



in conjunction with the  
**Maine Department of Health & Human Services**



**Section 811 PRA Demonstration Program**  
**Referral Agent Guide**

July 2018

## Section 811 PRA Program Referral Agent Manual

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## INTRODUCTION TO THE MAINE 811 PRA DEMONSTRATION PROGRAM

### THANK YOU FOR BECOMING A REFERRAL AGENT!

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Thank you for agreeing to become a qualified Referral Agent for the Maine Section 811 Project Rental Assistance (PRA) Program. The Section 811 PRA Program is an exciting, innovative program that offers people with disabilities with extremely low-incomes the opportunity to live in their own affordable apartments. As you will learn through this Guide, the Referral Agent plays an important role in the Section 811 PRA Program.

### WHAT CAN THE SECTION 811 PRA PROGRAM DO FOR MY CLIENTS?

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Through the Section 811 PRA Program, your clients can receive rental assistance at certain properties across the state. MaineHousing, the administering agency of this program, is excited about this new and innovative program that, with your help, may be able to make a significant impact in helping your client move into their own home.

### WHAT IS THE SECTION 811 PRA PROGRAM?

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The Section 811 Project Rental Assistance Program (Section 811 PRA) is a U.S. Department of Housing and Urban Development (HUD) program designed to expand the supply of permanent supportive housing for extremely low-income people with disabilities. Client eligibility for the 811 PRA Program includes these general requirements:

- ❖ Income at or below HUD's posted Extremely Low Income limit (30% of Area Median Income)
- ❖ Age between 18 and 61
- ❖ Disabled as defined by the HUD Section 811 PRA Program
- ❖ Not on the lifetime sex offender registry
- ❖ Not convicted of methamphetamine production on federally assisted property
- ❖ Illegal use of any Scheduled Drug, including medical and recreational marijuana
- ❖ Eligible for long-term care services

### PROGRAM OVERVIEW

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The Section 811 PRA Program makes available integrated affordable housing and support services for persons with disabilities through a partnership between the Maine State Housing Authority (MaineHousing) and Maine Department of Health and Human Services Office of Aging & Disability Services. MaineHousing provides project-based rental assistance to make the rents affordable to extremely low-income households. The Office of Aging and Disability Services oversees the provision of services that the client is eligible to receive.

## Section 811 PRA Demonstration Program Referral Agent Manual

As a Referral Agent you will help identify and refer eligible clients – including your clients – to the housing units and also help ensure that tenants have access to long-term services and supports in the community.

Due to the limited nature of Section 811 PRA Program resources, the program is currently available in the four geographic areas listed below. As the clients' source for information in one of these areas, we are reliant on your help in successfully reaching those who are eligible and interested:

- Bangor Area
- Augusta
- Lewiston/Auburn
- Portland Area

For a full list of the locations which make up the areas, please visit the Section 811 PRA Program webpage at <http://www.mainehousing.org/811pra>

### TARGET POPULATIONS SUMMARY

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- ✓ **MaineCare Section 18:** Home and Community Based Services for Adults with Brain Injury
- ✓ **MaineCare Section 19:** Home and Community Benefits (HCB) for the Elderly and for Adults with Disabilities
- ✓ **MaineCare Section 20:** Home and Community Based Services for Adults with Other Related Conditions
- ✓ **MaineCare Section 21:** Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder
- ✓ **MaineCare Section 29:** Support Services for Adults with Intellectual Disabilities or Autistic Disorder
- ✓ The following group will have priority status: Persons with disabilities living in institutions eligible for **Homeward Bound MFP**

### DEFINITIONS

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DHHS: The Department of Health and Human Services

OADS: The Office of Aging and Disability Services

OFI: The Office of Family Independence

SAMHS: The office of Substance Abuse and Mental Health Services

Referral Agent: The term Referral Agent and Case Manager/Care Coordinator are used interchangeably in this process.

LTCOP: The Long Term Care Ombudsman Program

MFP: Money Follows the Person; in Maine the program is called Homeward Bound

MH SPOC: MaineHousing Single Point of Contact

## Section 811 PRA Demonstration Program Referral Agent Manual

NF: Nursing Facility

OADS SPOC: Office of Aging and Disability Services Single Point of Contact

RSC: Resident Service Coordinator

LIHTC: Low Income Housing Tax Credit

### HOW TO USE THIS GUIDE

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This Guide has been developed to provide you with the information you need about the Section 811 PRA Program to fulfill your Referral Agent responsibilities. To make the Guide easy to use, Chapters Two through Six are divided into sections called “*What I Need to Know*” and “*My Role*.” “*What I Need to Know*” covers information about a topic area and “*My Role*” focuses on the specific Referral Agent responsibilities – if any – related to the topic area. For example, in Chapter Five, under “*What I Need to Know*,” you will learn about the Section 811 PRA Program model lease. In the same chapter, “*My Role*” reviews your role including working with the tenant to ensure they understand what they are signing and their responsibilities under the lease.

## CHAPTER 1: ROLES AND RESPONSIBILITIES

### GENERAL OVERVIEW

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Referral Agent/Referral Agents play a critical role in the Section 811 PRA Program. You are responsible for conducting or coordinating all pre-tenancy activities, i.e., those activities that take place before a tenant moves into their new home.

#### Who are Referral Agents in the Section 811 PRA Program?

In the Maine Section 811 PRA Program, the term “Referral Agent” refers to individuals (case managers, care coordinators, etc.) who work directly with people with disabilities who need permanent supportive housing. For residents in nursing facilities/hospitals, referrals are handled by the LTCOP Relocation Contractors contracted by and the Maine Office of Aging and Disability Services (OADS) to assist nursing facility residents relocating to the community.

#### Where Does Your Role as the Referral Agent Fit into the Section 811 PRA Program?

Ensuring that the Section 811 PRA Program is an effective housing opportunity for your eligible clients requires the participation of many different organizations. **Table 1** provides an overview of the roles and responsibilities of the key organizations in the process.

The Referral Agent’s role begins with outreach to potential tenants including pre-screening for eligibility. Once an applicant is determined to be interested and pre-screened as eligible for the program, the Referral Agent will assist the client in applying for the Section 811 PRA Program via the MH 811 PRA Applicant Registry. The Referral Agent will also assist the applicant with securing access to long-term community-based services, selecting the communities and properties where they are interested in living and moving their client into a Section 811 PRA Program housing unit.

### REFERRAL AGENT ROLE

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As described in the General Overview above, Referral Agents are generally responsible for all pre-tenancy activities from initial outreach in identifying interested clients, to facilitating their move into their new home. The following summarizes the Referral Agent role and is followed in remaining chapters of the Guide with more detailed discussion of each responsibility.

