



ADMINISTRATIVE DIRECTIVE MEMORANDUM

Transmittal:	ADM 2022-03			
To:	OPWDD Housing Subsidy Provider Agencies OPWDD Developmental Disabilities Regional Offices Care Coordination Organizations/Health Homes Fiscal Intermediaries			
Issuing OPWDD Office:	Division of Program Implementation – Regional Offices Home and Community Living Unit			
Date:	March 10, 2022			
Subject:	OPWDD Housing Subsidy Program			
Suggested Distribution:	Central Office Leadership Team Housing Subsidy Provider Administrative Staff Quality Improvement Staff OPWDD Billing Department Staff Care Managers and Supervisors Regional Office Housing Subsidy Liaisons Regional Office Self-Direction Liaisons			
Contact:	Housing.initiatives@opwdd.ny.gov			
Attachments:	Attachment A: Quality Assurance (QA) Expectations Checklist Attachment B: OPWDD Housing Subsidy Participation Agreement Attachment C: OPWDD Housing Subsidy and/or Transition Stipend Application Attachment D: OPWDD Housing Subsidy Budget Template and Instructions Attachment E: Pilot Program			
Related ADMs/INFs	Releases Cancelled	Regulatory Authority	MHL & Other Statutory Authority	Records Retention
			MHL §§ 13.07; 13.09; 13.15 & 16.00 14 NYCRR Part 633	(10) years from the date the service was provided or when the service was billed, whichever is later.

APPLICABILITY

This Administrative Directive Memorandum (ADM) defines the New York State Office for People With Developmental Disabilities' (OPWDD) Housing Subsidy, formerly Individual Supports and Services (ISS). The OPWDD Housing Subsidy is intended to support eligible individuals who choose to live independently in the community, and who are or will be financially and legally responsible for their housing unit (i.e., residence). Individuals control their own housing and related decisions, such as who they will live with. Individuals can choose to live alone, live with others and/or with a live-in-caregiver. OPWDD's Housing subsidy is available to eligible individuals, as described herein, subject to available appropriations.

This ADM applies to all individuals who are seeking, or are currently in receipt of, an OPWDD Housing Subsidy, including individuals with self-direction budgets, and contains requirements for individuals, provider agencies and care managers. Note: individuals receiving housing subsidies at a level higher than the maximum level rent for the county where it is located, which also were approved by OPWDD prior to the effective date of this ADM, will not have their approved rent level modified unless they change housing units. All other requirements set forth herein apply to all individuals regardless of when a housing subsidy was approved.

DISCUSSION

A. Program Requirements

1. Eligibility for the OPWDD Housing Subsidy

OPWDD's Developmental Disabilities Regional Offices (DDRO) determine an individual's Housing Subsidy eligibility for initial approval of the subsidy (see section E: Applying for an OPWDD Housing Subsidy, page 13). To be eligible for a Housing Subsidy, the individual must:

- i) Have established eligibility for OPWDD services;
- ii) Be at least eighteen (18) years old;
- iii) Have or will have appropriate support services and safeguards to meet their needs in non-certified community housing as documented in their Life Plan (see Section D: Additional Responsibilities for Providers and Care Managers, page 12 - 13);
- iv) Be able to live independently without receiving support services that exceed the individual's authorized service amount;
- v) Have applied for all other benefits they may be eligible for (e.g., SSI/SSD, Housing Choice Voucher Program/Section 8, Social Service Shelter Payments, Food Stamps, HEAP) each year;
- vi) Not be receiving another housing subsidy (such as HUD Section 8);
- vii) Have sufficient resources to pay for basic essentials after housing costs are paid (see section 3 on page 7 for additional funding contributions);

- viii) Meet OPWDD's Allowable Housing Criteria (see section for Allowable Housing on page 3 - 4); and
- ix) Have or will have tenancy rights to the housing unit. This means that, at the time the Housing Subsidy and/or stipend is approved and throughout the individual's tenancy in the housing unit, the property falls within the categories of Allowable Housing identified below, and the individual:
 - a) Has or will have a written, signed, legally enforceable non-month-to-month lease that: (1) complies with applicable landlord-tenant laws; (2) places legal and financial responsibility for the housing unit on the individual; and (3) affords the individual the same rights and responsibilities as any tenant without a disability and does not contain restrictions specific to the individual's disability; or
 - b) Is listed on the deed to the housing unit (from the date of conveyance of title to the individual or to the individual's supplemental needs trust, if there is one), and the individual is legally and financially responsible for the housing unit. (Note: individuals cannot be added to an existing mortgage or deed, or refinance the property, in order to access an OPWDD Housing Subsidy.)

Individuals can only access one housing subsidy at a time. Individuals accessing another housing subsidy from another entity, such as HUD Section 8, cannot receive the OPWDD Housing Subsidy.

