



DBHDS Housing Resource Referral Policies *March 1, 2024*

I. Purpose and Use

The Department of Behavioral Health and Developmental Services (DBHDS) has developed these Housing Resource Referral Policies to facilitate the efficient and effective referral of individuals in the Settlement Agreement target population to housing resources for which DBHDS has negotiated preferential access.

The intent is to serve individuals with developmental disabilities in the Settlement Agreement population who want to live in their own housing (i.e., without a parent, grandparent or guardian). The aim is to provide adults with developmental disabilities who currently live in less integrated settings such as nursing facilities, intermediate care facilities, group homes and with their families of origin, a financial tool to support establishing their own households in more integrated housing settings consistent with their informed choices and needs, including their own homes and apartments. Individuals will have the opportunity to choose where they live, with whom they live, and who supports them. Services and supports are provided through sources separate from their housing, including Medicaid Waiver-funded home and community-based services, natural supports, privately paid supports, and other community resources.

II. Definitions

1. **Applicant.** An individual who has been: (1) referred by a support coordinator or DBHDS-funded tenancy support staff, screened for referral eligibility, determined eligible for referral, and assigned to the PA to apply for a DBHDS housing resource.
2. **Community Services Board (CSB).** Entities that, by statute, serve as the single points of entry into publicly funded mental health, developmental, and substance use disorder services in the Commonwealth of Virginia.
3. **Contract unit.** The housing unit leased by an individual using DBHDS housing resource.
4. **Department of Behavioral Health & Developmental Services (DBHDS).** The Commonwealth of Virginia agency that develops policy and regulations; licenses services; and operates state facilities for people with mental illness, substance use disorders and developmental disabilities.

5. **DBHDS Housing Resource.** Any housing resource for which DBHDS is the approved referral agent. DBHDS Housing Resources include, but are not limited to, State Rental Assistance Program (SRAP), Special Admissions Housing Choice Voucher (HCV), and the First Leasing Preference (FLP) in the Low-Income Housing Tax Credit (LIHTC) program.
6. **Elderly.** A person who is 62 years of age or older.
7. **Eligible Family.** The referred individual and any spouse, children, and/or roommate(s) who will reside with the referred individual. Live-in Aides are not considered family members but are considered part of the household.
8. **Eligible Individual.** The individual who meets the criteria to be referred for a DBHDS housing resource per section III of this policy.
9. **Household.** All persons who will reside in the contract unit with the eligible individual. The household must consist of the referred individual (the Head of Household (HOH)) and may include spouse, children, roommates and/or a PA-approved live-in aide. The household cannot include natural, foster, step or adoptive parents, grandparents, or guardians.
10. **Housing Quality Standards (HQS).** The HUD minimum standards for the quality of housing assisted under the Section 8 tenant-based programs.
11. **Housing Choice Voucher Program (HCVP).** A tenant-based rental assistance program funded by the U.S. Department of Housing & Urban Development and administered by local public housing agencies in accordance with federal regulations.
12. **Housing and Urban Development (HUD).** The U.S. Department of Housing & Urban Development. The United States department that administers federal housing and urban development laws; created in 1965.
13. **Lease.** A written contract by which one party (owner or owner's agent) conveys possession of a dwelling unit/property to another party (individual/family) for a specified time, in return for a periodic payment. The lease includes the tenancy addendum. A lease is a legally binding contract that can be enforced through a court of law.
14. **Live-in Aide (LIA).** A person who resides with one or more elderly person, near-elderly person, or person with disabilities who is determined to be essential the care and well-being of the person(s) AND is not obligated for

the support of the person(s) AND would not be living in the unit except to provide the necessary supportive services.