#### Outreach (Chapter 2)

Referral Agents conduct outreach to identify potential applicants to the program. Referral Agents are responsible for broad outreach as well as one-on-one discussions with potential applicants. Referral Agents ensure that all potential applicants have an opportunity to apply regardless of race, ethnicity, sex, religion, family status, or disability and also target outreach to those who are least likely to apply.

### Application (Chapter 3)

Once potential applicants are identified, Referral Agents are responsible for pre-screening each one to determine whether they are likely to meet the program eligibility criteria. Referral Agents should allow anyone who is likely to meet the eligibility criteria and is interested in the program to apply for the Section 811 PRA Program. The Referral Agent assists those who are interested in the program with completing the online application via the MH 811 PRA Applicant Registry. The Referral Agent will assist the applicant in reviewing all of the participating properties; the applicant may select to be placed on waiting lists for consideration at one, several, or all of the properties.

### Activities between Application and Referral (Chapter 4)

Between the times the application is submitted to the MaineHousing 811 PRA Applicant Registry and the applicant is referred to a property, the Referral Agent will work with the applicant on three important activities: (1) gathering necessary documentation, (2) identifying any potentially disqualifying personal history, and (3) securing resources for move-in. It is important to start these activities as soon as possible so that the applicant will be ready to go when a unit becomes available.

### Referral to a Section 811 PRA Program Unit (Chapter 5)

When a unit becomes available at one of the properties the applicant has selected, the MH SPOC will notify the applicant and their Referral Agent. The Referral Agent will provide any assistance the applicant needs to determine whether the unit offered is a good fit. Once the applicant chooses to proceed with the available Section 811 PRA Program unit, the Referral Agent can assist in completing the property application and any other final application requirements.

### Move-In (Chapter 5)

Once an eligible applicant has satisfied the property's screening criteria and is ready to become a Section 811 tenant, the Referral Agent serves as the main service point of contact for the tenant throughout his/her participation in the Section 811 PRA Program.



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Table 1. Maine Section 811 PRA Program – General Overview of Roles & Responsibilities

Task/Process	Responsible Entity	Activities
<b>Outreach to Potential Tenants</b>	Referral Agent (employees of the Department: OADS, SAMHS, OFI) Case Managers/Care Coordinators (Community-based organization staff) Persons exiting NFs/Hospitals –Long Term Care Ombudsman Program (LTCOP)	<ul style="list-style-type: none"> <li>• Conduct outreach to potential tenants</li> <li>• Pre-screen potential tenants for eligibility</li> <li>• Assist applicants in the application process</li> <li>• Ensure access to services</li> </ul>
<b>Waiting List Management &amp; Referral to PRA Units</b>	<b>MaineHousing SPOC</b>	<ul style="list-style-type: none"> <li>• Communicate with properties regarding vacancies</li> <li>• Notify applicants &amp; Referral Agents of vacancies</li> </ul>
<b>Coordination of Long-Term, Community-Based Services</b>	<b>Referral Agent (DHHS/OADS based staff)</b> <b>Case Managers/Care Coordinators</b> (Community-based organization staff)	<ul style="list-style-type: none"> <li>• Conduct assessment of service needs</li> <li>• Develop/implement/monitor service plan/plan of care/personal recovery plan</li> <li>• Provide/coordinate services &amp; ongoing tenancy supports</li> <li>• Main service Point of Contact for PRA tenants</li> <li>• Follow-up to address owner/property manager concerns relayed via OADS SPOC</li> </ul>

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Task/Process	Responsible Entity	Activities
<b>Coordination of Long-Term, Community-Based Services</b>	<b>DHHS/OADS Agency Service Liaisons</b> (state agency staff) Assigned by all DHHS agencies ( OADS, SAMHS, OFI)	<ul style="list-style-type: none"> <li>• Monitors the work of Referral Agents</li> </ul>
<b>Conflict Management/ Communication</b>	<b>MH SPOC, OADS Point of Contact (LTCOP, Alpha 1, RSCs)</b>	<ul style="list-style-type: none"> <li>• Responsible for conflict management related to Section 811 PRA Program tenancy</li> <li>• Receives calls from property managers regarding irresolvable tenancy issues</li> <li>• Contacts appropriate Referral Agent/ Care Coordinator to resolve issues/maintain tenancy</li> </ul>
<b>Housing Management</b>	<b>Property Managers</b>	<ul style="list-style-type: none"> <li>• Notify MH 811 PRA Applicant Registry software regarding vacant PRA units</li> <li>• Screen eligible applicants for units within properties</li> <li>• Collect tenant portion of rent and process subsidy requests and vacancy claims</li> <li>• Maintain decent, safe and sanitary housing units</li> </ul>

### TRAINING

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You will receive training on the Section 811 PRA Program from OADS and MaineHousing staff that will help you in your role as a Referral Agent. This Guide is one part of the training process. Training is provided on the following topics:

- ✓ Conducting marketing for the Section 811 PRA Program in a way that complies with the Section 811 PRA Program's Affirmative Fair Housing Marketing Plan;
- ✓ Fair housing training including understanding reasonable accommodation;
- ✓ Pre-screening each potential referral to assist him or her to understand the eligibility requirements of the program;
- ✓ Obtaining the potential applicant's consent to the sharing of his or her eligibility-related information;
- ✓ Assisting applicants in the application process via the MH 811 PRA Applicant Registry;
- ✓ Assisting potential applicants in reviewing and choosing, upon application to the MH 811 PRA Applicant Registry, the properties which they would like to live in;
- ✓ Communicating to the potential applicant any deadlines and leasing criteria associated with applying for the unit

### ENROLLMENT OF REFERRAL AGENT

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In order to become a Referral Agent eligible to assist applicants in applying to the Section 811 PRA Program, you must be authorized to make referrals. To find out more about how to get authorized, go to the MaineHousing Section 811 PRA Program website at:

<http://www.mainehousing.org/811pra> and navigate to the Referral Agent section of the webpage.

### CHANGES IN REFERRAL AGENT

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The Referral Agent plays a critical role in the Section 811 PRA Program. It is very important that all parties be notified when an applicant or tenant's Referral Agent changes: this includes the applicant/tenant and the OADS and MH SPOCs. The MH SPOC will update the information in the MH 811 Applicant Registry.

## CHAPTER 2: OUTREACH

### WHAT I NEED TO KNOW

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One of the first steps in identifying applicants for this program is to conduct outreach. Outreach is conducted both to ensure there are a sufficient number of applicants for the program and to ensure that all potential applicants have the opportunity to apply.

Successful outreach will take the following into consideration:

- Be appropriate for and effective in reaching the target population;
- Be nondiscriminatory;
- Reach those who are “least likely to apply;” and
- Reach those who have limited English proficiency (LEP).