2. Allowable Housing

Individuals approved for an OPWDD Housing Subsidy may choose from a variety of housing options so long as the housing unit meets OPWDD's criteria for housing subsidies. Housing units must:

- i) Be a separate legal dwelling unit with a Certificate of Occupancy (COO), or other official approval document, as determined by the applicable jurisdiction, locality, and/or New York State;
- ii) Not be certified or operated by OPWDD or any other state agency;
- iii) Be generally available for any member of the public (including those without intellectual or developmental disabilities) to rent or own;
- iv) Be fully integrated in the broader community and not be institutional in nature and/or isolating the individual from the broader community; and
- v) Have no more than the lesser of four (4) unrelated adults or the maximum number of unrelated adults allowed by local ordinance living together in the housing unit;
- vi) Meet OPWDD's Housing Subsidy Housing Quality Assurance Expectations (see Attachment A: Quality Assurance (QA) Expectations Checklist); and
- vii) If the housing unit is located in an apartment (or apartment style) building or complex in which five (5) or more OPWDD Housing Subsidy recipients will reside and where such building or complex is developed or controlled by a provider of services, a family member of the individual or group of families, the funding for

the Housing Subsidy for the eligible recipients in the apartment building or complex must have received prior approval from OPWDD through OPWDD's Request For Housing Subsidy Support Letters process.

The OPWDD Housing Subsidy is not available for individuals renting a room within a larger housing unit. See attachment E: Pilot Program.

3. Housing Quality Assurance

The OPWDD Housing Quality Assurance Expectations Checklist (Attachment A) specifies the requirements that must be met for a housing unit to be approved for an OPWDD Housing Subsidy. The Quality Assurance Expectations Checklist (QA Checklist) must be completed:

- i. Prior to final approval of an OPWDD Housing Subsidy housing unit;
- ii. At least annually thereafter; and
- iii. When requested by OPWDD.

The QA Checklist must be completed and submitted by the Housing Subsidy Provider Agency/Fiscal Intermediary (FI) or their designee. Designees include the individual's Care Manager or other paid staff that typically visit with the individual in their housing unit (e.g., Support Broker, Community Habilitation staff, etc.).

In some circumstances, an individual's housing unit may no longer meet the OPWDD Housing Quality Assurance expectations. In these cases, remediation plans should be developed by the individual's Care Manager and/or planning team who should work with the individual to attempt to address any identified concerns with the housing unit.

In instances where Quality Assurance expectations are not met and not remedied, the individual's OPWDD Housing Subsidy may be suspended or terminated.

4. Individual Rights and Choice of Housing Unit

Individuals have rights related to their choices about housing and service providers. Individuals must have:

- Choice in their selection of a housing unit and Medicaid service and support providers, with the opportunity to make changes at any time pursuant to their lease and Life Planning processes;
- Full choice of housing subsidy provider agencies;
- Control over their housing-related decisions (e.g., roommates, who they share a bedroom with, and whether to share resources/staffing with roommates); and
- Rights which are the same as any other tenant (i.e., the housing unit owner/landlord does not impose special rules, requirements or policies on the individual because of the OPWDD Housing Subsidy or because of the individual's disability).

Housing Subsidies are not available in instances where the provider of services is the landlord or otherwise controls, manages or operates the housing unit and requires that all individuals use that same provider as the individual's FI (or other provider of services), or where that provider/landlord requires the residents to engage in shared staffing arrangements utilizing the individuals' self-direction resources to ensure staffing for all of the tenants.

The OPWDD Housing Subsidy may follow the individual to their chosen housing unit within the appropriate subsidy amount for the county where they live. Individuals may choose to move to another housing unit, Housing Subsidy Provider Agency, or service provider, without losing their OPWDD Housing Subsidy. The housing subsidy is also portable between OPWDD's Developmental Disabilities Regional Offices (DDROs) and enables the individual to choose to reside anywhere within New York State.

5. Housing Unit Occupancy and Shared Living with Roommates

Shared living is when two (2) or more people come together freely (i.e., without coercion) and decide to reside together. The decision to enter a shared living arrangement is made by the individuals who will control their housing. Decisions to engage in shared staffing arrangements utilizing self-direction budgets and/or share support staffing must be made by the individuals sharing staff within a housing unit or apartment complex, and not by a landlord, property manager, Care Manager, provider agency, family members, advocates, or others.

The housing unit funded through the OPWDD Housing Subsidy must, at a minimum, have at least one (1) bedroom or living/sleeping room for every two (2) individuals. However, private bedrooms for each single individual receiving a Housing Subsidy is highly recommended and is incorporated as part of the OPWDD Housing Subsidy Budget Methodology.

