



To: Real Estate Department Partners
From: Real Estate Department
Date: July 2, 2024

Notice: RED-24-38

Re: 811 Project Rental Assistance Availability for 2025 9% Tax Credit Round

The 2025 Qualified Allocation Plan states that applications eligible for points under the “Integrated Supportive Housing for Persons Experiencing Homelessness” scoring category are eligible to request an award of 811 Project Rental Assistance (“811 PRA”) by submitting IHCD Form O2 with the tax credit application.

IHCDA is hereby expanding 811 PRA eligibility to applications competing in the Community Integration set-aside. Such applications may request 811 PRA by submitting Form O2 with the tax credit application.

IHCDA’s “Tenant Selection and Occupancy Standards Policy” for the 811 PRA program is attached to this notice. This document defines 811-eligible projects and households.

Questions about this notice can be directed to Matt Rayburn, Deputy Executive Director & Chief Real Estate Development Officer, via mrayburn@ihcda.in.gov.



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EQUAL OPPORTUNITY EMPLOYER AND HOUSING AGENCY

State of Indiana
Lieutenant Governor
Suzanne Crouch





**INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY (“IHCDA”)
SECTION 811 PROJECT RENTAL ASSISTANCE (“811 PRA”)
SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES**

TENANT SELECTION AND OCCUPANCY STANDARDS POLICY

The purpose of the 811 PRA program is to increase access to affordable housing with appropriate supportive services for extremely low-income persons with disabilities. IHCDA was awarded 811 PRA through HUD’s 2019 Notice of Funding Availability.

All projects receiving an award of 811 PRA from IHCDA are subject to the compliance requirements of Section 811 of the Cranston-Gonzalez National Affordable Housing Act as amended by the Frank Melville Supportive Housing Act of 2010, the 2019 HUD Notice of Funding Availability for 811 PRA, the terms of the HUD Model Lease, the terms of the Rental Assistance Contract and Use Agreement, applicable HUD guidance and FAQs, and all IHCDA policies and written guidance on the 811 PRA program, including this “Tenant Selection and Occupancy Standards” Policy.

PROJECT REQUIREMENTS AND LIMITATIONS

An eligible multifamily property is any new or existing property owned by a non-profit or private entity with at least five housing units. This may include five or more units that are noncontiguous if under a single ownership entity. The property may not already have an existing use restriction or contractual obligation to serve persons with disabilities and may not have a 62+ age-restriction. 811 PRA may not duplicate or supplant other project-based rental assistance sources tied to the property.

No more than 25% of the total units in an 811 PRA project may be used for supportive housing for persons with disabilities under 811 PRA or any other federal or state program, nor have any occupancy preference for persons with disabilities. However, owner agents may not prohibit persons with disabilities from applying for residency in non-811 PRA units.

811 PRA units must be dispersed throughout the property and may not be segregated into one area such as a particular floor, building, or wing. 811 PRA units are considered floating units and are not pre-designated or tied to certain unit numbers. The owner agent will designate unit types that will be considered 811 PRA units (i.e., the number of units of each bedroom size that will be dedicated as 811 PRA units). Households must be given maximum choice and flexibility in selecting their unit.

ELIGIBLE HOUSEHOLDS FOR 811 PRA- FEDERAL REQUIREMENTS

An 811 PRA eligible household is an extremely low-income household where at least one person must be an individual with a disability, 18 years of age or older and less than 62 years of age at time of admission into the property. The person with the disability must be eligible for community-based, long-term services as provided through Medicaid waivers, Medicaid state

plan options, state funded services, or other appropriate services related to the target population.

In addition, the household must meet the HUD Handbook 4350.3 requirements for the “Eligibility of Students for Other Assistance Programs.” Owner agents must determine a student’s eligibility for assistance at move-in, initial or annual recertification, and at the time of an interim recertification if one of the changes reported is that a household member is enrolled as a student at an institution of higher education. A student must meet all of the following criteria to be eligible:

- Be of legal contract age under state law; and
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the U.S. Department of Education’s definition of an independent student; and
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- The owner agent must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

HUD’s noncitizen rule does not apply to 811 PRA and owner agents may not impose a citizenship requirement as an additional eligibility requirement.

Owner agents must obtain Social Security Numbers for all household members, with the following exceptions:

- Individuals who do not contend eligible immigration status; or
- A child under the age of 6 who does not yet have a Social Security Number assigned and who was added to the applicant household six months or less from the move-in date. The owner agent must give the household 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period may be granted by the owner agent if failure to provide documentation of a SSN is due to circumstances that are outside the control of the household, such as delayed processing by the Social Security Administration, natural disaster, fire, death in the family, etc. During this time period, the child is to be included as part of the household. The penalty associated with the failure to disclose and provide verification of a household member’s SSN is termination of tenancy. The owner must terminate if the SSN disclosure and verification requirements are not met in the specified timeframe.