Numerous state and federal laws require that a program such as the Section 811 PRA Program not discriminate on the basis of race, color, national origin, religion, sex, disability, or familial status. In order to ensure nondiscrimination, it is important to conduct broad outreach to the target population with special outreach as described below. Referral Agents should consider the methods and modes of outreach to ensure outreach is equally effective for all eligible persons with disabilities, including but not limited to people with visual and intellectual disabilities.

### AFFIRMATIVE MARKETING

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HUD Guidelines for the Section 811 PRA Program require that MaineHousing ensure that outreach is focused on those “least likely to apply” for housing. "Least likely to apply" means that there is an identifiable presence of eligible persons of a specific demographic group (i.e., race, color, national origin, religion, sex, disability, or familial status) in the Target Population, but members of that group are not likely to apply for the housing in the absence of special outreach efforts. For example, persons who are blind are less likely to know about the program if the only way information is communicated is through written brochures provided only in small type and not electronically.

MaineHousing and OADS have identified some populations that may be least likely to apply. These are listed on **Table 2**. Agencies are expected to include some methods of reaching least likely to apply populations as they conduct outreach.

Any outreach materials provided to the public by Referral Agents must be provided to the MH SPOC and approved prior to use. MaineHousing will make available sample materials for Referral Agents on the MaineHousing webpage that may be used for marketing purposes.

**MY ROLE**

OADS and other DHHS Departments are responsible for conducting outreach to the target populations as appropriate. These state agencies need your assistance on the ground to make sure that outreach is effective as described above

All Referral Agencies are required to post the HUD fair housing poster in their offices. This helps to signal to applicants, Referral Agents, and others that you are fair and non-discriminatory in your role as a Referral Agent. You can download the poster at <http://www.mainehousing.org/811pra>.

**LIMITED ENGLISH PROFICIENCY (LEP)**

Persons who do not speak English as their primary language and who have a limited ability to speak, read, write, or understand English are considered persons with limited English proficiency. It is the policy of MaineHousing and OADS that language assistance will be made available to ensure that persons with limited English proficiency have meaningful access to the Section 811 PRA Program. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

United States citizenship does not determine whether a person has limited English proficiency. It is possible for a person who is a United States citizen to be a person with limited English proficiency. It is also possible for a person who is not a United States citizen to be fluent in the English language. This requirement applies to citizens, documented non-citizens, and undocumented non-citizens.

**Table 2. Outreach to Target Populations and Least Likely to Apply**

Target Population	Least Likely to Apply
<ul style="list-style-type: none"> <li>• <b>MaineCare Section 18: Home and Community Based Services for Adults with Brain Injury</b></li> <li>• <b>MaineCare Section 19: Home and Community Benefits (HCB) for the Elderly and for Adults with Disabilities</b></li> <li>• <b>MaineCare Section 20: Home and Community Based Services for Adults with Other Related Conditions</b></li> <li>• <b>MaineCare Section 21: Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder</b></li> <li>• <b>MaineCare Section 29: Support Services for Adults with Intellectual Disabilities or Autistic Disorder</b></li> </ul>	<ol style="list-style-type: none"> <li>1) Persons with Intellectual or Developmental Disabilities</li> <li>2) People with Limited English Proficiency</li> <li>3) People living in group/private homes</li> </ol>

**Actions to be taken:**

### **1) Persons with Intellectual or Developmental Disabilities:**

MaineHousing and the DHHS operating departments will compile a list of all office locations and service providers where promotional materials (including Fair Housing Posters and information specific to the Section 811 PRA Program) should be made available.

This could include: Local Mental Health Authorities, Local Intellectual and Developmental Disability Authorities, OADS offices, nursing facilities, hospitals, State Supported Living Centers, Aging and Disability Resource Centers, among others. The expansive range of service providers will ensure that all qualified members of the Target Population are reached and have access to information about the program.

### **2) People with Limited English Proficiency:**

All outreach and marketing materials will be made available upon request. MaineHousing and the DHHS operating departments will track that promotional materials are made available and distributed, and will record how many materials are distributed to individuals seeking information on the Section 811 PRA Program. Any outreach materials provided to the public by Referral Agent must be provided to the MH SPOC and approved prior to use. MaineHousing will make available sample materials for Referral Agent on the MaineHousing webpage that may be used for marketing purposes.

MaineHousing and the DHHS operating departments will collaborate to host trainings for Referral Agents identified in the Interagency Agreement, who are the service providers most likely to encounter individuals in the target populations. The training consists of the following: an overview of the Section 811 PRA Program; methods of outreach and referral; making referrals to the program (completing application forms and proving income documentation); and Fair Housing.

## **MY ROLE**

MaineHousing will provide you with access to brochures, applications, and other materials in other languages as-requested.

### Talking with a potential applicant for the first time? Here are some tips:

- Start by explaining what the Section 811 PRA Program is:
  - The Section 811 PRA Program provides affordable – and accessible, if needed – apartments in four regions across the state. All of these apartments provide integrated housing, meaning that while there may be other people with disabilities in the building, the majority will not be people with disabilities.
  - When you live in this apartment, you will pay no more than 30% of your income for rent and utilities. If you are an SSI recipient, your rent including utilities will be approximately \$245 per month. The program pays the remaining cost of your rent to the property.
  - As part of this program, you will have access to services that you may need to help you stay in the apartment but these services are voluntary.
- If possible, go on-line with the potential applicant; pull up the Section 811 PRA Program website: <http://www.mainehousing.org/811pra>. The website shows the properties participating in the program and the types and locations of units available.
- Tell the potential applicant about the eligibility requirements (see Chapter 3).
- Make sure the applicant knows the difference between “tenant-based” and “project-based” assistance. The Section 811 PRA Program is project-based assistance. That means when the applicant moves into the property, they will have subsidized rent, but when they move out, the rent subsidy stays with the apartment and is used by the next tenant.
- Explain your role as the Referral Agent to the potential applicant.
- Help them with the application process including: gathering necessary information, completing and submitting application materials, visiting apartments when she or he comes to the top of the waiting list, and helping apply to the property once they have chosen a unit.
- Help them identify any potential barriers to housing – such as a poor rental history or criminal record – and address these barriers.

## CHAPTER 3: PROGRAM APPLICATION

After outreach, there are two more steps in the Section 811 PRA Program application process:

- Prescreening for program eligibility;
- Completion of the online application via the MH 811 PRA Applicant Registry

These steps are discussed in more detail below.

### PRE-SCREENING

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#### What I Need To Know

The Section 811 PRA Program is a federally funded program with specific requirements for eligibility that applicants must meet in order to qualify for the program. Pre-screening is the process of determining whether potential applicants are likely to meet the program threshold eligibility criteria:

1. **Income limits:** The combined annual income of all members of the applicant's household<sup>1</sup> at the time of admission into the HUD Section 811 PRA Program cannot exceed 30% of area median family income as defined by HUD;
2. **Disability:** The applicant household must include at least one person with a disability and who is 18 years of age or older and less than 62 years of age at the time of admission into the property; and
3. **Target Populations:** The person with a disability must be part of one or more of the target populations previously identified.

