



# **DRAFT PERMANENT SUPPORTIVE HOUSING GUIDEBOOK**

**EFFECTIVE: OCTOBER 1, 2021**



## **PURPOSE**

### **AHCCCS HOUSING PROGRAM MISSION**

To provide safe, high quality, economically, and programmatically sustainable housing with individualized support services to ensure stable housing for all eligible members as a foundation to improve their physical and behavioral health outcomes, well-being, and self-determination.

### **OVERVIEW/INTRODUCTION**

Founded in 1982, the Arizona Health Care Cost Containment System (written as AHCCCS and pronounced 'access') is Arizona's Medicaid program, a federal health care program jointly funded by the federal and state governments for members and families who qualify based on income level.

Built on a system of competition and choice, AHCCCS is a program that operates under an integrated managed care model, through a Research and Demonstration 1115 Waiver. Contracted health plans (Contractors) and Fee for Service (FFS) providers coordinate and pay for physical and behavioral health care services.

Beginning in 1987, as part of the *Arnold v. Sarn* verdict, the State of Arizona was required to provide Permanent Supportive Housing for persons designated as Seriously Mentally Ill (SMI) who reside in Maricopa County. As a result, the State of Arizona provided funding to acquire and provide housing via the Arizona Department Health Services/Division of Behavioral Health Services (ADHS/DBHS). In 2014, *Arnold v. Sarn* was settled and AHCCCS entered into a Stipulation for Providing Community Services and Terminating the Litigation (Stipulation). This requires the ongoing provision of certain supportive housing services for SMI members in Maricopa County. In 2016, the DBHS was statutorily transitioned from ADHS to AHCCCS and, as a result of that transition physical and behavioral health services were integrated in Arizona. Today AHCCCS provides almost 3,000 units of scattered and site-based housing throughout Arizona.

Through its thirty year history of providing housing, AHCCCS realizes the important of housing as health care and its importance in addressing the physical and behavioral health of its most vulnerable members. AHCCCS understands the critical role of housing in the reduction of health care costs. Funding for housing is primarily provided for persons determined to have a serious mental illness (SMI), including persons participating in DES/DDD, ALTCS E/PD, TRBHA, and AIHP programs. While the majority of housing is for AHCCCS members designated as SMI, there are also limited units available for members determined General Mental Health and/or Substance Use GMH/SUD.

The AHCCCS Housing Program (AHP) consists of AHCCCS Permanent Supportive Housing (PSH) programs. AHP should comply with SAMHSA's PSH program elements

(<https://store.samhsa.gov/product/Permanent-Supportive-Housing-Evidence-Based-Practices-EBP-KIT/SMA10-4509>) including the integration of voluntary, individualized supportive services to assist the member attain and maintain housing as part of addressing the individual's service plan or other goals. Supportive services for members placed in housing are primarily provided through services provided through the ACC, ALTCS E/PD, ACC, RBHA, and DES/DDD, and other provider networks. AHP also endorses a Housing First approach to reduce procedural and programmatic barriers to housing and the primacy of housing in treating an individual's physical and behavioral health needs. Key AHP housing supports for eligible members include rent subsidies (e.g., long-term subsidies as well as short-term

bridge and eviction prevention rental assistance), utility assistance, payment of deposits, landlord reimbursement for damages caused by AHP participants, and move in assistance (not to include furniture). AHP includes the following program elements funded by NXIX/XXI SMI Housing General or Supported Housing Funds:

- Scattered Site Program – AHP funds utilized to provide housing subsidy vouchers to allow members to identify and lease housing in community. The program serves persons determined SMI as well as GMH/SUD members;
- Community Living Program – AHP funds used to provide rental subsidies in fixed site or group leased facilities purchased with AHCCCS SMI Housing Trust Funds to house person determined SMI. This includes some specific units dedicated to members also participating in intensive service programs (e.g., Assertive Care Teams (ACT));
- Bridge Housing Programs – As part of special collaborative programs with local Housing Authorities or other housing subsidy voucher programs, AHCCCS provides short term rental subsidy while member applies for and secures permanent voucher for long term/permanent housing subsidy;
- Eviction Prevention and Housing Support Activities – AHP funding can provide limited support for other housing related expenses beyond Permanent Supportive Housing rental subsidies. Key activities may include emergency rent assistance or eviction prevention, housing move in kits (not to include furniture), reimbursement to landlords for member caused damages, landlord recruitment efforts, and move in and/or utility deposits.
- Special Projects: Through partnerships, AHCCCS provides operational support and/or administrative funding to support Continuum of Care, Public Housing Authority partnerships, or other housing subsidy programs that are dedicated to serving persons determined SMI and receiving services through the RBHA.

AHP and the Housing Administration services described herein do not include or cover any licensed behavioral health residential or other long term care facilities, grant funded housing programs, or housing funds provided directly to the Tribal Regional Behavioral Health Authorities. The policies and standards specified in this Guide apply only to the Arizona State funding sources as specified in this Guide. AHCCCS does receive grant funding that may provide housing subsidy or assistance; however, grant related housing funding standards are guided by, and subject to eligibility standards and processes included in the respective grant agreements and AMPM Policy 320-T1. AHP funding shall not be used for room and board charges in residential treatment settings.

## **PROGRAM GOALS**

In providing safe, stable, high quality housing and supportive services, AHCCCS Housing Programs strive to meet the following four goals:

### **1. Service Integration**

The effectiveness of housing in improving physical and behavioral health outcomes is directly related to the quality, capacity, and integration of support services to create and maintain housing stability. AHP will work to integrate participant's medical behavioral health and natural supports into all housing projects as appropriate and with appropriate approval from the AHP participant. While services are always voluntary on the part of the individual or participant, providers and AHP staff should continuously strive to identify strategies to engage participants in individualized services that meet the participant's self-identified needs and goals.

### **2. Improving Member Experience and Care**

All individuals participating in AHP programs shall be treated with the dignity and respect. All AHP participants should receive excellent customer services and assistance through every step in qualifying for, securing and maintaining housing or other AHP supports. Housing and integrated services should recognize member choice and minimize trauma. Housing programs should seek to reduce administrative or other procedural barriers to housing. Wherever possible, program applicants or participants should be given adequate and timely information about their status in the AHP, available services, and/or requirements. AHP programs for individuals with physical and behavioral health needs should be individualized informed by the needs and goals of the member and recognize participant choice wherever possible. Delivery of housing and housing based supportive services should be timely with minimum wait lists or other procedural delays. Where possible, housing programs should strive to adopt evidence-based and innovative practices in developing housing models and integrated service options that meet members' needs and improve health outcomes.

**3. Maximize Utilization/Resources**

State funded housing and services are a limited and precious asset. AHCCCS and its partners should be stewards and competent fiduciaries of AHP funds and resources on behalf of the State and the individuals to be served. AHP will strive to serve as many people as possible within budgetary and programmatic limits. Since housing resources are limited, AHP will prioritize housing for members with the greatest need and for whom it will have greatest impact for the member as well as the overall Medicaid system. Housing shall be available in all geographic service areas of Arizona. Housing programs shall utilize quantitative and qualitative data to improve services and participant outcomes. Whenever possible, AHCCCS will collaborate and partner with community and mainstream resources to leverage funds and maximize housing options for members.

**4. Programmatic and Operational Accountability**

Administrative, fiscal, and programmatic infrastructure with reporting is necessary to ensure that housing programs are legally compliant and cost effective while maximizing limited fiscal resources to achieve optimal programmatic standards and service outcomes. Policies and procedures shall be standardized whenever possible to promote consistency and transparency for all stakeholders.