Social Security Numbers must be verified in a manner consistent with HUD Handbook 4350.3, Parts 3-9, 3-11, and 3-31.

DEFINITIONS

Disability: A person with a disability is defined as a person who has at least one of the following:

- A physical, mental, or emotional impairment which (A) is expected to be long-continued and of indefinite duration, (B) substantially impedes the ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing

conditions. Per 42 USC 9013(k)(2); or

- A developmental disability as defined in section 102 of the Development Disabilities Assistance and Bill of Rights Act, if the disability is a severe chronic disability which (A) is attributable to a mental or physical impairment or combination of mental and physical impairments, (B) is manifested before the person attains age 22, (C) is likely to continue indefinitely, and (D) results in a substantial functional limitation in three or more areas of major life activity; or
- A chronic mental illness, i.e., a severe a persistent mental or emotional impairment that seriously limits the ability to live independently, and which impairment could be improved by more suitable housing conditions.

Extremely Low-income: A household whose annual income does not exceed [30% of the median income for the area](#). Income must be determined in a manner consistent with 24 CFR 5.609 and HUD Handbook 4350.3. Eligibility is based on gross household income.

Independent Student: To be classified as an independent student, the student must meet the Independent Student definition for Title IV aid. The student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought;
- Be an orphan or a ward of the court through the age of 18;
- Be a veteran of the U.S. Armed Forces;
- Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- Be a graduate or professional student; or
- Be married.

ELIGIBLE HOUSEHOLDS FOR 811 PRA- IHEDA TARGET POPULATIONS & REFERRALS

In addition to meeting the federal requirements listed above, households must also meet one of IHEDA's 811 PRA target populations. Each 811 PRA project will identify one target population, as approved by IHEDA.

- Persons experiencing homelessness, as referred to the project through the local Coordinated Entry System.
- Persons with intellectual or developmental disabilities ("I/DD"). The owner agent must enter into a Memorandum of Understanding with at least one I/DD service provider who will agree to provide referrals to the 811 PRA units. IHEDA must approve the selected provider and the referral process to be used.
- Persons living in institutional settings who with access to affordable housing and supportive services could exit the institutional setting and live independently. The owner agent must enter into a Memorandum of Understanding with at least one service provider or agency who will agree to provide referrals to the 811 PRA units. IHEDA must approve the selected provider and the referral process to be used.

DETERMINING HOUSEHOLD SIZE AND INCOME

The owner agent must determine household size, gross household income, and adjusted household income in a manner consistent with 24 CFR 5.609 and HUD Handbook 4350.3.

OCCUPANCY STANDARDS

Single person households will be allocated one bedroom/sleeping space.

For households with two or more household members, IHCD will assign one bedroom/ HUD approved sleeping space for the Head of Household and their spouse or domestic partner, and one additional bedroom for each two persons within the household, with the following exceptions:

- Adults of the opposite sex (other than spouses or domestic partners) will be allocated separate bedrooms/sleeping spaces.
- Children age 5 and older of the opposite sex will be allocated separate bedrooms/sleeping spaces.
- Live-in aides will only be allocated one separate bedroom/sleeping space and must not exceed HQS overcrowding standards.
- Pregnant women with no other dependents will be allocated two bedrooms/sleeping spaces.
- Where families are approved foster parents for foster adults or foster children but where the child or adult would not be in the home without the placement from a state or local placement authority, an extra bedroom/sleeping space cannot be authorized.

IHCD will reference the following chart in determining the appropriate unit size for a family:

Unit Size	# Persons in Household (Minimum/Maximum)
1 Bedroom/Sleeping Space	1-2
2 Bedroom/Sleeping Space	2-4
3 Bedroom/Sleeping Space	3-6
4 Bedroom/Sleeping Space	4-8
5 Bedroom/Sleeping Space	5-10

HUD defines an approved sleeping space as an area that has two electrical outlets and sufficient natural or artificial light to permit normal indoor activities and that is not used for cooking or bathing.

In some instances, the family may be eligible for an extra bedroom due to a reasonable accommodation. In these cases, the referral agency/caseworker will notify the property manager of the appropriate sized unit for the household. Property management must document the need a reasonable accommodation in accordance with Fair Housing requirements. The request for an additional bedroom must have a direct correlation to the person's disability. Property management may not inquire into the nature of the disability or request documentation of medical history.

ASSIGNING A SMALLER UNIT THAN REQUIRED AT INITIAL OCCUPANCY

The owner agent may not assign a household to a smaller unit size than suggested by the occupancy standards stated above at initial occupancy.

ASSIGNING A LARGER UNIT THAN REQUIRED AT INITIAL OCCUPANCY

The owner agent may assign a household to a larger unit than suggested by the occupancy standards stated above if one of the following conditions exists:

- The household needs the larger unit as a reasonable accommodation for a household member who is a person with a disability.
- A single person must not be permitted to occupy a unit with two or more bedrooms, unless the second bedroom is required as a reasonable accommodation.