The Owner/Manager will complete additional screenings and assessments during their application process. Information regarding these processes are explained in detail on page 20 of this document.

Note that HUD updates the **Area Median Income (AMI)** annually and that the AMI differs by household size and geographic location within the state. A chart with the most current HUD income limits by household size for the geographic areas with available units can be found at <http://www.mainehousing.org/811pra>.

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<sup>1</sup> The household is defined as those who will live in the PRA unit, not necessarily who the applicant is living with at time of application.



### APPLICATION

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#### What I Need to Know

Once an applicant is identified as meeting the eligibility criteria, the Referral Agent will assist the applicant in completing an online application to be placed on the waiting list for their preferred locations. Access to the MH 811 PRA Applicant Registry is available via the MaineHousing Section 811 PRA webpage: <http://www.mainehousing.org/811pra> or at [www.socialserve.com/login/](http://www.socialserve.com/login/).

#### MY ROLE

At this point in the process, the Referral Agent will show applicants information about all of the participating properties. This includes location, bedrooms sizes and number of accessible units, access to transportation and commercial facilities. This information is available within the MH 811 PRA Applicant Registry. The Referral Agent should contact the MH SPOC if they want to be provided the average time spent on the waiting list for the most recent move-in. This will serve as an estimate of the length of time an applicant may be expected to wait. Additional properties may be added to the program in some areas; in such cases those properties will be promptly added to the MH 811 PRA Applicant Registry. Referral Agents are responsible for relaying this information to applicants and potential applicants.

There is no limit to the number of properties that may be selected by an applicant. The Referral Agent should work with the applicant, however, to select only those locations they would seriously consider and which have units that are a good match. For example, applicants who need a two-bedroom unit to accommodate a live-in attendant may not want to apply to properties which only have one-bedroom units. The Referral Agent will assist applicants in learning about these important aspects of the properties. Some applicants will opt for a property that does not have a waiting list and has an available unit, in which case they would not be added to the waiting lists for other properties.

As part of this application process, the applicant will be asked to sign the 811 PRA Applicant Consent to Release Information (RoI) form. The Referral Agent should review this RoI form with the applicants to ensure they understand what they are signing and if they are willing to share information with the MH SPOC. Applicants will also be notified in writing at the time of signing any RoI that they are at all times permitted to revoke the release that permits the Referral Agent or other people to discuss their case or services with any other person involved with the Section 811 PRA Program. The 811 PRA Applicant Consent to Release Information (RoI) form can be found at <http://www.mainehousing.org/811pra>.

Referral Agents are encouraged to discuss with the applicant the potential benefits of signing a consent/general release form for the Referral Agent to have the right to talk to the Property Management staff on their behalf. While not a Section 811 PRA Program requirement, this consent

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can be helpful if the applicant or Referral Agent has any reason to believe that the applicant might be denied tenancy by the Property during the Property Level Screening. While the Section 811 PRA Program is designed to respect the confidentiality of the Section 811 PRA Program tenant, that does not prevent the applicant or tenant from giving consent for discussions between the Referral Agent and Property Manager to occur. Referral Agent, and their applicants and tenants may find close communication with the Property Management companies a benefit for all involved. However, it is the choice of the applicants and tenants if they would like this communication to take place.

It is the responsibility of the Referral Agent to ensure that each applicant understands that the receipt of services is voluntary and not required for residency in a Section 811 PRA Program unit.

If an applicant applies to the Section 811 PRA Program waiting list, they are not required to remove their name from any other waiting list for other affordable housing programs, however, Section 811 PRA participants will be required to sign and fulfill a 1-year lease and this may affect their placement on other waitlists should their name be drawn prior to the completion of that lease term.

## CHAPTER 4: ACTIVITIES BETWEEN APPLICATION AND REFERRAL

Between the times the application is submitted by the Referral Agent and the applicant is referred to a property, the Referral Agent will want to work with the applicant on three important activities:

1. gathering necessary documentation
2. identifying any potentially disqualifying personal history, and
3. securing resources for move-in.

### DOCUMENTATION

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#### What I Need to Know

Federal government regulations require Owners and property managers to verify all income, assets, expenses, deductions, family characteristics, and circumstances that affect family eligibility and rent. For those applicants whose sole source of income is SSI, the documentation process will be the least cumbersome. For those applicants who have trust funds, own assets, or include multiple household members, the process will be more complicated.

### MY ROLE

Some applicants will need your assistance gathering the necessary documentation. Different clients within the Target Populations may require varying degrees of assistance in gathering the required documentation. For instance, a person living in an institution who is separated from their belongings may need greater assistance, as might clients who are unable to travel to obtain documentation or those who are homeless and may be temporarily or permanently separated from most of their belongings. Even when a family member, for example, is available to assist the applicant, the family member may need your guidance to ensure the correct documentation is collected.

The MaineHousing Section 811 PRA Program webpage: <http://www.mainehousing.org/811pra> provides a Documentation Checklist. You can use this checklist to help guide you, the applicant, their advocates, and family members in gathering documentation.

MaineHousing encourages the gathering of documentation and completion of this checklist as soon as possible so the applicant will not miss an opportunity to access a Section 811 PRA Program unit.

### APPLICANT HOUSING HISTORY

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#### What I Need to Know

Although OADS and MaineHousing determine initial applicant eligibility for the Section 811 PRA Program, the Owner/Property Manager has the right to assess independently whether the applicant will be a good tenant and likely to meet the requirements of the lease. These basic requirements are:

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- ✓ Pay the rent – on time and in full;
- ✓ Maintain the unit in decent, safe and sanitary condition;
- ✓ Get along with other tenants; and
- ✓ Not engage in illegal activity.

Some applicants will have tenancy-related or other histories which may result in a property rejecting their application or screening them out. Such background might include:

- Criminal history;
- Poor landlord references;
- Eviction history;
- Credit issues such as non-payment of rent and/or utilities, bankruptcy; and/or
- Other history which indicates the applicant will not be able to meet the lease requirements.

The period of time between application and a referral to a property is a good time for a Referral Agent to talk with an applicant about their history and to identify any potential barriers to housing and, most importantly, to address them. For example, if the applicant owes back rent or utility payments, this is a good time to set-up payment plans to clear these debts. Even if the applicant still owes money when a referral is made, they will be able to demonstrate a commitment to meet their obligations. There may be good reasons why the applicant fell behind in their rent, but property managers will want to see a willingness to fix the problem along with the explanation.

