficult for these individuals to save funds for a security deposit. When possible, applicants will be directed to local sources of funds for security deposits. Funds for one-time costs maybe available for persons transitioning from institution and agency affiliated. When this is not possible, MRC encourages the Manager to allow tenants to pay a security deposit over time.

## **Rent Restrictions**

The CBH Regulatory agreement (MassDocs) states that

“ a PCE [Person Certified Eligible – see CBH Program Regulations 760 CMR 60.00] occupying a Restricted Unit shall not be required to pay as a contribution towards rent more than (x) one-twelfth of thirty-five percent (35%) of the greater of (i) the PCE's Household Income as recertified annually and (ii) fifteen percent (15%) of the Bedroom Adjusted AMI, minus (y) if applicable, an allowance established by the Holders for any utilities and services (excluding telephone) to be paid by the PCE”

In most cases, CBH units will have project-based rental assistance allowing the development to secure the necessary rent level while ensuring the tenant pays only what they can afford. Possible sources of rent subsidy include but are not limited to:

- Section 8 PBV through MA DHCD
- Section 8 PBV through local Housing Authority
- MRVP
- PRAC

## **Personal Care Attendants (PCAs)**

Should CBH applicants require live-in assistance, they will be entitled to a two-bedroom unit, although they may choose to live in a one-bedroom unit as well.

Generally, PCAs may be screened for qualification but their income is not counted in calculating income for eligibility or rent calculation. The Manager has the right to request that the applicant verify the need for live-in or overnight assistance. The publication found at [http://www.tacinc.org/Docs/HH/Final\\_Live-in\\_Aide.pdf](http://www.tacinc.org/Docs/HH/Final_Live-in_Aide.pdf) provides additional information about live-in aides.

## **Support Services**

CBH is a housing model in which tenants access community-based services that are needed and preferred. Services are provided as needed on an individual basis. Tenants may or may not be affiliated with a particular agency such as the MA Commission for the Blind or a local service provider. Unlike many targeted housing programs, CBH is not a “closed referral” system.

## **Reasonable Accommodations**

Reasonable accommodations – discussed above – are not limited to the application stage. Tenants with disabilities have the right to request accommodations during occupancy. If the request is reasonable, fair housing laws require the development to make the accommodation.

## **Vacancy Turnover**

When the Manager becomes aware that a unit is turning over, it is important they notify MRC as soon as possible so that agency can begin outreach for new applicants. If the

Manager has an active waiting list, those applicants on the waiting list will be offered units before other applicants if they are eligible (subject to development's preference system etc.).

MassDocs provides that the development keep the unit available to MRC for 60 days. If after that period, no CBH eligible applicants have been identified, the development may lease the unit to a non-CBH applicant (process subject to development's tenant selection plan) and offer MRC the next available comparable unit. In developments where the CBH unit was one of only a few accessible units or one of only a limited number of units with rental assistance, comparability is more complicated. The development should discuss these limitations with MRC as early as possible in the process.

### **Other Tenancy Issues**

When tenancy issues develop, the Manager should use the development's standard procedures for the situation. Generally, this means talk first to the tenant about the situation. If that does not resolve the matter, ask the tenant if they would like to involve other parties: family, friends or a case manager. The tenant's file may include a family member or professional who is appropriate to contact in some situations. MRC and other agencies are available for guidance and technical assistance.