**PURPOSE OF AHP GUIDEBOOK**

The purpose of the AHP Guidebook (the "Guidebook") is to define, clarify, and establish key programmatic and operational processes and expectations for AHP programs in order to fulfill AHP goals and better serve the persons served by the program. To fulfill this purpose, the Guidebook will:

- Be focused on the individualized needs and choice of program participants where possible;
- Establish consistency, uniformity and accountability;
- Assist all stakeholders in understanding and meeting their AHP duties, expectations, obligations and duties related to AHP;
  - This includes key operational and programmatic components and requirements to be included in the AHP Housing Administrator's Administrative Plan and related documentation.
- Consistently improve quality, accessibility and effectiveness of AHP housing and services for program participants;
- Provide clarity and transparency in AHP operations and services;

- Promote and support effective permanent supportive housing practices including supportive service delivery and integration; and,
- Comply with, be informed by and incorporate:
  - Mandatory Federal, State and local Housing Laws and Standards including requirements related to AHP NXIX/NXXI funding sources;
  - HUD and Public Housing Authority standard practices and guidance established for Public Housing, Continuum of Care, or other Federal Housing programs;
  - AHCCCS regulations and policies including the AHCCCS Contractor Operations Manual (ACOM) and AHCCCS Medical Policy Manual (AMPM);
  - Terms of AHCCCS/Contractor Contracts for Title XIX/XXI and Non-Title XIX/XXI services;
  - Evidence-based innovative housing and supportive service practices and standards; and
  - Feedback from AHP stakeholders.

AHP's policies and procedures including this Guidebook are iterative and collaborative and will continue to be regularly updated and improved with input from multiple stakeholders including inter-agency AHCCCS departments, the Housing Administrator, AHP tenants and other AHP participants, AHCCCS Managed Care Organizations (MCOs) and their providers, and other community partners, advocates, peers, family members, and other interested parties.

#### **ORGANIZATION AND STRUCTURE/DUTIES AND ROLES**

AHP involves the four elements, AHCCCS, the MCOs and their provider networks, the AHCCCS Housing Administrator, and housing providers. AHP success involves the coordination and alignment of each of these entities performing their functions in support of the AHP participant. This section describes the general duties of each of these components and how they are integrated.

#### **AHCCCS Housing Duties**

Within AHP, AHCCCS' primary role is as the primary fiduciary receiving and allocating State NXIX/XXI SMI General and Supportive Housing funding and establishing overall programmatic and operational standards.

- Develop regulations, requirements, handbooks, notices, standards, deliverables, and other guidance to implement housing program obligations set forth in applicable state statutes or administrative regulations;
- Inform the legislature of AHCCCS member housing needs, program performance, and progress towards legislative and AHCCCS goals;
- Establish overall AHP program standards and policies;
- Contract with, allocate funds for and oversee the AHCCCS Housing Administrator;
- Provide technical assistance to RBHAs on interpreting and applying program requirements;
- Ensure coordination, for permanent supportive housing and supportive housing services, between all stakeholders in AHCCCS housing network including ACC, ACC-RBHAs, ALTCS-EPD, and DES/DDD, clinical services, housing administrators, and members;
- Monitor ACC, ACC-RBHA, ALTCS-EPD, and DES/DDD, compliance with supportive housing program requirements.

#### **AHCCCS Governance and Oversight**

Within AHCCCS, AHP is managed by the Director of Housing Programs within the Department of Health Care Management. AHCCCS will maintain the following governance checks and balances:

- To ensure multi-disciplinary integration and involvement of program areas impacted by AHP, the Director of Housing Programs will establish an internal Housing Work Group who will review AHCCCS and AHP policies related to housing, assist in service coordination issues, and provide additional oversight;
- All AHCCCS Housing policies and related Guidebook will be reviewed and approved by the AHCCCS Policy Committee and process and provide general expectations and requirements of the AHP program;
- AHCCCS will oversee AHP Housing Administrator contract using tools and processes described herein, to ensure performance and compliance;
- The Director of Housing Programs will hold regular coordination meetings with MCO Housing Specialists and the Housing Administrator;
- AHCCCS and the Director of Housing Programs will create, monitor, and participate in processes to gather program participant and advocate feedback including grievance processes, public meetings, or other tools (e.g., client satisfaction surveys).

### **MCOs and Providers**

Managed Care Organizations (MCOs) consist of AHCCCS Complete Care-Regional Behavioral Health Authorities (ACC-RBHA), AHCCCS Complete Care Plans (ACC), Tribal Regional Behavior Health Authorities, American Indian Health Plans, DES/DDD, ALTCS-EMDP administrators and their provider networks who provide care for potential AHP eligible individuals and households. Within AHP, the primary roles of the MCOs and their providers are:

- Assess individual's housing needs and AHP eligibility and provide appropriate referrals to the Housing Administrator;
- Assist individual's with eligibility documentation;
- MCOs shall assist in communicating AHP housing processes and requirements with their provider networks to ensure individuals are aware of AHP and application processes;
- Provide coordination between the housing provider and clinical teams to ensure housed members receive appropriate wraparound supportive services to ensure housing stability and progress towards case plan goals;
- Comply with AHCCCS program requirements including employment of contract required housing staff within RBHA and clinic/providers to support members in housing;
- Where possible and subject to confidentiality standards, attempt to work with supportive service providers, property owners/managers, members and other stakeholders to ensure harm reduction and member housing stability and compliance with housing standards;
- Provide programmatic reports on housing outcomes.

### **MCO Governance and Oversight**

- MCOs and providers are required to comply with all AHCCCS contract and policy requirements related to AHP and service provision;
- MCO contracts require on-staff Housing Specialists to coordinate with AHCCCS and the Housing Administrator around coordination issues;
- Participation in AHP meetings with Director of Housing Programs and Housing Administrator to assist in program development.

### **AHCCCS Housing Administrator Duties**

AHCCCS will contract with an entity to provide Housing Administrative functions for the AHP program. These key duties are established in the Contractor's Scope of Work and related documentation including this Guidebook. Key duties include:

- Establish Housing Administration Plan consistent with AHP policies and Guidebook;
- Perform all Housing Administrator duties described in Contractor Scope of Work and clarified in Guidebook and other related documentation;
- Establish financial oversight and monitoring infrastructure to ensure the AHP is operated within its budget parameters, that all funds are appropriately expended and recorded, and that all AHP financial obligations are paid in a timely manner;
- Develop and publish operating procedures, forms and documentation necessary to provide Housing Administration services;
- Conduct outreach and maintain relationships with landlords, property managers and owners to ensure adequate supply of housing options for AHP participants;
- Ensure operation of housing within housing first and SAMHSA Permanent Supportive Housing Standards;
- Coordinate with MCOs to coordinate AHP processes including eligibility criteria that requires provider referrals and verification of mental health status and housing needs;
- Ensure that owners and members comply with legal housing standards;
- Provide members and owners with prompt, professional service;
- Comply with all fair housing and equal opportunity requirements, AHCCCS regulations, handbooks and requirements and other applicable federal, state, and local laws to ensure AHP housing and services are accessible and available to all potential participants;
- Gather and provide fiscal and programmatic reporting on AHCCCS housing programs.

#### **Housing Administrator Governance and Oversight**

The AHCCCS Housing Administrator's duties and oversight are established in the Contractor's Scope of Work and related documentation including AHCCCS policies and this Guidebook. The following oversight will be utilized to ensure excellent performance of all Housing Administrator duties:

- The Housing Administrator Contract Scope of Work describes all work plans and processes the Housing Administrator must submit to AHCCCS describing specifically how they will implement and oversee all contractual duties as well as required communication and reporting;
- As noted above, AHCCCS will convene meetings with AHCCCS, the Housing Administrator and the MCO Housing Specialists to share feedback and discuss AHP operations and improvements; and,
- AHCCCS will perform AHP Housing Administrator monitoring as described in ACOM 448 and this Guidebook.