Referral Agents can help those applicants who have a criminal background or poor tenancy history to develop an explanation for property managers. For example, an applicant who has poor landlord references and an eviction related to disruptive behavior may want to explain that they have a history of substance abuse and are now in recovery. An applicant with multiple arrests for loitering may want to explain their history of being homeless and living on the streets and in shelters. Applicants whose poor tenancy history or criminal behavior is related to a disability may also request a Reasonable Accommodation form from the property (See Chapter 7).

**How can a person who has lived in a private home, institution or nursing facility for the last five or ten years demonstrate housing history?**

It is illegal for a property manager to refuse to rent to an applicant simply because they have no housing history. That said, applicants who live in institutional settings can often find ways to demonstrate they will be a good tenant:

- Have they shared a room with another person? If so, the applicant may be able to use this to demonstrate that they will get along with their neighbors.
- Do they have a cell phone or cable bill in their name? If so, the applicant may be able to use this to demonstrate that they pay their bills in full and on time.
- Do they keep their room neat and clean? If so, the applicant may be able to use this to demonstrate that they can maintain an apartment.

**Utility Payments**

Some local utility companies may allow the applicant to give the Referral Agent permission to review their utility account history. The Referral Agent could then review any outstanding debt that may need to be paid before moving into an apartment. The utility company may also have a program that allows the applicant to begin making payments on any outstanding utility debt. For example, Central Maine Power (CMP) has options for a third-party to gain information about any outstanding balances an individual may have. Other utility providers may have similar processes if the applicant is concerned they may have an outstanding balance.

The Referral Agent is encouraged to build strong relationships with participating properties in their area, and through those relationships, learn which properties have what degree of limitations. For instance, a Referral Agent might learn that one property in their area may prohibit a tenant having any criminal history including misdemeanors, while another may allow misdemeanors, but exclude any violent crimes.

**MY ROLE**

You may use the **Referral Agent Housing Interview Questionnaire** available on the Section 811 PRA webpage: <http://www.mainehousing.org/811pra> to guide you through an interview with the applicant about their tenancy history and criminal background. This form should NOT be submitted to MaineHousing or the Property Manager, but is a tool to help the Referral Agent anticipate any potential barriers to housing for the applicant and determine strategies to help overcome these barriers.

### Helpful Hints

The Referral Agent Housing Interview Questionnaire Form includes questions about potential housing barriers, such as problems in previous tenancies or criminal activity. Let the applicant know that it is important for them to give you as much information as possible even though they may find the conversation uncomfortable. The information will NOT preclude them from participation in the program, but it may mean there are certain properties that will not accept them. When you have this information, you will be better able to advocate on their behalf and identify properties that may be a better match for them.

## RESOURCES FOR SECURITY DEPOSITS, FURNITURE & OTHER START-UP NEEDS

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### What I Need to Know

The owner is allowed to collect a security deposit equal to one month of the tenant's rent share or \$50, whichever is greater. The owner is **not** required to collect a security deposit; however, many will do so. The owner must return the security deposit when the tenant moves out, less any cost for damages.

Due to the circumstances of Section 811 PRA Program applicants, most new applicants will not have the financial resources for security deposits or to purchase staples. They are also unlikely to have their own furniture. Some of the basic items necessary when one moves into a new apartment include:

- ✓ **Furniture** such as a bed, bureau, table and chairs, sofa or other chairs;
- ✓ **Kitchen items** such as dishes, cups, cutlery, pots and pans;
- ✓ **Home goods** including towels and sheets; and
- ✓ **Food staples**, such as eggs, butter, milk, bread, and cereal.

As described above, some new tenants will also require funds for utility deposits and to pay for past due utility bills. Some tenants may need to pay back rent owed to previous landlords in order to be accepted by the new owner.

### MY ROLE

Some tenants will need assistance securing funds and other resources to meet these needs. Many of the programs for which the target populations are eligible have funds available to assist new tenants. These resources are listed in **Table 4** below.

### Table 4. Resources for Security Deposits and Furniture

Target Population	Transition Resources
<p><b>Persons with Disabilities Exiting Nursing Facilities, Homeward Bound MFP</b></p>	<ul style="list-style-type: none"> <li>• Homeward Bound</li> <li>• Family and Friends</li> <li>• Community resources (civic and religious organizations, non-profits, etc.)</li> </ul>
<p><b>Target population on one of the following waivers:</b>  <b>MaineCare Section 18: Home and Community Based Services for Adults with Brain Injury</b>  <b>MaineCare Section 19: Home and Community Benefits (HCB) for the Elderly and for Adults with Disabilities</b>  <b>MaineCare Section 20: Home and Community Based Services for Adults with Other Related Conditions</b>  <b>MaineCare Section 21: Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder</b>  <b>MaineCare Section 29: Support Services for Adults with Intellectual Disabilities or Autistic Disorder</b></p>	<ul style="list-style-type: none"> <li>• Family and friends</li> <li>• Community resources (civic and religious organizations, non-profits, etc.)</li> </ul>

## CHAPTER 5: REFERRAL TO A SECTION 811 UNIT

### NOTIFICATION OF UNIT AVAILABILITY

#### What I Need to Know

Once a unit becomes available, a maximum of three (3) applicants (and their Referral Agents) from the top of the applicable waiting list will be notified of the vacancy.

The MH SPOC will notify the applicants and Referral Agents by e-mail and regular mail that a unit is available. The notification will provide some basic information about the unit including:

- Address;
- Unit size;
- Any known accessibility features; and
- Owner/Property Manager contact information.

Applicants will have ten (10) calendar days from the time the letter is sent to contact the owner/property manager of the unit to request an application for the property. **The application submittal to the property must occur within the ten day period. Applications will be date/time stamped in the order they are received and processed as such.** In order to ensure units are occupied in a timely manner, applicants will be referred to properties in groups of up to three, but properties will be required to house them in order of application. Applicants may complete an application and be screened by a property but not be offered a unit; in this case applicants will retain their place on all waiting lists.

#### MaineHousing Single Point of Contact

The MH SPOC has a number of critical responsibilities in the Section 811 PRA Program.

These include:

- ✓ Management of Waiting List;
- ✓ Communication with properties regarding vacancies;
- ✓ Referral Agent trainings in coordination with DHHS agencies;
- ✓ Availability as a resource for Referral Agents; and
- ✓ General contract administration.



### MY ROLE

Applicants may need your assistance in deciding whether or not to apply for a vacant unit once notified. You may need to help the applicant to:

- ✓ Arrange to view the unit;
- ✓ Obtain and complete the property application, including gathering updated or additional documentation;
- ✓ Arrange and attend any interview with owner or manager;
- ✓ Attend and assist the applicant with a pre-move in walk-through of the unit; and
- ✓ Complete other related tasks as needed and appropriate.

It could be helpful to view the unit with the applicant if they give permission.