In instances where individuals choose to engage in shared staffing arrangements utilizing their self-direction budgets, it must be done in accordance with Chapter 13 of OPWDD's Self-Direction Guidance for Providers, whether done so in a single housing unit or as part of group of individuals residing in an apartment building. Furthermore, in instances where all of the individuals engaged in shared staffing hire the same FI or other provider of services, there must be documentation reflecting: (a) discussions with the individuals about their freedom to select a different provider of services, (b) that the individuals were informed of other specific providers of services, (c) evidence that the individuals made an informed choice to select the provider of services that is also the landlord or entity that controls or manages the housing unit and (d) documentation that no more than four (4) individuals in a given housing unit or apartment complex have shared staffing arrangements utilizing their self-direction budgets, even if they are living in separate apartments units.

The OPWDD Housing Subsidy rent calculation methodology sets the Maximum

Household Housing Subsidy by either the number of bedrooms in the housing unit or the number of people living there, whichever is lower. In cases where there are more bedrooms than people, the Maximum Household Housing Subsidy is set by the number of people living in the housing unit. In cases where there are more people than bedrooms, the Maximum Household Housing Subsidy is set by the number of bedrooms in the housing unit.

The Housing Subsidy calculation also accounts for whether the individual receiving a Housing Subsidy has a roommate and/or has dependent children for counting allowable bedrooms. If both adults in the housing unit have established OPWDD eligibility, each can receive a housing subsidy for their share of the rent if they are eligible for the Housing Subsidy.

Note, the subsidy level is not reduced when a dependent child of the individual receiving OPWDD services or their live-in-caregiver also lives in the apartment. In this instance, the subsidy is determined based upon the number of adults living in the apartment.

B. Calculation of the OPWDD Housing Subsidy

OPWDD uses a housing subsidy calculation for all individuals seeking a housing subsidy, and that calculation applies to all new applicants.

1. Maximum OPWDD Housing Subsidy

The Maximum OPWDD Housing Subsidy is the maximum amount that OPWDD will reimburse a Housing Subsidy Provider Agency for an OPWDD Housing Subsidy on behalf of an individual receiving a Housing Subsidy. It is calculated based on an individual's income and the OPWDD Housing Subsidy Maximum Payment Standards schedule which accounts for the number of bedrooms and the county where the residence is located.

The Maximum OPWDD Housing Subsidy reimbursed, when the budget calculation is completed, will not exceed the actual rent/housing costs or the Housing Subsidy Maximum Payment Standard, whichever is lower.

2. OPWDD Maximum Payment Standards

The Maximum Payment Standards are determined by the number of bedrooms and the county of residence. The number of allowable bedrooms for purposes of the housing subsidy calculation is the actual number of bedrooms in the residence, up to a maximum of four bedrooms.

If utilities are not included in the rent, they will be included as an offset to the individual's Gross Housing Contribution in the calculation methodology. If this utility/insurance offset equals or exceeds an individual's Gross Housing Contribution, then the individual's Net Housing Contribution will be zero (see below).

3. Individual's Income and Housing Contribution Definitions

Countable Income: Includes the individual's total of all wages and salaries earned after taxes, governmental benefits (e.g., SSI, SSDI, and Temporary Assistance to Needy Families, unemployment insurance, and workers compensation), tax refunds, and income sources from dependent children. Certain benefits such as Food Stamps and HEAP are not included as income for purposes of the Housing Subsidy.

If a budget is calculated, and there are not sufficient resources remaining, members of a person's support network (e.g., family members) may elect to contribute additional resources to the person. In these instances, OPWDD can request an attestation from the family documenting this ongoing funding. If this funding level changes or is no longer available, the subsidy may be terminated.

Net Income: The individual's Countable Income minus allowable offsets (i.e., deductions) to Countable Income.

Gross Housing Contribution: Individuals must contribute at least thirty per cent (30%) of their Net Income for their housing contribution.

Net Housing Contribution: The individual's Net Housing Contribution is the dollar amount remaining from the Gross Housing Contribution after utility offsets have been accounted for.

Individual's Total Contribution: The Net Housing Contribution plus any rent beyond the OPWDD Maximum Payment Standard. The individual's contribution will be higher if they choose to rent a housing unit that exceeds the OPWDD Maximum Payment Standard.