#### **Housing Providers/Property Owner/Manager Duties**

Housing providers include all private and public landlords, property owners, and/or property management companies that may lease housing units to AHP participants. This includes ACC-RBHA behavioral health providers who own or manage AHCCCS CLP properties purchased or funded by AHCCCS SMI Housing Trust Funds. The owner/property managers have the following major responsibilities:

- Provide safe, clean, and well maintained quality housing for AHCCCS members;
- Screen members who apply for tenancy to determine if they may rent from the owner based on fair and clearly established criteria;

- Maintain the housing unit by making necessary repairs in a timely manner;
- Collect rent due from the assisted member and otherwise comply with and enforce provisions of the dwelling lease;
- Comply with all Landlord legal obligations as set for in the Arizona Residential Landlord Tenant laws including providing fair notices to residents;
- When possible and subject to participant’s confidentiality rights, attempt to coordinate with Housing Administrator or AHP participant’s service providers to assist program participants with attaining and maintaining housing.

### **Housing Provider Oversight**

Housing owners, landlords, property manager, CLP providers, or other entities leasing to AHP participants must:

- Comply with the terms of the Housing Assistance Payments contract, executed with the Housing Administrator;
- Comply will all terms of lease executed with AHP program participant;
- Provide all necessary financial documentation related to AHP lease or other payments;
- Comply with all applicable Federal, State and local fair housing and landlord tenant laws;
- Not discriminate against AHP members.

### **AHP Participant Obligations/Duties**

AHP Participant’s primary requirement is to attain and maintain housing. AHP is a voluntary program and participants may elect to opt out of the program or its processes at any time. Failure to follow AHP or other legal requirements related to attaining and maintaining housing may result in a termination of either a given housing placement (e.g., eviction) and/or a loss of AHP subsidy or services. Key participant obligations are described in this Guidebook.



## **NON DISCRIMINATION AND LEGAL COMPLIANCE**

### **BACKGROUND**

It is the intent of AHCCCS that all persons be treated equally within all aspects of its housing programs. Therefore, AHCCCS Housing Programs, the AHCCCS Housing Administrator, Contractors, and service and housing providers shall all federal, state, and local Fair Housing, Equal Opportunity in Housing, Employment, and Civil Rights laws and standards in all aspects of its housing programs. This shall be reflected in all policies and practices related to AHCCCS Housing Programs. AHCCCS Housing Programs shall comply with the following laws and regulations:

1. Fair Housing Act: Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)(42 USC §3601-19)
2. Title VI of the Civil Rights Act of 1964 (42 USC §2000d-1)
3. Section 504 of the Rehabilitation Act of 1973 (29 USC §794)
4. Title II of the Americans with Disabilities Act of 1990 (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern) (42 USC §1213-12165)
5. Executive Order 11063, Equal Opportunity in Housing
6. The Age Discrimination Act of 1975 (42 USC §6101-6107)
7. Violence Against Women Act (VAWA) (42 USC §14043w-11)
8. Executive Order 13166 which requires that recipients of Federal financial assistance provide meaningful access to their limited English proficiency applicants and beneficiaries
9. Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity, also known as the "Equal Access Rule"
10. Arizona Residential Landlord and Tenant Law (ARLTA)(ARS §33-1301 *et seq.*)
11. Any applicable State laws or local ordinances that may apply, including those pertaining to Fair Housing or any legislation protecting the individual rights of residents, applicants or staff which may be subsequently enacted

### **FAIR HOUSING AND NON-DISCRIMINATION**

AHCCCS through the AHP, its contracted Housing Administrator, Contractors, and housing or service providers shall not discriminate on the basis race, color, national origin, sex, sexual orientation, gender identity, age or disability and will not use any policy or practice that has the effect of discriminating on the basis of race, color, or national origin, sex, sexual orientation, gender identity, age or disability [42 CFR 457.1201(d), 42 CFR 438.3(d) (4), 45 CFR Part 92] in the provision of housing or other covered services. Compliance with these laws requires all entities involved in providing AHP housing processes and services including AHCCCS, its Contracted Housing Administrator, MCOs and their housing referring providers, and all property owners or managers, landlords or CLP property owners to treat all applicants and tenant families equally, providing the same quality of service, regardless of member characteristics, and background. Adherence to these laws includes compliance with prohibitions against:

- Denying any family the opportunity to apply for housing nor denying any qualified applicant the opportunity to participate in the housing program suitable to its needs;
- Providing housing which is different from that provided to others;
- Subjecting a person to segregation or disparate treatment,
- Restricting a person's access to any benefit enjoyed by

Under the Fair Housing Act, familial status includes families with children under the age of 18 living with parents or legal custodians, pregnant persons, and/or people securing legal custody of children under the age of 18 including adoptive or foster parents.

others in connection with the housing program;

- Treating a person differently in determining eligibility or other requirements for admission,
- Steering an applicant or participant toward or away from a particular area based on any of these factors;
- Denying a person access to the same level of services;
- Denying a member opportunity to participate in programs with prior drug charges if a person has issues of mental health;
- Discriminating in the provision of residential real estate transactions;
- Denying anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;
- Discriminating against someone because they are related to or associated with a member of a protected class; and
- Publishing or causing to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class.

AHCCCS Housing Programs shall comply with any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

When more than one civil rights law applies to a situation, the laws shall be read and applied together.

#### **Equal Access Rule in Accordance with Gender Identity**

AHCCCS Housing Programs comply with the HUD Equal Access Rule (24 CFR 5.106). For the purposes of admissions, occupancy and operating policies of funded programs, including policies and procedures to protect privacy, health, safety, and security, shall be established or amended, as necessary, and administered in a nondiscriminatory manner to ensure that:

1. Equal access to AHCCCS Housing Programs are provided to an individual in accordance with the individual's gender identity;
2. An individual is placed, served, and accommodated in accordance with the gender identity of the individual;
3. An individual is not subjected to intrusive questioning or asked to provide anatomical information or documentary, physical, or medical evidence of the individual's gender identity;;
4. Eligibility determinations are made and assisted housing is made available in facilities with shared sleeping quarters or shared bathing facilities; and
5. Placement and accommodation of an individual in buildings and facilities with physical limitations or configurations that require and are permitted to have shared sleeping quarters or shared bathing facilities shall be made in accordance with the individual's gender identity.

#### **Post-Admission Accommodations**

An owner, landlord, operator, manager, or provider shall take non-discriminatory steps that may be necessary and appropriate to address privacy concerns raised by residents or occupants and, as needed, update its admissions, occupancy, and operating policies and procedures.

#### **Owner Non-Discrimination Requirements**

AHCCCS Housing Programs shall require owners, landlords, and their agents (e.g., property managers) to comply with all applicable laws and statutes. In agreeing to participate in AHP, including receiving subsidies or other housing supports, the owner shall abide by the Housing Assistance Payments (HAP) contract or other legal documentation which prohibits discrimination and requires that the owner:

- a. Not discriminate against any member because of race, color, religion, sex, national origin, genetic information, age, familial status, sexual orientation, gender identity or expression, or disability in connection with the HAP contract, and
- b. Cooperate with the AHCCCS Housing Administrator and Contractors in conducting equal opportunity compliance reviews and investigations.

#### **Notice of Non-Discrimination Policies and Standards**

AHP and its Housing Administrator shall ensure that members and owners are aware of all applicable civil rights laws. The AHP shall ensure that information on civil rights, fair housing, and other non-discrimination policies are provided, explained, and acknowledged in the briefing process and that the member has right to rent in a broad range of neighborhoods if utilizing a voucher/rental subsidy. Housing Assistance Payment contracts, program literature, or other leasing documentation shall inform owners of the requirement to comply with non-discrimination in connection with the contract.

The AHCCCS Housing Administrator shall offer annual fair housing training to all Health Plan Contractor housing staff. Health Plan Contractor housing staff are required to ensure that at minimum, all provider level adult and Transition Aged Youth case management staff attend annual fair housing training, and are capable of assisting members in understanding and asserting their rights under these standards.