The applicant may need your help in determining whether the unit and its location are a good fit. The Referral Agent or service provider can assist the applicant to consider:

- Whether the unit meets the applicant's access needs (with or without modifications);
- Whether the location provides direct access to services, stores, banks, or public transportation to such amenities;
- Whether the location of the site promotes or limits the likelihood of accessing voluntary support services;
- Whether the applicant can easily reach their family, friends, workplace, and medical appointments from the apartment;
- Whether the applicant is likely to meet the property's screening criteria; and
- Whether the applicant feels comfortable and safe in the neighborhood.

You should check in with the applicant regularly to be sure they are on track to make a decision in the required timeframe. HUD Section 811 PRA Program properties, along with individual unit details, amenities and accessibility features are tracked in the MH 811 PRA Applicant Registry.

Owner/Property Managers are required to answer quick polls each month regarding the availability of their Section 811 PRA Program units. Outreach Specialists, from SocialServe, use poll responses to keep the unit availability up-to-date, capture manager turnover and update on-site manager contact information, track new construction properties and make sure unit availability is posted in a timely fashion. When a unit is marked as available in the system, it will show as needing a referral in the waitlist.

### APPLICANTS RIGHTS IF THE PROPERTY DENIES APPLICANT

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#### What I Need to Know

It is important to note that applicants can (and some will) be found *eligible* by OADS/MaineHousing for the Section 811 PRA Program, but be found *ineligible or not qualified* by the Owner/Property Manager. Properties are allowed to use their own nondiscriminatory screening criteria and may examine aspects of an application that OADS/MaineHousing is not required to consider.

Owners are required to promptly notify the applicant and the Referral Agent in writing if the tenant has not passed the screening as described in their Tenant Selection Plan including the reason the applicant has been denied. The letter must also include a notice that the applicant has the right to meet with the leasing office staff or other owner representative within fourteen calendar days, and the applicant has the right to appeal the Owner/Property Manager's decision. The applicant may also exercise other rights if the applicant believes that he or she is being discriminated against.

If an applicant is denied by an Owner/Property Manager, it will not affect their position on the waitlist for other properties or available units.

#### MY ROLE

If the applicant disagrees with the reason for the denial, you can work with the applicant and the Owner/Property Manager to appeal the decision and request an informal review.

Denials by a property will be handled in accordance with the HUD Handbook 4350.3. A Transition Team comprised of OADS staff and LTCOP will also be available as a resource to facilitate the Informal Review Process.

Owner/Property Managers will have five business days to notify the applicant of their decision to overturn or uphold their original decision.

#### APPLICANT'S DENIAL IS OVERTURNED

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If the property chooses to overturn their original decision of denial the applicant will be notified of the decision within the required timeframe. Any remaining steps required to complete the application process will then be completed.

#### APPLICANT'S DENIAL IS UPHELD

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If the property chooses to uphold their original decision of denial the applicant will be notified of the decision within the required timeframe. The denial will not affect their position on the MH 811 PRA Program waitlist for other units as they become available.

## CHAPTER 6: MOVING IN

Once an applicant has been approved by the Owner/Property Manager and has accepted a unit, the Case Manager provides assistance related to the move from their current residence to the selected unit. This will include:

- ✓ Assistance gathering information and documentation for calculation of tenant rent share;
- ✓ Education about the tenant's rights and responsibilities;
- ✓ Assistance with the move-in inspection;
- ✓ Assistance signing the lease for the apartment

### MODEL LEASE AND TENANT EDUCATION

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#### What I Need to Know

After an applicant has provided the necessary information to complete the move-in, they will sign the lease for the unit. The program is required to use the Section 811 Model Lease (form HUD-92236-PRA).

### MY ROLE

It can be helpful to familiarize yourself with the Model Lease. **Table 5** below provides a summary of critical sections of the lease with some simple explanations of the key points. We encourage the Case Manager to attend and participate in the lease signing process with the applicant.

### TENANT RIGHTS AND RESPONSIBILITIES

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#### What I Need to Know

As described above, the tenant has the following responsibilities under their lease:

- ✓ Pay the rent – on time and in full;
- ✓ Maintain the unit in clean, sanitary, and safe condition;
- ✓ Get along with other tenants; and
- ✓ Not engage in illegal activity.

Tenants should be aware that they have the right to enforce the owner's obligations under the lease as well. These include keeping the property up to code and in safe and sanitary condition, making utilities available, and providing Reasonable Accommodations. After attempting to resolve the issue with the Owner, the tenant should make MaineHousing aware when an owner does not meet their obligations. This can be done by contacting the MH SPOC, either directly or through the tenant's Case Manager.

**MY ROLE**

During move-in, you can educate the tenant to ensure they are aware of and understand these rights and responsibilities. Case Managers will also reinforce this information throughout tenancy and assist the tenant in any of these areas as needed.

**Table 5. Translating the Model Lease**

***Note:** The lease is a legal document. This summary table is no substitute for reading the lease itself. It is important that efforts be made to read and understand the lease. Should a tenant be at risk of substantial lease violations, it is important that the Case Manager, family member or OADS SPOC/LTCOP make a referral to legal services.*

Model Lease Section	Lease Topic	What It Means
<b>Section 1</b>	Address	This is the unit being leased and the start and end date of the contract.
<b>Section 2</b>	Contract Rent	This is the total rent for the unit. The tenant ONLY pays their share – see Section 4 of lease. The remaining amount is paid by MaineHousing to the Owner directly.
<b>Section 3</b>	Utilities	This will indicate whether the tenant pays any utilities, and if so, which ones and an estimated cost. The tenant’s rent share assumes the Owner pays the utilities. When the tenant pays for some or all of the utilities, the tenant’s share of the rent decreases by the amount of the utility allowances in Section 3.
<b>Section 4</b>	Tenant Rent Share	This is the amount of rent the tenant pays monthly to the Owner.
<b>Section 5</b>	Address	This is where the tenant must send or bring their rent.
<b>Section 6</b>	Security Deposit	Owner is allowed to collect a security deposit of one month of the tenant rent (Section 4 (M)) or \$50 whichever is greater. Owner is not required to collect a security deposit. The Owner must return the security deposit when the tenant moves out, less any cost for damages.
<b>Section 7</b>	Non-discrimination	Owner will not discriminate against the tenant.