4. Offsets to the Individual's Countable Income

OPWDD allows for certain offsets (i.e., deductions) to an individual's Countable Income. The individual's Countable Income less offsets is the individual's Net Income. Allowable offsets to the individual's Countable Income include:

- Medicaid Buy-In for Working People with Disabilities (MBIWP) Premium or Spend Down (excess income that must be spent-down each month to maintain eligibility for Medicaid);
- Out of Pocket (non-reimbursed) Medical Expenses in excess of three per cent (3%) of countable income (includes over the counter medications, vitamins, co-pays, etc.);
- Health Insurance Premiums (not including Medicaid Buy-in);
- Unreimbursed attendant care for disabled family member (Out-of-pocket costs for hands-on care for a disabled family member for amounts not reimbursed by insurance or another third-party payer, in excess of three per cent (3%) of countable income);
- Dependent children deduction (\$40/monthly per dependent child-\$480 annually);
- Personal allowance equivalent (\$200 monthly--\$2,400 annually);
- Childcare/daycare expenses for children under thirteen (13) years old for whom the individual receiving a Housing Subsidy is legally responsible for (dollar for dollar deduction);
- Representative Payee Fee;
- Trust Fund administrative fee;
- Child support payments;
- Alimony; and
- Other deductions upon review and prior approval by the DDRO.

5. Utility Deductions to the Individual's Gross Housing Contribution

In addition to the offsets outlined above, OPWDD allows the individual to deduct their utilities from their thirty per cent (30%) contribution, as it falls within the housing cost. Allowable offsets for utilities include:

- For Renters:
 - Renters Insurance; and
 - Basic utilities (e.g., electric, gas, and heating fuel). Note, basic utilities do not include cable, phone, or internet services.

- For Homeowners:
 - Condo association fees;
 - Co-op maintenance fees;
 - Homeowners insurance; and
 - Basic utilities (e.g., electric, gas, and heating fuel). Note, basic utilities do not include cable, phone, or internet services.

Individuals are estimating the cost of their utility deductions for the next year. The estimated costs should be reasonably made based on the costs from the previous year. If the individual does not have their own prior information to make an estimate for utilities (e.g., they're moving into a new housing unit, or is taking responsibility for a new utility) then they must use other relevant information to make a reasonable estimate.

6. Summary Calculation

A summary of the OPWDD Housing Subsidy Budget Methodology Calculation:

- i. Total Monthly Countable Income – (*minus*) monthly allowable deductions = Monthly Net Income
- ii. Monthly Net Income x .30 = Monthly Gross Housing Contribution
- iii. Monthly Gross Housing Contribution – (*minus*) monthly utility offsets (if applicable) = Monthly Net Housing Contribution
- iv. Lower of Actual Rent charged monthly or OPWDD Housing Subsidy Maximum Payment Standard – (*minus*) Monthly Net Housing Contribution = Calculated Maximum Monthly OPWDD Housing Subsidy

Example:

- i. \$1,250 is Total Countable Income (monthly) – \$42 allowable deduction for health insurance premiums – \$200 Standard Individual Allowance Deduction = \$1,008 Net Income
- ii. \$1,008 Net Income x .30 = \$302.40 (Gross Housing Contribution)
- iii. \$302.40 - \$300 (utility offset) = \$2.40 (Net Housing Contribution)
- iv. Actual Rent Charged (without utilities) for the individual's chosen 1 BR apartment in Westchester is = \$1,450. The OPWDD Maximum Payment Standard for a 1 BR in Westchester is \$1,250.
- v. \$1,250 (Maximum Payment Standard – (minus) \$2.40 (individual's Monthly Net Housing Contribution) = \$1,247.60 = Maximum OPWDD Housing Subsidy

Note: Since the individual's rent is more than the Maximum Payment Subsidy, the individual must pay the difference. Therefore, their rent payment to the landlord will be \$202.40.

7. Income and Offset Documentation Collection

The Housing Subsidy agency must verify the information provided by the individual to substantiate income sources and offsets. Failure of the individual receiving a Housing Subsidy to provide required income and other documentation may jeopardize their OPWDD Housing Subsidy payments and their participation in the OPWDD Housing Subsidy Program. The income and other required documentation are necessary to calculate the accurate level of assistance in a transparent and equitable manner.

8. Payment of OPWDD Housing Subsidy

Once approved, the OPWDD Housing Subsidy must be paid timely by the Housing Subsidy Provider Agency or FI. Payments must be made directly to either the:

- i) Landlord; or
- ii) Individual upon receipt of proof of rent/mortgage payment.

C. Transition Stipends

1. Types of Transition Stipends

A Transition Stipend, whatever the funding source, is a one-time payment that covers the basic and necessary expenses associated with moving or establishing a household for the individual.

There are three types of OPWDD Transition Stipends for which an individual may be eligible. These are the:

- (1) OPWDD Housing Subsidy Transition Stipend;
- (2) Community Transition Services (CTS) (see OPWDD Administrative Memorandum #2015-02 or any successor CTS Administrative Memorandum); and

(3) OPWDD Emergency Stipend.

2. Community Transition Services

Individuals eligible for the OPWDD Housing Subsidy may also be eligible for Community Transition Services (CTS). If an individual meets the CTS eligibility, they must first apply for CTS. Individuals can only apply for the OPWDD Housing Subsidy Transition Stipend if the CTS stipend eligibility requirements are not met.