The owner agent must notify IHADA and receive written approval for the assignment of a larger unit.

CHANGES IN HOUSEHOLD SIZE AFTER INITIAL OCCUPANCY

After a household moves into a unit, the unit may become overcrowded or under-utilized due to a change in family size. The owner agent must require the household to transfer to a unit of appropriate size when one becomes available. If a unit of appropriate size is not available, the owner agent must not evict or otherwise terminate the household and must not increase rent. Payment will not be adjusted until the household is transferred to an appropriately sized unit.

If a household refuses to transfer to an available unit of the correct size, the household may stay in the current unit, but Section 811 PRA rental assistance is terminated. The owner agent may not evict or otherwise terminate the household for refusing to transfer.

CHANGES IN HOUSEHOLD COMPOSITION

If the household member that made the household eligible for an 811 PRA unit passes away, the remaining household members are eligible to remain in the 811 PRA unit and to continue receiving rental assistance based on household income.

If the household member that made the household eligible for an 811 PRA unit leaves the unit for any other reason other than death, the remaining household members are eligible to continue receiving rental assistance if at least one remaining household member meets the definition of persons with disabilities. If at least one remaining household member does not meet the definition of persons with disabilities, the remaining household members can remain in the unit but will no longer receive 811 PRA rental assistance. When 811 PRA rental assistance is terminated, the household will be required to pay the lesser of the HUD approved Contract Rent or the maximum allowable rent under the Low Income Housing Tax Credit and/or HOME Investment Partnerships Program, as applicable.

LEASING ACCESSIBLE UNITS

The owner agent must lease accessible units in the following order:

- First, offer accessible units to existing households that require the accessibility features but that are currently occupying a unit that does not offer such features.
- Next, offer accessible units to qualified applicants on the waiting list that require an accessible unit.

TRANSFERRING HOUSEHOLDS IN ACCESSIBLE UNITS WHO DO NOT NEED ACCESSIBLE FEATURES

If a household moves into an accessible unit and does not need the accessibility features of the unit, they may later be asked to transfer to a comparable, but non-accessible unit in the property if their accessible unit is needed by a person with a disability. The household must transfer if a

comparable, non-accessible unit is available. The owner agent must not evict or otherwise terminate tenancy to make room for a household in need of the accessible features.

NONDISCRIMINATION REQUIREMENTS

811 PRA projects are subject to all applicable federal and state nondiscrimination requirements, including but not limited to, the federal Fair Housing Act, state Fair Housing law, Section 504 of the Rehabilitation Act of 1973, the Violence Against Women Act, and HUD's Equal Access Rule.

The owner agent may not discriminate on the basis of race, color, national origin, religion, sex, disability, familial status, ancestry, veteran status, gender identity, sexual orientation, marital status, or status as a survivor of domestic violence, dating violence, sexual assault, or stalking.

The owner agent, in conjunction with IHCD, must create an Affirmative Fair Housing Marketing Plan using HUD Form 92443-PRA and must comply with the outreach and marketing efforts identified in the plan. Identified outreach activities must be conducted prior to accepting applications. Once approved, the owner agent must make the AFHMP available for public inspection in all offices/locations in which rental activity takes place. The owner agent must also prominently display the Fair Housing Poster in the same locations.

TENANT SELECTION PLAN

The owner agent must create and implement a written Tenant Selection Plan for each project assisted with 811 PRA using an IHCD-provided template. The Tenant Selection Plan must include all requirements outlined in this policy, as well as the following information:

- Any additional screening criteria implemented by the owner agent;
- Outline of application process, including the process for denial and appeals;
- Any additional transfer policies implemented by the owner agent; and
- Eligibility requirements imposed by other funding programs tied to the project, such as Low Income Housing Tax Credits, HOME Investment Partnerships Program, National Housing Trust Fund, etc.

The Tenant Selection Plan may not impose a citizenship requirement.

The owner agent may not restrict occupancy for 811 PRA units to other subpopulations, such as veterans. However, the property may be allowed to implement a preference if such preference (1) does not violate any fair housing or nondiscrimination laws, (2) is pre-approved by IHCD, and (3) is documented in the written Tenant Selection Plan.

The Tenant Selection Plan must be reviewed and approved by IHCD prior to initial lease-up. The final, IHCD-approved version will be considered an attachment to the 811 PRA Rental Assistance Contract ("RAC"). Any future amendments to the Tenant Selection Plan must be approved by IHCD prior to implementation.

In the event of any conflict between this IHCD Tenant Selection and Occupancy Standards Policy and a project-specific Tenant Selection Plan, the requirements of this policy shall prevail.

ACCEPTANCE OF SUPPORTIVE SERVICES

A tenant's participation in supportive services is voluntary and cannot be required as a condition of admission or continued occupancy.