15. **Low-Income Housing Tax Credit (LIHTC).** An Internal Revenue Service (IRS) program that makes tax credits available to investors in exchange for providing equity investments to finance affordable housing developments across the United States. The units produced by this program generally have rents that are more affordable to low-income households than market rate units.
16. **Near-elderly.** A person who is at least 50 years of age but below the age of 62.
17. **Owner.** The individual or entity that owns a property or the agent that has been granted legal authority to manage the affairs of the property on behalf of the individual or entity that owns the property.
18. **Parent, Grandparent, or Legal Guardian.** The natural, foster or adoptive father, mother, grandfather or grandmother of the eligible individual, or the court-appointed guardian of the eligible individual.
19. **Participant.** An eligible individual/family that is receiving housing assistance through the HCVP, SRAP or LIHTC programs.
20. **Partner Agency (PA).** A local agency that is under contract with DBHDS to administer DBHDS-funded rental assistance.
21. **Public Housing Authority (PHA).** A State, county, municipality or other governmental entity or public body or agency or instrumentality of these entities that is authorized to engage or assist in the development or operation of low-income housing under the United States Housing Act of 1937 in accordance with 24 CFR §5.100.
22. **Premises.** The building or development in which the contract unit is located, including common areas and grounds.
23. **Section 8.** Section 8 of the United States Housing Act of 1937 (42 United States Code 1437f).
24. **State Rental Assistance Program (SRAP)** – the program funded by the Virginia General Assembly which provides rental subsidies to defray the cost of rental housing for eligible, low-income individuals with developmental disabilities.

25. **Tenancy Addendum.** A rental assistance program document that outlines rental assistance program terms and conditions for a subsidized tenancy, including lease requirements, approved use of the unit, maintenance, termination of tenancy by owner, changes in lease or rent, and the amounts, collection and return of security deposits. This document is a required addendum to the tenant's lease.

III. Eligible Individuals for Referral to a DBHDS Housing Resource

Individuals selected by DBHDS to be referred for DBHDS housing resources must meet all of the following requirements:

1. Be age 18 or older, or a legally emancipated minor; **AND**
2. Have a developmental disability as defined in the Code of Virginia; **AND**
3. Be in one of the following categories:
 - a. Transitioning from a skilled nursing facility, an intermediate care facility, a state training center, a group home and meet the level of functioning criteria for a Developmental Disability (DD) Waiver; **OR**
 - b. Currently receiving Building Independence (BI), Family and Individual Support (FIS) or Community Living (CL) Waiver; **OR**
 - c. Determined eligible for and currently on a waiting list to receive a BI, FIS, or CL Waiver slot **AND**
4. Have a household composition that does not include natural, foster, step or adoptive parents or grandparents, or guardians.
5. Not currently receiving any private, local, state or federal rental assistance, subsidy, or supplement.

A change to DD waiver eligibility status post lease-up will not affect an individual's participation in a DBHDS housing resource if there is continuous participation and the participant remains in good standing.

IV. Referral

1. The following staff are authorized to make referrals for DBHDS housing resources (the "Referral Facilitator"). Referrals from other sources will be rejected.
 - a. CSB Support Coordinators for people with developmental disabilities
 - b. Support Coordinators from agencies that are under contract with a CSB to provide support coordination services for people with developmental disabilities
 - c. CSB staff that provide DBHDS-funded tenancy supports for people with developmental disabilities
 - d. Tenancy support staff from agencies that are under contract with a CSB in Virginia to provide DBHDS-funded tenancy supports for people with developmental disabilities
2. When there is a waitlist for a DBHDS housing resource, referrals will be made in the following order of priority:

- Priority #1- Individuals who live in congregate settings including skilled nursing facilities, intermediate care facilities, state training centers, state hospitals, Assisted Living Facilities (ALFs), or DBHDS licensed crisis facilities, sponsored residential services, and group homes.
- Priority #2- Individuals who are either:
 - a. Homeless (e.g., living on the street, in a shelter, or in a place not meant for human habitation) for the last three nights, or at risk of homelessness,
 - b. Paying more than 50% of his or her own gross monthly income toward their own rental housing (based upon verification of income and current rent); OR
 - c. Experiencing an imminent threat to health and safety in their housing
- Priority #3- Individuals who live with their families of origin.

If a PA under contract with DBHDS has a locality preference, DBHDS will further prioritize referrals as follows:

- Priority 1 in PA catchment area
- Priority 1 outside PA catchment area
- Priority 2 in PA catchment area
- Priority 2 outside PA catchment area
- Priority 3 in PA catchment area
- Priority 3 outside PA catchment area

V. Voluntary Withdrawal/Decline of Assistance

1. An individual who is referred to DBHDS and subsequently referred to a PA for rental assistance who decides not to move forward with the housing process may be referred only one more time within a rolling twelve-month period.

VI. Involuntary Termination of Assistance

1. Once referred, any individual that commits a lease violation that results in eviction or loss of their DBHDS-funded rental assistance or who fails to fulfill their obligations as a participant in a DBHDS Housing Resource shall not be referred to DBHDS for a housing resource referral for a period of twelve (12) months commencing on the date in which the program assistance was terminated.