#### **Discrimination Complaints**

If a member/applicant believes that they have been discriminated against by an AHCCCS Housing Program, its contracted partners, or an owner, the member should notify AHCCCS's Housing Administrator, orally or in writing.

The AHCCCS Housing Administrator shall develop and follow a complaint process that includes the following elements. The AHCCCS Housing Administrator shall:

- a. Make reasonable efforts to determine merit and implement corrective action;
- b. Provide the member with information on how to contact, complete, and file discrimination complaint with AHCCCS, the AZ State Attorney General's Office Division of Civil Rights, and/or the HUD Office of Fair Housing, and Equal Opportunity (FHEO); and
- c. Develop a process for documenting and notifying the member's clinical team/provider case manager as appropriate. The member's Provider Case manager may assist the member in filing of a housing discrimination complaint.

#### **Affirmative Marketing**

The AHCCCS Housing Administrator shall publicize and disseminate information concerning the availability and nature of housing assistance to eligible referred members.

As part of the briefing process and on-going education, the AHCCCS Housing Administrator shall provide information to members about the opportunity to rent in a broad range of neighborhoods and housing types including:

- a. Information on general locations and characteristics of neighborhoods including shopping centers, bus lines, etc.;

- b. A listing of available rental properties. The list, updated monthly, shall include: address, amenities, deposit information, etc., as provided by owners;
- c. A list of properties/owners who accept AHCCCS Housing Subsidies and Community Living Properties (CLP) with vacancies that the member may qualify for;
- d. A description of portability provisions available in AHCCCS Housing Programs; and
- e. Other information as required.

The Housing Administrator shall assist AHCCCS in monitoring and reporting the demographics of persons in the AHCCCS Housing Programs to ensure that AHCCCS Housing Programs are not underserving or promoting racial disparities in quality or quantity of placements.

#### **Owner Outreach**

AHCCCS encourages its Housing Programs to offer members choice in housing types and locations within the scope of the program.

The AHCCCS Housing Administrator shall develop a strategy to outreach to housing owners in the community to develop interest in the program and to increase the number of units available in the community.

The AHCCCS Housing Administrator shall work with AHCCCS to develop program information and printed materials as well as staff to recruit participation in the program by local realtors, agents, apartment associations, and any interested landlords.

AHP programs and the Housing Administrator shall follow the Violence against Women's Act (VAWA) in regards to termination of assistance where domestic violence is suspected or reported.

#### **Language Assistance Plan and Limited English Proficiency Policy**

AHCCCS is committed to providing meaningful access to its programs and services to all eligible persons, including those who have Limited English Proficiency. Language for Limited English Proficiency Persons (LEP) can be a barrier to accessing housing and other important benefits, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by the program. In certain circumstances, failure to ensure that members with LEP can effectively participate in, or benefit from AHCCCS programs and may violate prohibitions against discrimination. AHCCCS Housing Programs, like other AHCCCS Programs shall take affirmative steps to communicate with members who need services or information in a language other than English. The AHCCCS Housing Administrator shall develop a Cultural Competency Plan and services consistent with AHCCCS ACOM 405.

#### **Fair Housing, Disabilities, and Reasonable Accommodation**

Consistent with Fair Housing and Non-Discrimination standards, AHCCCS will ensure that members with disabilities have full access to AHCCCS Housing Programs. Members with disabilities shall not be denied the benefits of, shall not be excluded from, shall not be denied participation in, or otherwise be subjected to, discrimination in housing due to AHCCCS facilities being inaccessible or unusable by members with disabilities. A reasonable accommodation is a change, modification, alteration, or adaptation in a policy, procedure, practice, program, or facility that is necessary for a qualified member with a disability to have the opportunity to participate in, and benefit from a program or activity.

The Housing Administrator shall develop a written policy for members participating in AHCCCS Housing Programs to request a reasonable accommodation that complies with all Federal laws and standards.

This policy shall include the following elements:

- a. Process for providing members with notice of right to request accommodation at any step within the application or housing process;
- b. Process for member with disability to request a reasonable accommodation verbally or in writing either by or on behalf of a member;
- c. Timelines and processes for the case by case review, approval/denial of requests for reasonable accommodation;
- d. Process and documentation for certifying or verifying disability including or use of third party documentation including confidentiality of documentation and that Housing Administrator on review disability for relatedness to requested accommodation and not severity or nature of the disability;
- e. Process and standards for evaluating the requested accommodation:
  1. Relation of disability to requested accommodation;
  2. Necessity and reasonableness of requested accommodation (not undue financial or administrative burden);
  3. Identification of alternative accommodations;
- f. Process for appeal of grievance or re-consideration of denied accommodation;
- g. Maintenance and privacy of disability and accommodation request information;
- h. Policy should include guidelines for common accommodation requests including:
  1. Accessibility of application process for persons with physical impairment
  2. Communicative Aids
  3. Companion Animals and Service Animals
  4. In Home Aides or Care Givers and allowance for additional space
    - i. A Home Aid or Live-in Care Giver is a person who:
      1. Is determined to be essential to the care and well-being of the persons
      2. Is not obligated for the support of the persons, and
      3. Would not be living in the unit except to provide the necessary supportive services
    5. Physical Improvements/Modifications
    6. Transfer or relocation of units
- i. Process for ensuring all Housing staff maintains training on Fair Housing and Non-Discrimination Standards.

### **Violence Against Women Act (VAWA)**

AHCCCS acknowledges the importance of VAWA protections to the safety and well-being of members and therefore requires compliance with VAWA in its Housing Programs. AHP shall not discriminate against an applicant or participant on the basis of the rights or privileges provided under the VAWA. As required by VAWA, participants in AHP programs have the following protections:

- All individuals applying for or AHP participants will be notified of their rights under VAWA;
- VAWA protections are gender-neutral and available to all individuals who are victims of domestic violence, dating violence, sexual assault or stalking;
- AHP will not consider an incident or incidents of actual or threatened domestic violence, dating violence, stalking or sexual assault as serious or repeated violations of the lease or

- other “good cause” for termination of the assistance, tenancy, or occupancy rights of a victim of abuse;
- Criminal activity directly related to abuse, engaged in by a household member, guest or other individual under the tenant’s control, will not be cause for denial of admission, termination of assistance, tenancy or occupancy rights if an AHP participant or member of the participant’s immediate family is the victim or threatened victim of that abuse;
  - If an assisted household member engages in criminal acts of physical violence against family members or others, AHCCCS Housing Programs may terminate assistance to the offending household member, or an owner/manager may “bifurcate” a lease, or otherwise remove the household member from the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance for any individual who is a tenant or lawful occupant. These actions shall be taken without penalizing the victim;
  - These statements do not limit the authority or ability of a unit owner/manager to evict, or COPHD to terminate assistance to any tenant under program guidelines if either party can demonstrate an “actual and imminent threat” to other tenants or individuals employed at or providing services to the property;
  - AHP will provide VAWA compliant transfer policies and protocols including:
    - An assisted family may receive a voucher and move in violation of the lease if the member has complied with all other obligations of the voucher program and moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, stalking, or sexual assault and who reasonably believed he or she was imminently threatened if he or she remained in the assisted dwelling unit.
    - Required timeline, request process and documentation to request a transfer, prevent eviction, removal, or termination of the lease or assistance due to a claim of domestic violence, dating violence, sexual assault, or stalking.
    - Policies around the confidentiality and record keeping for VAWA requests.
  - AHP shall cooperate with organizations and entities that provide shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking. If staff becomes aware that an assisted individual is a victim of domestic violence, dating violence, sexual assault, or stalking, staff will refer the victim to shelter or other service providers as appropriate. Coordination with the member’s provider case manager and referral agencies is encouraged but not required.
  - AHCCCS Housing Programs shall allow the owner to bifurcate a family’s lease and terminate the tenancy of a family member if determined that the family member has committed criminal acts of physical violence against other family members or others. This action shall not affect the tenancy or program assistance of the remaining, non-culpable family members who are eligible for AHP programs. If a victim of domestic violence is not eligible, and the removed family member was the AHP eligible member, AHP will work to identify alternative housing placements or subsidies to maintain the lease and/or provide adequate time to identify alternative housing options.