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Model Lease Section	Lease Topic	What It Means
<b>Section 8</b>	Renewal	<ul style="list-style-type: none"> <li>✓ After one year, the lease is automatically renewed month by month unless the tenant or owner terminates the lease.</li> <li>✓ Tenant may terminate the lease by giving 30 days' notice.</li> <li>✓ This section (page 4 [f] and [g]) outlines how owner is to provide termination notice.</li> <li>✓ By regulation, owner may only terminate the lease for the reasons listed in the Lease and summarized here:               <ul style="list-style-type: none"> <li>○ For material noncompliance with the lease                   <ul style="list-style-type: none"> <li>▪ Material noncompliance means:                       <ul style="list-style-type: none"> <li>• One or more substantial violations of the lease</li> <li>• Repeated minor violations of the lease</li> </ul> </li> </ul> </li> <li>○ Failure to supply all required information in a timely manner (e.g., information for recertification of rent)</li> <li>○ Late payment of rent is a minor violation</li> <li>○ Nonpayment of rent is a substantial violation</li> <li>○ Drug related criminal activity on or near the property by tenant or guests</li> <li>○ Illegal use of a drug</li> <li>○ Pattern of illegal use of drug interfere with health safety or right to peaceful enjoyment of other tenants</li> <li>○ Criminal activity by tenant or guests that threatens health safety or right to peaceful enjoyment of other tenants or neighbors to property</li> <li>○ Violation of probation or parole</li> <li>○ Tenant or household members abuse of alcohol threatens the health safety or right to peaceful enjoyment of other tenants</li> </ul> </li> </ul>
<b>Section 9</b>	Annual Recertification of Rent	Tenant must participate in annual recertification of rent

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Model Lease Section	Lease Topic	What It Means
Section 10	Annual Rent Adjustment	Owner has the right to adjust the rent annual based on information provided in annual recertification
Section 11	Sublets	No sublets or boarders. Owner must be made aware of anyone being added to the household
Section 12	Rent Owed	Tenant will pay to owner any back rent owed because rent calculation was incorrect due to error on tenant’s part
Section 13	Tenant Obligations	<ul style="list-style-type: none"> <li>• Pay rent when due</li> <li>• Keep premises clean and sanitary</li> <li>• Not to use the premises for any hazardous activity</li> <li>• Repair or pay for repairs to any tenant caused damages</li> <li>• Allow repairs and inspection of the unit</li> </ul>
Section 15	Code	Landlord agrees to keep premises up to all relevant codes
Section 16	Initial Inspection	Tenant agrees that they have inspected and approved the unit prior to move-in and will ensure the unit is in same condition when they move out
Section 17	Alterations	Owners must consent in writing to any alterations to the unit
Section 18	Reasonable Accommodations	Owner agrees to make Reasonable Accommodations
Section 19	Utilities	Tenant agrees not to waste utilities
Section 23	Income Verification	Tenant must promptly provide owner with income information
Section 25	Interim Recertification	<p>Tenant will notify owner promptly when:</p> <ul style="list-style-type: none"> <li>• Any household member moves out</li> <li>• Any previously unemployed person obtains paid work</li> <li>• Household’s monthly income increases by \$200 or more per month</li> </ul> <p>If tenant informs owner of any decrease in their household income and the owner will reduce the rent accordingly</p>

*Note: MaineHousing is referred to as the State Housing Agency (“SHA”) in the lease.*

## INITIAL CALCULATION OF TENANT RENT SHARE

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### What I Need to Know

Owner/Property Managers are required to determine the amount of the new tenant's income before the tenant is allowed to move in and at least annually thereafter. The amount of assistance paid by the Section 811 PRA Program on behalf of the tenant is calculated using the tenant's annual income, less allowable deductions. HUD program regulations specify the types and amounts of income and deductions to be included in the calculation of annual and adjusted income.

The Owner/Property Manager will be responsible for all income eligibility determinations, which will include obtaining and verifying tenant income and household composition. Tenant rent share calculations will be the responsibility of the Property or its designated contractor. As such, the Property will make the determination of the tenant rent and utility reimbursement based on information provided by the tenant. Re-examinations of income will occur annually. At the initial lease-up and annual re-examination, the Property or its designated contractor will notify both owners and the tenant of the tenant rent.

Properties are likely to be able to use the income information provided by the applicant during the application process, but it is possible that additional or updated information will be requested.

For those tenants who receive SSI and reside in nursing facilities, the amount of the monthly SSI received will increase once they move into the apartment. Once this change has occurred, the tenant is required to notify the Owner and the rent will be recalculated.

## MY ROLE

If a tenant is provided with a rent share they disagree with (based, for instance, on the documentation provided), and has been unsuccessful in attempts to resolve the issue with the Owner/property manager, the tenant may work with you and the MH SPOC to determine if, indeed, the correct portion has been established.

## MOVE-IN INSPECTIONS

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### What I Need to Know

Prior to occupancy, the eligible applicant must be given the opportunity to be present for the move-in unit inspection. The inspection of the Section 811 unit must be completed by both the Owner and the tenant, and both must sign the Section 811 PRA Program Inspection Form (form HUD-90106) certifying they have inspected the unit and have determined it to be decent, safe, and sanitary in accordance with the criteria provided in the form. The owner will keep a copy of this inspection form and include it as an attachment to the lease.



In some cases, it may be difficult for the tenant to arrange transportation and other assistance required by the individual to attend the inspection in a timely manner. In these cases, the individual may elect someone such as a friend, family member, or the Case Manager to represent them.

### MY ROLE

You can assist the tenant in making arrangements to participate in the inspection. You can also be available to participate in the inspection if desired by the tenant. If the tenant requires a Reasonable Accommodation such as an interpreter, you can make arrangements to provide such accommodations.

## CHAPTER 7: REASONABLE ACCOMMODATION

### WHAT I NEED TO KNOW

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#### What Is a Reasonable Accommodation?<sup>2</sup>

A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling.

With certain limited exceptions, all privately and publicly owned housing, including housing subsidized by the federal government or rented through the use of Section 8 assistance are required to provide Reasonable Accommodations. Properties with Section 811 PRA Program units must provide Reasonable Accommodations.

Some examples of Reasonable Accommodations include:

- **Example 1:** A housing provider has a policy of providing unassigned parking spaces to residents. A resident with mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first-come, first-served basis. The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.
- **Example 2:** A housing provider has a policy of requiring tenants to come to the rental office in person to pay their rent. A tenant has a mental disability that makes her afraid to leave her unit. Because of her disability, she requests that she be permitted to have a friend mail her rent payment to the rental office as a Reasonable Accommodation. The provider must make an exception to its payment policy to accommodate this tenant.
- **Example 3:** A housing provider has a "no pets" policy. A tenant who is deaf requests that the provider allow him to keep a dog in his unit as a Reasonable Accommodation. The tenant explains that the dog is an assistance animal that will alert him to several sounds, including knocks at the door, sounding of the smoke detector, the telephone ringing, and

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<sup>2</sup> Sections of this Chapter have been adapted from the US Department of Justice – Department of Housing and Urban Development Joint Statement on Reasonable Accommodations under the Fair Housing Act

cars coming into the driveway. The housing provider must make an exception to its "no pets" policy to accommodate this tenant.