VII. Referral Submission

1. Referrals must be submitted utilizing the most current version of the DBHDS housing referral form.

2. Referrals will be reviewed by DBHDS. Any referral that is missing information, missing signatures/consent(s), and/or contains erroneous responses will be deemed incomplete. Incomplete referrals will be pended for ten (10) business days to allow the Referral Facilitator to make and submit the required corrections. If all corrections are not submitted by the ten (10) business day deadline, DBHDS will inform the Referral Facilitator in writing that the referral will be closed. Once a referral has been closed a new referral must be submitted.
3. Referrals must identify all members who will be included in the household for a DBHDS housing resource. Any referral that fails to identify household members or occupants by name, birth date and student status, including LIAs, will not be processed.
4. Once a referral is made to the PA, any changes to the household composition prior to lease execution requires resubmission of the referral to DBHDS for approval. This requirement applies to any changes involving the addition, substitution or removal of a household member(s) including a live-in aide.
5. Referrals submitted without a Live in Aide in the household composition must be resubmitted if a live in aide is requested during the PA's eligibility process. If the resubmitted referral does not identify the LIA by name, DBHDS will allow five (5) days from the date of referral resubmission to identify the LIA. If no LIA is identified by name by this deadline, the referral will be deemed incomplete and closed.
6. Referrals for individuals currently leasing rental housing must include a statement from the owner/ property manager stating the current lease will be mutually terminated and re-executed for participation in the rental assistance program if rental assistance is approved. A copy of the current lease must be submitted with the referral along with a completed "Financial Need Form" for the referred individual.
7. Individuals must submit a complete application for rental assistance within forty-five (45) days of the date which DBHDS makes a referral to the PA. If this deadline is not met, DBHDS will close the referral.

VIII. Approval of Household Composition

1. The household composition for an eligible referral must be approved by DBHDS prior to initial lease execution in accordance with Section III.
2. The eligible individual must request DBHDS approval to add, remove or substitute any other person(s) as a household member prior to initial lease execution (see Section VII.4 and VII.5).

IX. Live in Aides

A live-in-aide is a person who resides with one or more elderly persons, or near-elderly person or persons with disabilities, and who:

1. is determined to be essential to the care and well-being of the person(s);
2. is not obligated for the support of the person(s); and
3. would not be living in the unit except to provide the necessary supportive services

A Live-in Aide must be age 18 or older. An individual who has been deemed incapacitated by a court and/or has a court-appointed guardian cannot be a Live-in Aide. Natural, foster, step and adoptive parents, grandparents and legal guardians cannot be Live-in Aides. A Live-in Aide is not considered a family member, has no right of assignment to the eligible individual's DBHDS housing resource and is not eligible on his or her own for a DBHDS housing resource.

X. Housing Resource Location Preferences

1. An eligible individual may request a change to their preferred locality once after a referral is submitted to DBHDS and prior to lease execution. Subsequent location changes will be denied.

XI. Appeal of Referral Ineligibility

1. DBHDS will issue a written referral decision to the Referral Facilitator. The Referral Facilitator is responsible for presenting this letter to the individual and his/her guardian, as appropriate. If the individual does not meet the eligibility criteria outlined in Section III, the written decision will note the referral is ineligible and will clearly indicate the eligibility criteria which the individual does not meet.
2. Individuals have the right to appeal ineligibility decisions pursuant to Section III.5 of these Housing Resource Referral Policies. Information on how to appeal a Section III.5 ineligibility decision will be provided in the referral decision notice. No other eligibility decisions can be appealed.
3. Any individual filing an appeal has the right to have a designated representative or advocate throughout the entire process.
4. The referred individual or designated representative (the "Appellant") must submit a written request to appeal the referral eligibility decision to the DBHDS Housing Manager at housingreferrals@dbhds.virginia.gov within ten (10) calendar days from the date of the decision or action being appealed. The subject of the written request should read "Referral Ineligibility Appeal." The appeal request must include the date the appeal is submitted, the reason the Appellant disagrees with the decision, relevant documentation supporting the appellant's position and contact information for the Appellant.
5. The DBHDS Housing Manager will review the appeal request and any supporting documentation and provide a written response to the Appellant within ten (10) business days from the date the appeal request is received.