Neither VAWA nor this policy implementing it will preempt or supersede any provision of federal, state or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault or stalking (VAWA-protected acts or threatened acts of violence). The AHP Housing Administrator will incorporate appropriate policies, procedures and documents to in its Administrative

Plan to ensure program participants are notified of their rights and protections under VAWA and that VAWA requirements are followed.

**Privacy**

All AHP communications and data sharing shall comply with Federal and State privacy regulations. AHP will establish process to secure appropriate releases or participant approvals for all inter or intra agency program sharing of information related to the AHP housing processes or efforts to support integration of supportive services.

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## **ELIGIBILITY**

### **INTRODUCTION**

Eligibility requirements are the minimum standards that an applicant for housing must meet or comply with in order to qualify for AHP housing programs or benefits. In addition to general non-discrimination policies and legal standards defined in Section II of this Guidebook, AHP program eligibility is primarily established by the terms and rules set by the Arizona State Legislature in the enacting legislation or budget allocation process that awarded the funds to AHCCCS. All AHP funds are required to serve persons determined SMI or with GMH/SU, particularly those who have acute service needs including those identified as “high cost/high need” based upon their utilization of services. Within these legal and legislative parameters, it is AHCCCS’ intent to minimize administrative barriers and qualifications for housing consistent with evidence based Housing First standards so that AHP programs can serve persons with the greatest housing and service needs. AHP eligibility requirements describe here complies with legal standards, funding requirements, and policy priorities.

### **ELIGIBILITY**

AHP eligibility requirements are threshold requirements and must be met prior to the member receiving AHP housing and benefits and to maintain AHP housing subsidies or benefits. It is the responsibility of the Housing Administrator to review and ensure that all members referred to AHP meet the AHP eligibility requirements at referral and verify eligibility when applicants are selected to receive AHP housing. While it is the applying member’s responsibility to establish eligibility and provide all required documentation, the member’s AHP referring entity should provide initial eligibility documentation (with member’s appropriate releases) at the time of referral and may assist in verifying eligibility upon selection for AHP benefit or subsidy. Specific housing programs or facilities may have additional qualifications or priority populations that will be considered in referring or placing the individual in the program.

### **RE-CERTIFICATION**

As noted above, member’s eligibility should be documented at the time they are referred to the AHP program and eligibility must be verified prior to receiving AHP housing or supports. Additionally, members must remain eligible to continue to maintain their AHP housing. On an annual basis, AHP member’s eligibility status must be reviewed as part of housed member’s bi-annual AHP housing re-examination by the Housing Administrator. The member should also notify the Housing Administrator if there is a change in the member’s circumstance that may change the member’s eligibility status. Changes in status resulting in AHP ineligibility may result in loss of AHP subsidy or services.

### **OTHER HOUSING VOUCHER PROGRAMS**

AHCCCS and the AHP partner with other local Housing Authorities (Housing Choice Vouchers), homeless programs (Continuum of Care, Rapid Re-Housing Initiatives), and housing providers to coordinate referrals of SMI or GMH/SU members and expand housing subsidies and options for members. These programs may have additional eligibility requirements related to their funding sources and programs.

### **AHP ELIGIBILITY REQUIREMENTS**

The following requirements are mandatory eligibility requirements for participation in AHP. Additional specifications for each eligibility requirement are provided in Part D of this Section. The applicant/member shall:

1. Be determined SMI or GMH/SU with High/Cost Needs by a qualified provider;



2. Be a United States citizen or have eligible immigrant status;
3. Be at least 18 year old;
4. Have an identified housing need documented by the member's clinical provider or treatment team. Identified housing need includes members in the following situations:
  - Persons Experiencing Homelessness;
  - Medical or behavioral health transitions requiring placement in safe, adequate housing placement per AMPM 520;
  - Medical necessity as determined by a qualified representative of a provider or MCO.

It should be noted that the following criteria are NOT considerations or eligibility requirements for AHP participation or subsidy:

- Poverty or Income Levels – Note: Income will be evaluated in determining AHP subsidy and tenant contribution towards rent calculations;
- Criminal background, prior incarceration, or sex offender status;
- Prior rental history or evictions including history in AHP housing;
- Substance use or substance abuse history;
- Medical condition or specific diagnosis;
- Participation or completion of treatment or programming;
- Employment or income status;
- Credit history or financial security; or
- Housing readiness.

These criteria are only for the purposes of determining AHP eligibility for housing subsidy and assistance. Specific housing providers, landlords or properties may require additional eligibility requirements as part of their leasing requirements including those used and not used by AHP.

#### **AHP ELIGIBILITY REQUIREMENTS BY CRITERIA**

##### **1. SMI OR GMH/SU WITH HIGH COST /HIGH NEED**

The legislative and budgetary approvals allocating Arizona State Non-Title XIX/XXI funding to AHCCCS and AHP require that members be determined SMI and/or have a General Mental Health and/or Substance Abuse Disorder (GMH/SU).

- a. GMH/SU High Cost/High Need - For GMH/SU members, AHP policy prioritizes those GMH/SU members who have been identified "High Cost/High Need" by a provider per AHCCCS Medical Policy Manual (AMPM) §1010 and MCO contract requirements. High Cost/High need is generally based upon the complexity of their service needs, cost and service utilization, and service history (e.g., emergency room use).
- b. SMI AND GMH/SU Eligibility is Related to Funding Source and AHCCCS Enrollment - AHP funds consist of three distinct State of Arizona funding sources: NXIX/NXXI SMI Housing General Fund (SMI Housing General Fund), NXIX/NXXI Supported Housing General Funds (Supported Housing), and SMI Housing Trust Funds (SMI HTF). Mental Health and XIX/XXI enrollment eligibility requirements depend upon the AHP funding source as follows:
  - SMI Housing General Fund - All participants must be determined SMI. All persons determined SMI are eligible. Medicaid/AHCCCS enrollment is not required as long as persons is determined SMI.

**DRAFT PERMANENT SUPPORTIVE  
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- Supported Housing General Fund - All participants must be determined SMI or have a GMH/SU condition AND must be eligible for, or enrolled in AHCCCS.
- SMI Housing Trust Funds - Members who are receiving a SMI Housing Trust Fund (SMI HTF) housing subsidy, or who are living in a facility purchased or rehabilitated with SMI HTF funds, must be determined to be SMI and do not need to be enrolled in AHCCCS.

These criteria are summarized in TABLE I.

**Table I**

| Funding Source                                    | Population |        | Member Eligibility |                   |
|---|------------|--------|--------------------|-------------------|
|   | SMI        | GMH/SU | Title-XIX/XXI      | Non-Title XIX/XXI |
| <b>Non-Title XIX/XXI SMI Housing General Fund</b> | YES        | NO     | YES                | YES               |
| <b>Supported Housing General Fund</b>             | YES        | YES    | YES                | SMI ONLY          |
| <b>SMI Housing Trust Fund</b>                     | YES        | NO     | YES                | YES               |

All AHP funds are appropriated/allocated through the State of Arizona and program eligibility is subject to any requirements or restrictions incorporated into the legislative funding or allocation process. The standards described here may be superseded or amended to reflect any subsequent legislative changes and subject to available funding.