3. OPWDD Transition Stipend and Other Covered Expenses

The Transition Stipend is available as a one-time only request for up to \$3,000 for non-recurring set-up expenses and household items necessary to establish a residence. Only one Transition Stipend Request can be accommodated. Therefore, if an individual does not need/use the maximum amount at the time of application, they cannot request additional funding later. Costs must be incurred no later than ninety (90) days before, and ninety (90) days after the individual's move.

To access an OPWDD state-funded Transition Stipend, the individual must:

- i) Be eligible to receive an OPWDD Housing Subsidy;
- ii) Not qualify for CTS; and
- iii) Not have received an OPWDD Transition Stipend before.

4. OPWDD Emergency Stipend

In emergency situations, the DDRO may approve an Emergency Stipend to replace necessary household items or moving costs. This stipend is limited to emergency situations, such as:

- Damage to furniture (e.g., bedbugs, chronic incontinence);
- Eviction due to no fault of their own (e.g., long-term hospitalization);
- Reestablishing housing after homelessness;
- Robbery; or
- Acts of nature (e.g., fire, flood).

To be eligible for an OPWDD Emergency Stipend, the individual must be:

- i) Receiving an OPWDD housing subsidy; and
- ii) Experiencing an emergency (within in the last sixty (60) days) requiring the replacement of necessary household items.

Sufficient justification must be provided to the DDRO. Approval of Emergency Stipends is at the discretion of the DDRO based on the reasonableness of the request and availability of resources.

5. OPWDD Transition Stipend Allowable Expenses

Allowable expenses include:

- Moving expenses
- Set-up-fees
- Utility deposits (e.g., telephone, electricity, heating, water, etc.)
- Services provided before the individual moves in that are necessary for their health and safety (e.g., pest eradication, cleaning)
- Furniture
- Window coverings
- Rugs and floor coverings
- Lamps and light bulbs
- Food preparation items
- Linens
- Other items with prior approval from OPWDD

6. Expenses Not Allowed Under the OPWDD Transition Stipend

Unallowable expenses include, but are not limited to:

- Monthly rental or mortgage expenses
- Food
- Regular utility charges
- Cable, streaming, internet access
- Additional warranties or protection plans
- Diversion or recreational expenses (e.g., televisions, computers, video games, stereos, DVD players)
- Other items as determined by the DDRO

7. Security Deposits

In addition to the transition stipend, a one-time amount equivalent to the individual's share of the first month's rent or the maximum subsidy for the county, whichever is lower, may be requested for a security deposit and/or broker or related fees when moving into a housing unit. This request must be made to the DDRO at the same time as the Transition Stipend. A supplemental security deposit may be approved in the amount of the difference between the first security deposit and the new security deposit, if below the maximum amount allowable for a security deposit, and the original security deposit is utilized, at the discretion of the DDRO.

8. Transition Stipend Administrative Fee

The Housing Transition stipend must be accessed through an OPWDD approved provider agency authorized to administer the OPWDD Housing Subsidy.

The provider is paid a ten percent (10%) transition stipend administrative fee based upon to the individual's base Transition Stipend (i.e., start-up items purchased). No administrative fee can be applied to the security deposit portion of the Transition Stipend.

9. Transition Stipends for Individuals who Self-Direct

Individuals who self-direct with budget authority may qualify for the Housing Subsidy Transition Stipend or Community Transition Service. Neither the Transition Stipend nor the Community Transition Service is included in the individual's Self-Direction budget or counts against their Personal Resource Account. For the Housing Subsidy Transition Stipend, the individual must use a provider agency that is approved by OPWDD to administer Housing Subsidy Transition Stipend. This provider may be a different from the individual's FI. The Housing Subsidy agency will be eligible for the ten percent (10%) transition stipend administrative fee whether or not they are the individual's FI. (see Section 8 Transition Stipend Administrative Fee , page 12)

D. Additional Responsibilities for Providers and Care Managers

1. Additional Responsibilities of Care Managers

In addition to the responsibilities outlined throughout this ADM, the Care Manager is responsible for creating the Life Plan with the individual and ensuring it includes the supports and services necessary to meet the individual's needs for independent living when appropriate. Care Managers must help individuals access these resources. They must also help the individual find, maintain, and sustain community housing.

A Care Manager is also responsible for developing an evacuation plan for the individual. This evacuation plan must be reviewed annually with the individual.

Care Managers must help individuals apply for all available benefits and housing assistance (e.g., Housing Choice Voucher Program/Section 8) *prior to approval* of an OPWDD Housing Subsidy. The "MyBenefits" website is a single point of entry to apply for many non-rental subsidy benefits available in New York State (<https://www.mybenefits.ny.gov/mybenefits/begin>).