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### WHY DOES AN OWNER HAVE TO PROVIDE A REASONABLE ACCOMMODATION?

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Several federal laws including the Fair Housing Act (FHA), Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) Title II and III require Owners/Property Managers to provide reasonable accommodations. The Section 811 PRA Program guidelines also require Owners to comply with these laws and regulations.

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### MUST OWNERS ALWAYS PROVIDE THE REQUESTED ACCOMMODATION?

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No. To show that a requested accommodation may be necessary, there must be an identifiable relationship between the requested accommodation and the individual's disability. Owners may deny a reasonable accommodation if there is no disability-related need for the accommodation. In addition, a request for a reasonable accommodation may be denied if providing the accommodation is not reasonable - i.e., if it would impose an undue financial and administrative burden on the housing provider or it would fundamentally alter the nature of the provider's operations. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the cost of the requested accommodation, the financial resources of the provider, the benefits that the accommodation would provide to the requester, and the availability of alternative accommodations that would effectively meet the requester's disability-related needs.

When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester's disability-related needs without a fundamental alteration to the provider's operations and without imposing an undue financial and administrative burden. If an alternative accommodation would effectively meet the requester's disability-related needs and is reasonable, the provider must grant it. An interactive process in which the housing provider and the tenant discuss the tenant's disability-related need for the requested accommodation and possible alternative accommodations is helpful to all concerned because it often results in an effective accommodation for the requester that does not pose an undue financial and administrative burden for the provider.

- **Example 1:** As a result of a disability, a tenant is physically unable to open the dumpster placed in the parking lot by his housing provider for trash collection. The tenant requests that the housing provider send a maintenance staff person to his apartment on a daily basis to collect his trash and take it to the dumpster. Because the housing development is a small operation with limited financial resources and the maintenance staff are on site only twice per week, it may be an undue financial and administrative burden for the housing provider to grant the requested daily trash pick-up service. Accordingly, the requested accommodation

may not be reasonable. If the housing provider denies the requested accommodation as unreasonable, the housing provider should discuss with the tenant whether reasonable accommodations could be provided to meet the tenant's disability-related needs - for instance, placing an open trash collection can in a location that is readily accessible to the tenant so the tenant can dispose of his own trash and the provider's maintenance staff can then transfer the trash to the dumpster when they are on site. Such an accommodation would not involve a fundamental alteration of the provider's operations and would involve little financial and administrative burden for the provider while accommodating the tenant's disability-related needs.

### WHAT INQUIRIES MAY OWNERS MAKE?

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It is generally unlawful for a housing provider to (1) ask if an applicant for a dwelling has a disability or if a person intending to reside in a dwelling or anyone associated with an applicant or resident has a disability, or (2) ask about the nature or severity of such persons' disabilities.

Housing providers may, however, make the following inquiries, provided these inquiries are made of all applicants, including those with and without disabilities:

- An inquiry into an applicant's ability to meet the requirements of tenancy; and
- An inquiry to determine if an applicant is a current illegal abuser or addict of a controlled substance.

When an applicant or tenant requests a reasonable accommodation, the Owner/Property Manager is entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious or otherwise known to the provider, and if the need for the requested accommodation is also readily apparent or known, then the provider may not request any additional information about the requester's disability or the disability-related need for the accommodation.

- **Example 1:** An applicant with obvious mobility impairment who regularly uses a walker to move around asks her housing provider to assign her a parking space near the entrance to the building instead of a space located in another part of the parking lot. Since the physical disability (i.e., difficulty walking) and the disability-related need for the requested accommodation are both readily apparent, the provider may not require the applicant to provide any additional information about her disability or the need for the requested accommodation.
- **Example 2:** A rental applicant who uses a wheelchair advises a housing provider that he wishes to keep an assistance dog in his unit even though the provider has a "no pets" policy. The applicant's disability is readily apparent, but the need for an assistance animal is not

obvious to the provider. The housing provider may ask the applicant to provide information about the disability-related need for the dog.

### **CAN A REASONABLE ACCOMMODATION TO SCREENING POLICIES BE REQUESTED?**

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Yes. A reasonable accommodation to owner screening policies based on criminal records or poor tenancy or credit histories can be requested if an applicant can demonstrate that:

1. Their history is disability related; and
2. The situation/behavior is not likely to recur

It will be up to the Owner/Property Manager to determine whether they feel the request is reasonable or not.

### **MY ROLE**

Reasonable accommodation can be a helpful tool for applicants. It can be difficult, however, for many applicants to understand how to use it. Part of your role is to help applicants identify when it may be useful to request a reasonable accommodation, as well as assist an applicant or tenant in making the request. Further, you may need to help the applicant appeal the denial of a reasonable accommodation with the Owner or, potentially, the HUD Regional Office of Fair Housing and Equal Opportunity (FHEO).

## CHAPTER 8: DISPUTE RESOLUTION

If a property manager has an issue with a tenant that cannot be easily resolved, property managers may contact the Case Manager listed on the Release of Information form. The Section 811 PRA Program Case Managers must follow-up with tenants in the event an Owner/Property Manager contacts them with a concern and make sure that tenancy-related issues are quickly resolved so the tenant can stay housed and avoid eviction, transfer, or termination from the program.

Disputes between a tenant and an Owner/Property Manager may occasionally need to be handled with assistance other than that of the Case Manager. A Transition Team will be available as a resource to facilitate the Dispute Resolution process.

### UTILIZATION OF THE DISPUTE RESOLUTION TRANSITION TEAM

The Section 811 PRA Program Transition Team is responsible for managing the Dispute Resolution process. Typically, if a conflict arises, the Transition Team will schedule a meeting for all parties which will include the tenant, his or her Case Manager and a representative for the Owner/Property Manager. In some cases individual meetings may need to be held with each party. The Transition Team will hear each side and make suggestions to assist in the resolution process. The 811 PRA Program Transition Team can be contacted by emailing [811pra@mainehousing.org](mailto:811pra@mainehousing.org).

It is important to note that Transition Team will track information about the Dispute Resolution process and will report this information back to all of the participating state agencies.

The Owner of a Section 811 PRA Program unit may not terminate the tenancy or refuse to renew the lease of a Section 811 PRA Program tenant except for serious or repeated violations of the terms and conditions of the lease or other good cause (see Owner Termination of Lease below).

### MY ROLE

As the Case Manager, your role is to ensure that the tenant receives training on all aspects of living in a Section 811 PRA Program unit, including expected payment of rent, expectations of being a tenant in a multifamily development, how to communicate with the Owner/Property Manager and what to do regarding any concerns regarding tenancy or services. Talking often with tenants, and Owner/Property Managers and recognizing and responding to warning signs before a tenant crisis happens, are key parts of the role that Section 811 PRA Program Case Managers play in the program.