- c. Determination of Eligible SMI or GMH/SU Status - SMI determination or identification of GMH/SU members who are considered “high cost/high need” will be based on existing AHCCCS criteria and processes documented in Arizona State Law, Arizona behavioral health regulations, AHCCCS Medical Policy Manual policies and by contract. The Housing Administrator will not be involved in the determination process, only in securing verification or documentation from the MCO, providers, or care teams for the purpose of housing coordination and eligibility.

**CITIZENSHIP OR ELIGIBLE IMMIGRANT STATUS**

Under Arizona State Law, ARS 1-502, Any State agency that administers state or local public benefit, shall require, “each natural person who applies for the state or local public benefit to submit at least one of the following documents to the entity that administers the state or local public benefit demonstrating lawful presence in the United States.” ARS 1-502 also identifies acceptable documentation for demonstrating lawful presence in the United States. While a Social Security Card will not be required for AHP eligibility, it is highly recommended that the member secure a Social Card or documentation since it will be needed for other housing processes.

Members may have to provide additional documentation related to verification of identification and citizenship/lawful presence in the United States as part of their eligibility and enrollment process for Title XIX/XXI covered services required for some AHP housing programs (see Table 1 above).

**MUST BE 18 YEARS OR OLDER**

Member applying for AHP housing must be at least eighteen (18) years old and legally able to enter into a binding lease or housing contract at the time of application for AHP housing. A legally emancipated minor under the age of eighteen may qualify for AHP housing services or subsidy if they also met the other AHP criteria including mental health status.

### **DOCUMENTED HOUSING NEED**

It will be the responsibility of a qualified representative of an MCO or the member's provider and/or treatment team, or qualified representative of a PATH or other homeless outreach team to document the member's need for housing and subsequently provide a referral to the AHP program (See Application in Section IV).

- 1) Documentation of Housing Need – The referring entity will be responsible for providing signed documentation of the members housing need as part of the application for AHP housing or services. Key types of allowable documentation of homelessness will include:
  - HMIS reports of documented stays in emergency homeless facilities, dates of contact on the street or unsheltered by outreach or other engagement teams;
  - HMIS or Continuum of Care verification of chronic homelessness;
  - Executed member self-certification of homelessness from HMIS or homeless service provider
  - Signed statement from qualified representative documenting and describing knowledge of member's circumstances related to housing need with any supporting documentation.
- 2) The Housing Administrator will establish templates and forms for the submission of Housing Need documentation as part of the application process;
- 3) Categories of Housing Need.

Documentation of member's current status in the following situations or circumstances will be considered "housing need" for purposes of AHP eligibility:

#### **A) Homelessness**

Persons experiencing homelessness includes persons who:

- 1) Do not have a fixed, sustainable, or appropriate nighttime residence including:
  - a) The primary nighttime residence is a public or private place not meant for human habitation;
  - b) Is living in a shelter designated to provide temporary living (including homeless shelters, transitional housing, hotels paid for by charitable organization or government program); or
  - c) Is exiting an institution and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution and who lack a safe, sustainable permanent or transitional housing destination for discharge that may result in a return to a place not meant for human habitation;
  - d) Persons formerly experiencing homelessness under a, b, or c above but who most recently resided in in Permanent Supportive Housing for SMI or GMH/SU members and require housing support per their provider and/or service plan;
  - e) Any individual or household who: (i) Is fleeing, or is attempting to flee, domestic violence; (ii) Has no other residence; and (iii) Lacks the resources or support networks to obtain other permanent housing.

**B) Transitions**

Under AMPM 520, AHCCCS identifies a number of situations and special health care needs in which accommodation is required to ensure the member maintains continuity of service through transitions. For purposes of AHP eligibility, persons in AMPM 520 defined special situations may be considered to have a “housing need” if: 1) member requires continuity of existing housing services or subsidy after the transition (e.g., relocating to new GSA); or 2) member requires housing subsidy or support through or after the transition to ensure continuity of services or to avoid homelessness due the transition.

**C) Housing that as a “Medical Necessity”**

For purposes of AHP eligibility, a member may have a “housing need,” if a physician or licensed practitioner of the health arts within the scope of practice, determines that housing would, “prevent disease, disability or other adverse conditions of progression, or to prolong life” (ACC R 22-101). For the purposes of identifying “housing need” based on “medical necessity,” a qualified representative is limited to, “physicians or licensed practitioners of the health arts within the scope of practice.” In establishing a request for housing based upon “medical necessity,” the qualified representative should incorporate the information, observations, and input from other members or the treatment team or other paraprofessionals with direct knowledge of the members situation or circumstances.

**D) In identifying “housing need,” Qualified Representatives may consider the following factors related to the housing need:**

- Frequency of housing instability (greater frequency suggests higher likelihood of housing need for supportive housing);
- Value of housing as least restrictive setting to meet the member’s clinical needs, support other treatment or service plan goals or reduce negative outcomes (e.g. recidivism, return to jail or institutional setting);
- Physical and behavioral health well-being and safety of member;
- Input or recommendations from peers, family members, outreach workers, homeless providers or other persons with direct knowledge of the members condition or living situation (with appropriate releases of information from the member);
- Member requests or inquiries for housing support;
- Scores on standardized assessment tools (e.g., VI-SPDAT). Please note, these scores may also be used for prioritization (see Prioritization in Section IV);
- Cost of alternative settings (e.g. jail, inpatient behavioral health setting) and/or members with high costs that could be mitigated by housing; and/or
- Member access to other financial, mainstream programs, or housing resources that might not require AHP subsidy (NOTE: financial need is not an eligibility criteria for AHP support or subsidy).

**E) Appropriate Qualified Representatives should utilize Social Determinant “Z Code” for homelessness or “housing need” in their clinical records and billing documentation once a “housing need” has been assessed for a member.**

**F) Required Minimum Documentation for “Housing Need”**

1. Homelessness – Documentation of homelessness may include:
  - a. A signed and dated statement from agency staff/outreach worker/shelter staff or another identified third party, which state the applicant’s homeless experience describing in as much detail as possible location (shelter, street, institutional stays), dates/duration and descriptions of places not meant for human habitation that individual(s) have slept. Must be on agency letterhead;
  - b. Third party documentation such as an HMIS service history report documenting active recent homeless history (e.g. recent shelter stays, street outreach contact, or repeated history street or shelter stays); or
  - c. While not preferred, self-certification is allowed if it is determined it is appropriate under the circumstances and documented. Self-certification be recorded and signed by Third party provider and be submitted with any supporting documentation;
  - d. Institutional Releases/Transition - documentation should include a written verification from the referring entity on agency letterhead or official e-mail that is signed and dated, stating that the applicant has been residing in the institution and is about to be discharged; and documentation that the applicant was either in an emergency shelter or a place not meant for human habitation immediately prior to the institutional facility and/or the explanation of the housing need including that that permanent supportive housing is necessary and appropriate. Explanation should also show effort to divert to alternative interventions (e.g. family, market rental housing);
  - e. Domestic Violence - An oral or written statement by the member seeking assistance which states they are fleeing; they have not subsequent residence; and they lack resource to secure housing. Statement must be documented by self-certification (see above) or a certification by a qualified representative.

**2. Documentation Transitions under AMPM 520**

Documentation will require signed and dated documentation/attestation from qualified representative verifying that the member is currently within the defined circumstances or categories defined in AMPM 520 as well as any documentation related to the circumstances (e.g., discharge or transfer paperwork).

**3. Documentation for “Medical Necessity”**

Documentation for housing need for eligibility under “Medical Necessity” requires letter or signed and dated documentation/attestation by qualified representative defined above verifying the presence of a “medical necessity” for housing for the member. The letter and/or documentation does not need to describe or disclose the specific nature or diagnoses of the “medical necessity” or other protected medical information.