The Care Manager may complete the QA Checklist if they are in the individual's home and coordinating with the Housing Subsidy provider agency or FI.

2. Additional Responsibilities of Habilitation Provider Agencies

Habilitation provider staff must provide habilitative supports and direct staff assistance to help the individual meet their housing goals. This assistance may also include habilitative supports and services to help individuals develop the skills needed to live safely in their housing unit.

3. OPWDD Housing Subsidy Provider Agency and/or FI and Support Brokers

The OPWDD Housing Subsidy Provider Agency or FI must ensure the individual signs an OPWDD Housing Subsidy Participation Agreement (see Attachment B: OPWDD Housing Subsidy Participation Agreement). Providers must work with the Care Manager to ensure that the

Participation Agreement is submitted as part of the initial approval packet sent to the DDRO. Updated Participation Agreements must be signed and sent to the DDRO annually as part of the Recertification process.

OPWDD Housing Subsidy Provider Agencies and FIs (see ADM #2019-07 Service Documentation for FI Services) may receive administrative fees for administering relevant aspects of the OPWDD Housing Subsidy and Housing Subsidy Transition Stipend on behalf of the individual. Administrative activities include:

- Helping individuals apply for the OPWDD Housing Subsidy Program;
- Helping the individual collect documentation to apply for and keep an OPWDD Housing Subsidy;
- Developing and submitting Housing Subsidy Reports to OPWDD (if required by the provider's contract);
- Developing the OPWDD Housing Subsidy Budget Template if they are the Housing Subsidy Provider Agency or Support Broker;
- Reviewing the Housing Subsidy tab of the Self-Direction budget (if the FI);
- Working with the Care Manager by assisting the individual with identifying and choosing a housing unit (if Housing Subsidy Provider Agency or Support Broker);
- Reviewing or arranging for the initial review and approval of housing units;
- Arranging for annual review of the housing unit and completion of the Quality Assurance Checklist;
- Communicating, negotiating, and executing the lease with landlords (if Housing Subsidy Provider Agency or Support Broker);
- Assisting the individual, their Care Manager, and planning team to help resolve issues with landlords and other tenants/roommates that could jeopardize housing sustainability (if Housing Subsidy Provider Agency or Support Broker);
- Monitoring tenancy for situations where a person may be out of their housing for more than 30 days, such as admissions to a rehab facility or jail, to determine if tenancy will be impacted;
- Assisting the individual with maintaining their tenancy (if Housing Subsidy Provider Agency or Support Broker); and
- Other activities identified by OPWDD and/or the provider's contract.

The administrative fee will only be paid if relevant administrative activities are completed and documented (see Documentation section, page 18). For example, a provider may be eligible to receive an administrative fee if it develops and submits a Housing Subsidy Report to OPWDD pursuant to its contract as this is relevant administrative activity. However, a provider will not be eligible to receive an administrative fee if it finds a new housing unit for an individual who has not requested new housing, as it is not a relevant administrative activity for that individual. The payment of a housing subsidy is not sufficient activity to justify an administrative fee.

E. Applying for an OPWDD Housing Subsidy

1. Preliminary Approval Process

Initiating an OPWDD Housing Subsidy typically begins with the Individual's Care Manager. However, a Care Manager is not required for an individual to be eligible for an OPWDD Housing

Subsidy. If an individual does not have a Care Manager, the individual can initiate the Housing Subsidy Application process by working with a Housing Subsidy Provider Agency or the DDRO.

The Care Manager must help the individual to apply for other available benefits and housing assistance before applying for an OPWDD Housing Subsidy. Once all other benefit and housing assistance have been exhausted, the Care Manager must complete the OPWDD Housing Subsidy application packet and other related paperwork.

Care Managers must also find and connect individuals with OPWDD Housing Subsidy Providers and/or Financial Intermediaries (FI). The selected Housing Subsidy Provider Agency must work with the Care Manager to provide any additional information required to finalize the application.

The preliminary application packet must include:

- OPWDD Housing Subsidy and/or Transition Stipend Application (Attachment C);
- Subsidy Calculation Template and Instructions (Attachment D);
- Self-Direction budget, if applicable;
- Life Plan with appropriate Safeguards and Staff Action Plans (if applicable); and
- Other documentation as requested by the DDRO.

The Care Manager or Housing Subsidy Provider/FI must submit the individual's complete application for an OPWDD Housing Subsidy. Applications must be sent to the DDRO for review a preliminary approval. The DDRO will review the application and determine whether the individual is preliminarily approved for an OPWDD Housing Subsidy, and if so, for how much.

In reviewing the application, OPWDD may ask for additional information. The individual must respond timely to these requests. Care managers and providers must assist the individual in gathering and submitting the additional information as appropriate.

The DDRO will notify the individual, their Care Manager, and Housing Subsidy Provider Agency of the individual's preliminary approval or disapproval. If the individual has been given preliminary approval by the DDRO, they can begin looking for a housing unit that meets OPWDD's allowable housing criteria (see page 3 - 4, Allowable Housing). Preliminary approvals are effective for ninety (90) days. If the individual has not found appropriate housing within ninety (90) days, they may ask the DDRO for an extension of the preliminary approval before their ninety (90) day preliminary approval period ends. Requests for preliminary approval extensions are allowed at the discretion of the DDRO. If the extension is not approved, or the individual does not ask for an extension, they must re-apply for preliminary approval of the OPWDD Housing Subsidy.

2. Final Approval

Once an appropriate housing unit has been found, the Care Manager and/or OPWDD Housing Subsidy Provider Agency must submit additional Housing Subsidy paperwork to the DDRO for final approval. Final approval documents must include:

- Any updates to the information provided in the preliminary packet;
- An OPWDD Housing Subsidy Participation Agreement;
- A Lease or deed;
- A passing OPWDD Housing Subsidy Housing Quality Expectations Checklist (completed no later than seven (7) days after the individual moves into the housing unit);
- Additional funding sources if the housing unit does not appear to be affordable to the individual, as determined by the DDRO based upon available income after a person contributes 30% of their countable income; and
- Any other documents requested by the DDRO.

F. Annual Recertification of OPWDD Housing Subsidy

1. Annual Recertification Process

Individuals must submit annual renewal information to keep their OPWDD housing subsidy. The FI or Housing Subsidy provider is ultimately responsible for submitting the completed recertification packet to the DDRO. However, other paid staff may help in the completion or collection of the recertification documents.

Recertification documentation must be submitted to the DDRO annually. This means, for:

- Individuals currently receiving OPWDD housing subsidies: must submit their recertification information to the DDRO no later than November 15th annually.
- Individuals who have newly received final approval of their OPWDD housing subsidy on or before September 30th of the calendar year: must submit recertification information to the DDRO no later than November 15th of that same year and every year thereafter.
- Individuals who have newly received final approval of their OPWDD housing subsidy on or after October 1st: must submit recertification information by November 15th of the following year and every year thereafter.

For example, if an individual receives an initial housing subsidy in July, then the documentation is required to be re-submitted in November of the same year, and the reassessment is submitted to the DDRO in November for all subsequent years. However, if an individual receives an initial subsidy in October, then the reassessment is not required until November of the next calendar year.

2. Required Forms for Renewal of an OPWDD Housing Subsidy

The following documents must be completed within the last 12 months and are required for OPWDD's annual renewal of the OPWDD Housing Subsidy:

- i. A Housing Quality Assurance Standards Checklist completed in person within the last twelve (12) months by paid staff of an OPWDD approved provider (e.g.,

- Housing Subsidy Agency staff, FI staff, Support Brokers, Care Managers, or Community Habilitation staff);
- ii. A Participation Agreement completed within the last twelve (12) months;
 - iii. A copy of the lease meeting OPWDD's criteria;
 - iv. Most recent Life Plan and Safeguards and Staff Action Plans as applicable;
 - v. Review of the individual's budget template, which must include either:
 - a. Evidence that the individual's budget template was reviewed if there were no changes to the budget; or
 - b. A Budget Template completed within the last twelve (12) months and all documents supporting the information in the Budget Template; and
 - vi. Other documents requested by the DDRO staff.

G. Changes Impacting OPWDD Housing Subsidies

1. Changes that may Impact the Individual's OPWDD Housing Subsidy

In certain circumstances, an individual's service and income levels may change and impact an individual's housing subsidy. This includes, but is not limited to when the individual:

- Has an ongoing (i.e., not one time) budget change resulting in a difference of at least \$50/month (e.g., significant income or housing cost changes);
- Moves to a new residence (even if there is no change in the individual's budget or rental amount);
- Has not resided in the housing unit for at least thirty (30) consecutive days and does not have an approvable emergency situation with written approval from the DDRO (e.g., extended hospitalization or rehabilitation facility stays, short term jail stays);
- Has other occupants move in or out of the housing unit;
- No longer lives in a housing unit eligible for the Housing Subsidy (e.g., the individual is incarcerated, moves home with family, or moves to a certified setting);
- Wishes to terminate funding; or
- Experiences any other urgent need or change that could result in a change in a housing subsidy allowance.

2. Notification of Changes

The Care Manager must notify the OPWDD Housing Subsidy Provider/FI when any change that might impact the individual's housing subsidy takes place. The Care Manager must ensure that all relevant information and documentation is provided to the Housing Subsidy provider or FI.