**G) Eligibility for Families/ Households**

AHCCCS Housing Programs may serve families. For purposes of eligibility, the head of household must meet the eligibility requirements described above. If the head of household is no longer eligible, the rest of the household would be considered ineligible unless another household member applied for the subsidy and qualified for AHP eligibility.

#### **H) Role of Housing Administrator in Determining Eligibility**

The Housing Administrator is not expected to have clinical medical or behavioral health expertise, licensing, or qualifications. Because key elements of AHP eligibility are (or may be) based upon clinical medical or behavioral health determinations, it is the responsibility of the MCO, provider, or treatment team qualified representatives to work with the member to establish AHP eligibility including collecting and submitting all necessary documentation to the Housing Administrator. In evaluating or verifying eligibility documentation, the Housing Administrator will review only for completeness and that it meets the document standards (e.g., signed and dated letters, supporting documents provided if needed), but will not question or deny eligibility based on adequacy or validity of medical or behavioral health diagnoses or qualified representatives professional determination of SMI and/or GMH/SU High Cost/High Needs status or “medical need.”

The Housing Administrator will not maintain or inquire about any information about the nature or extent of a person’s disability including a person’s diagnosis or details of treatment for a disability or medical condition.

#### **I) Ineligibility**

Both the member and the submitting provider who submitted an application for housing will be notified if the member is determined to be ineligible. The Housing Administrator policies and procedures will allow for adequate opportunity to correct any missing or incomplete applications or for the request of a hearing or review of the determination.

In the event it is determined that a member no longer has a “housing need” or other eligibility criteria, member may be removed from wait list or housing subsidy program subject to adequate notification. In the event the member is housed, adequate time will be provided to allow member, with assistance from their provider, to identify an alternative housing placement.

#### **J) Privacy Act Requirements**

The collection, maintenance, use, and dissemination of social security numbers (SSN), employer Identification numbers (EIN), any information derived from the AHP eligibility determination process must be conducted, to the extent applicable, in compliance with the Privacy Act of 1974, and all other provisions of Federal, State, and local law.

Applicants and members, including all adults in the household, should sign a valid release of information. This form should incorporate the Federal Privacy Act and HIPAA requirements describing how the information collected may be used, whom it may be shared with, and under what conditions the provider and/or the Housing Administrator may release the information collected.

#### **K) Duty of Member**

In establishing eligibility, the member and any entity or person assisting in the AHP housing application and eligibility determination process must provide true and accurate information which is complete to the best of their ability. Applicants are prohibited from providing fraudulent or knowingly wrong information. Provision of fraudulent or knowingly wrong information may result in loss of AHP privileges or eligibility under AHCCCS Housing Programs.

### **Housing Administrator Duties**

As part of the Administrative Plan, the Housing Administrator shall:

- 1) Establish standard operating processes and procedures in Housing Administration Plan for submission, review and timely determination or validation of AHP eligibility. Process and procedures should include documentation requirements. These documentation requirements should be reasonable and all documentation required should be directly related to the eligibility criteria defined here. Housing Administrator policies and procedures should clearly define the criteria and standards of review;
- 2) Establish process for publicizing and promoting eligibility criteria with MCOs, providers, AHCCCS providers, members, community partners, advocates, and other relevant stakeholders;
- 3) Ensure all applicable Housing Administrator staff is trained and competent in administering eligibility determination processes;
- 4) Establish transparent and effective processes, forms, and systems for MCOs, providers, treatment teams or other qualified representatives or referring entities to submit eligibility documentation with AHP applications. This may include use of electronic, e-mail or online tools for submission;
- 5) Set process for confirming/verifying eligibility with referring agency, MCO, provider or qualified representative prior to member receiving AHP housing subsidy or services;
- 6) The Housing Administrator shall develop process and policies for notifying ineligible members and a process for informal appeals or hearings on ineligibility determinations;
- 7) Include eligibility confirmation as part of bi-annual member AHP re-certification process;
- 8) Ensure that eligibility documentation is maintained in the files and/or electronic records for AHP members receiving subsidy or benefit and that records do not contain any prohibited medical or other legally prohibited information;
- 9) Eligibility documentation requirements, submission processes, notifications and hearing processes should comply with Fair Housing and ADA requirements related to accessibility and reasonable accommodations as well as being culturally appropriate;
- 10) Develop standard Release of Information (ROI) form to allow member's provider or treatment teams to share member's protected information with the Housing Administrator including mental health status for the purposes of determining eligibility and coordination of supportive services in order to attain and maintain housing.

### **Service Coordination Considerations**

Providers and/or the member's treatment team are responsible for the assessment and documentation of housing need and key housing eligibility criteria including the member's mental health status or SMI determination which are required eligibility criteria to make a referral for AHP housing services.

Providers and treatment teams should consider the following activities to assist members in demonstrating eligibility for AHP housing and programs:

1. Ensure that housing status is assessed and housing need is evaluated and documented as part of establishing or modifying individual service plan in necessary;
2. Use "Z" codes as appropriate in ongoing service delivery for member to record ongoing housing need and/or homeless status;
3. Secure ROI from the member to share protected information for the purposes of housing referral and placement including eligibility determination;

4. Member always has right to refuse to sign a release of information. Provider should affirm member's right to refuse but inform member that not signing release may make it more difficult or take longer to secure AHP housing since it will be harder to coordinate with the Housing Administrator;
5. Ensure member meets AHP eligibility requirements prior to referral and if eligible include eligibility documentation with application;
6. Assist members in securing and safely retaining identification, social security numbers, and other essential documents necessary to document AHP eligibility and that will be needed to complete landlord housing applications;
7. Coordinate with Housing Administrator to receive notices and status reports on housing application process including any meetings, appeals, notices, status changes, eligibility determination changes to allow for advocacy and coordination of services and housing;
8. Ensure member understands all processes, requirements and duties, and statute related to the housing process and eligibility;
9. Be aware of AHP housing renewal or re-certification timelines to ensure member still has necessary eligibility status and documentation;
10. Ensure member notifies Housing Administrator of any changes to member's housing eligibility or member is informed of any clinical change in status of member's housing need;
11. In assessing housing need, AHCCCS follows a "housing first" approach. For purposes of "housing need," AHCCCS does not require any specific eligibility requirements related to "housing readiness" such as sobriety, income or financial security, or compliance with service plan directives or requirements. The assumption should be that the vast majority of members are "housing ready" regardless of any specific presenting issues or conditions as long as appropriate, client centered supportive services are wrapped into the housing placement. Consistent with this guidance, AHP housing should be focused on those individuals with the greatest service needs for whom housing will have the greatest impact;
12. Provide other supports for housing eligibility determination such as transportation to Social Security office or other location to secure documents or medical appointments to assess and determine housing need;
13. With appropriate release of information, communicate with third party medical or behavioral health providers, outreach teams, family members or peers, institutional providers; homeless shelters/service providers or entities with knowledge of the member's housing need and situation to determine homeless history or other "housing need" documentation. All assistance must be with the member's informed consent and in compliance with privacy and confidentiality laws.



**APPLYING FOR AND SECURING HOUSING  
APPLICATIONS, WAITING LISTS, TENANT SELECTION, HOUSING SEARCH, LEASE UP**

**INTRODUCTION**

This section covers the general policies, processes, and standards related to:

- Submitting Applications for AHP
- Wait list Processes including Prioritization and Selection Process
- Issuing Vouchers and Housing Search Processes
- Housing Approval Processes
  - Inspections
  - Rent Reasonableness
  - Determining Rent and Subsidy Amounts
  - Lease and Housing Assistance Payment Agreements (HAP)

It is the intent of the AHP program that all eligible members have an equal opportunity to apply for and receive housing assistance. To achieve this goal, AHP's application process should be open, simple, understandable, accessible, and treat applicants fairly and consistently. Per Fair Housing and other legal requirements, it should also be accessible to all persons, including those with disabilities. It is also an AHP goal to provide members as much choice as possible in their choice of living.