Once notified, the Housing Subsidy provider/FI must contact the DDRO within thirty (30) days of the change to determine if there must be a change in the individual's OPWDD Housing Subsidy. If the DDRO is not notified timely, the housing subsidy could be retroactively impacted back to the point of the change.

The Housing Subsidy provider/FI must provide the DDRO with all supporting documentation and relevant information for their review. The DDRO will recalculate the individual's housing subsidy

and notify the individual, the Housing Subsidy Provider Agency/FI, Care Manager, and OPWDD fiscal staff of any change in payment, if any.

3. Change in Housing Unit

If the individual moves to a new housing unit but their housing subsidy amount and income is unchanged, additional information must be provided. This includes:

- A copy of the new lease, rental agreement, or deed;
- A new Quality Assurance Checklist; and
- Evidence of a Housing Subsidy Budget Template review.

H. Denial, Suspension, or Termination of an OPWDD Housing Subsidy

OPWDD may deny, suspend, reduce, terminate, or limit approvals of Housing Subsidies at any time. OPWDD may take such action for any of the following reasons:

- Lack of funding availability or discontinuation of the OPWDD housing subsidy program;
- Failure to identify a housing unit that passes the OPWDD Housing Quality Assurance Expectations Review Checklist;
- Inadequate supports and/or safeguards/natural supports for the individual to live safely in their housing unit;
- Failure of the individual to meet OPWDD housing subsidy requirements or any other applicable law, rule, or regulation; and
- Any other reason as determined by OPWDD.

Where OPWDD intends to reduce or terminate an individual's Housing Subsidy and the individual has invoked the dispute resolution process outlined herein, their Housing Subsidy will continue to be paid and the amount will remain unchanged until the dispute resolution process has been completed.

1. Reduction or Termination of a Housing Subsidy

If the DDRO determines that an individual's housing subsidy must be reduced or terminated in non-emergency situations, a notice of termination will be sent to the individual. This notification will outline:

- The reason for the reduction or termination;
- That the individual has thirty (30) days to remedy the issue leading to the termination;
- The date the subsidy will be terminated if the issue is not resolved (i.e., sixty (60) days from the date of the notice); and
- How to initiate the dispute resolution process if they disagree with the termination (see Section I: Dispute Resolution, page 18).

2. Emergency Termination of Housing Subsidy

In some cases, a DDRO may determine that there is a need for an emergency termination of an individual's housing subsidy due to an emergency situation. Emergency situations are those situations that present an imminent danger to the individual's health or safety (e.g., no running water, no heat during the winter). If the DDRO determines that an individual's housing subsidy

must be terminated due to an emergency situation, a notice of termination will be sent to the individual. This notification will outline:

- The reason for the emergency termination;
- That the individual has an expedited time frame (that is, not more than fourteen (14) days), as determined by the DDRO, to remedy the issue leading to the termination (e.g., seven (7) days);
- The date the subsidy will be terminated if the issue is not resolved (i.e., sixty (60) days from the date of the notice); and
- How to initiate the dispute resolution process if they disagree with the termination (see Section I: Dispute Resolution, below).

I. Dispute Resolution

If an individual or their representative wishes to dispute OPWDD's determination related to the OPWDD Housing subsidy, they can request dispute resolution. Notification of intent to start dispute resolution must be sent in writing, by the individual or their representative, to the DDRO Housing Subsidy Contact or Self-Direction Liaison within fifteen (15) days from the date of the DDRO's determination.

The DDRO Director or their designee will schedule a meeting with the individual and their representative to discuss the matter and to determine if any issues can be resolved. Other members of the individual's planning team may attend and additional information can be presented. Following the meeting, the individual will receive a letter summarizing the result of the dispute resolution (e.g., ability or inability to reach resolution).

If the individual or their representative wishes to contest the result of the DDRO dispute resolution, they can appeal. This appeal must be made in writing to the DDRO Director within seven (7) days of the date of the dispute resolution summary letter. The appeal will then be referred to Central Office, where the Commissioner, or designee, will review the appeal and will make a final determination. The final determination will be sent to the individual in writing.

J. Documentation Retention

Documentation must be retained as verification of housing subsidy funded expenses and activities (identified on page 13) for audit purposes. This documentation must be maintained for at least ten (10) years and includes, but is not limited to:

1. OPWDD Housing Subsidy level and calculation for individuals receiving a Housing Subsidy. This includes verification of income and housing expenses and supporting documentation for offsets to the income (e.g., utility bills, renter's insurance costs);
2. Transition Stipend expenditures;
3. Eligibility documentation;
4. Application and recertification documentation;
5. Verification of relevant administration activities justifying a monthly administration fee (e.g., documentation in the individual's monthly note; e-mails showing the development and submission of a Housing Subsidy Report to OPWDD); and
6. Verification that the individual was paid a transition stipend to justify a transition stipend administration fee.