While the application process should be open to all eligible members, the AHP has limited housing capacity based on available funding. Due to limited housing resources that are exceeded by the demand for housing, AHP will prioritize wait lists for housing vouchers and placements. Prioritization may be based on a number of factors including member acuity or housing need, appropriateness of the housing opportunity with member need or specific project eligibility requirements, funding priorities or restrictions, or other State or AHCCCS policies. In applying prioritization standards, AHP will still comply with all Fair Housing and other applicable standards. When housing voucher or placement becomes available, the Housing Administrator must select eligible households from the waiting list in accordance with AHCCCS stated requirements and priorities.

Finally, where possible, within policy standards, affordability and within the resources available, AHP will recognize member choice of housing setting and support type including but not limited to geographic location, housing type, household members, and/or unit or community amenities and resources.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list. An appeal process will be available to ensure priorities in selection are followed and applied appropriately.

**REFERRALS AND APPLICATIONS**

The AHP housing process will begin with the submission of a referral/application from a member's provider to the Housing Administrator. The Housing Administrator will establish a process to receive and track referrals and applications from qualified representatives from the following "providers":

1. AHCCCS Managed Care Organizations including ACC and ACC-RBHAs;
2. AHCCCS Managed Care Organization (MCO) contracted providers;
3. Member's Fee for Service Provider;
4. American Indian Health Program providers for applicable fee for service members;
5. Tribal Regional Behavioral Health Authorities (TRBHAs);

6. Tribal ALTCS;
7. Indian Health Service facilities;
8. Tribally owned or operated 638 facilities;
9. Arizona Department of Corrections (ADC); and
10. Arizona Department of Juvenile Corrections (ADJC)

AHP Referrals and Applications may be initiated upon request of the member to the provider or be initiated by the provider based upon their knowledge of the member's circumstances and housing need.

Because AHP housing prioritization is based primarily upon housing need, the Housing Administrator will not close the referral and application process, regardless of numbers or available resources.

### **REFERRAL AND APPLICATION REQUIREMENTS**

The Housing Administrator will create a referral and application process to secure the minimum amount of information necessary to identify member, establish AHP eligibility, and allow for follow up including ongoing communication and housing coordination. To accomplish this, a completed referral will include at minimum:

- Name of the Member;
- Social Security, Date of Birth or other information necessary to confirm identification;
- Name and contact information of Referring Entity and Qualified Representative submitting Referral/Application;
- Verification and Documentation of Eligibility (see Section III above);
- Contact Information for the Member;
- Date of Referral;
- VI-SPDAT or other approved acuity assessment tool - AHCCCS will work with providers to identify and implement a standardized tool. At the current time, the RBHA's are requiring administration of the VI-SPDAT for all housing referrals but an alternative tool could be implemented based upon input from AHCCCS and other stakeholders;
- Member Release of Information (if signed) to allow sharing of information between member, provider and Housing Administrator;
- Identification of any specific housing programs or settings the member may be programmatically eligible for (e.g., ACT Housing);
- Names and identifying information for other potential household members if any;
- With member approval, name(s) of member's provider case manager, care manager or other member approved supportive service provider or advocate (e.g., case manager, PATH outreach worker, care giver, etc.);
- The Housing Administrator may elect to provide a member housing preference survey or questionnaire to identify an applicant's housing preferences including location, housing type or other features.

The Housing Administrator will set a reasonable timeframe for the timely review of all referrals and applications and any supporting documentation for completeness as well as a notification process informing the member and the referring provider that either: 1) the application was accepted next steps of the process (e.g., wait list, selection); or that the referral/application was incomplete. Incomplete applications may be returned to the referring provider with description of deficiency. The provider will have the opportunity to correct or provide any missing information and resubmit the

referral/application. As noted under eligibility above, the Housing Administrator will only review the referrals and applications for completeness and adequacy of documentation (signatures, required documents, etc.). The Housing Administrator will not review or question member's behavioral health status or determinations of need or other provider determined eligibility criteria.

### **WAIT LISTS AND PRIORITIZATION**

Demand for AHCCCS housing units exceeds available housing resources, therefore AHP housing subsidies will be prioritized to reflect AHP and AHCCCS priorities including recognizing member choice, serving persons with the greatest acuity of need, matching available resources to member's individual need, or other policy priorities established by the Legislature as part of the AHP funding approval or AHCCCS. All AHP housing programs will prioritize the wait list of eligible referrals/applicants based on objective criteria to ensure that housing opportunities are available in a fair and transparent manner to best address AHP defined priorities.

### **PLACEMENT ON THE WAITING LIST**

All eligible referrals/applicants will be placed on a wait list for housing opportunities. The Housing Administrator may elect to maintain a single wait list, geographic wait lists, individual wait lists for each program, or any organization as long as the Housing Administrator has the ability to match referrals/applicants to all specific vacancies for which they are eligible. AHP wait lists are based upon housing need, therefore, wait lists will not be closed or have limits of the number of persons on the list.

Referrals/Applicants will be notified when they are placed on the wait lists. If release of information is present, the Housing Administrator may share wait list placement and other status reports with providers or other approved contacts. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list. The Housing Administrator will not disclose specific wait list position or rank, but may provide general information on average length of time on wait lists or other general estimates to assist members and referring entities in making informed decisions about the availability and possible timing of housing. Participation on other wait lists including those of local housing authorities or other mainstream programs will not affect placement on AHP wait lists. Wait list status will also not be impacted by placement in temporary housing, institutional placement, or transitional housing. Member will remain on AHP wait lists until: 1) they secure AHP housing (see following sections); 2) they no longer have housing need; 3) they secure other housing (e.g., HUD or HCV voucher); they voluntarily remove themselves from wait list; or 4) they are inactive (see below).

### **PRIORITIZATION AND SELECTION**

When a vacancy in a program is identified within an AHCCCS Housing program, the Housing Administrator will match the program requirements with a list of identified persons on the wait list who qualify for the vacancy. The Housing Administrator will work with AHCCCS, its MCOs to develop a process for prioritizing eligible members from the housing wait lists that accounts for the following prioritization criteria in the following order:

- **VI-SPDAT or other Objective Acuity Score** – This may be based on VI-SPDAT and/or other standardized assessment tool that AHCCCS approves (e.g., LOCUS) that includes a housing assessment/field. Priority ranges will be based on standards set by the tool being used.
- **Cost and Medical/Behavioral Health Need** – AHCCCS will work with MCOs and Housing Administrator to establish process for identifying persons on wait list that are considered "high cost/high needs" based upon their cost of care and/or utilization of crisis or other emergency facilities.

- **Actual Homeless Status** – Priority should be given to persons experiencing literal homeless including living on streets, shelters or other places not meant for habitation (See definition of homelessness included in Section III - Eligibility).

As new members are added to the wait list they will be prioritized based upon the defined criteria. When the Housing Administrator is notified or determines there is housing vacancy, the Housing Administrator will match the vacancy with the top prioritized person on the wait list who is eligible for the unit to offer the vacancy.

There are a limited number of projects and programs within the AHP housing facilities that are restricted to members with specific service supports or programming (e.g., ACT Housing). Wait lists and prioritization for these programs will be limited to referrals/applicants who were specifically identified for these programs by their provider and documented in their referral/eligibility documentation.

Prioritization should be based on the criteria identified above or other criteria established by the Housing Administrator in conjunction with AHCCCS. Members' prioritization for housing should not consider source of referral (e.g., ACC v. ACC-RBHA). Each year the Housing Administrator in conjunction with the AHCCCS Housing Workgroup will evaluate and amend housing priorities as necessary.

#### **POST ACCEPTANCE/PRE-TENANCY ACTIVITIES**

This section describes process and steps that the member must complete once an offer for housing assistance has been accepted. Key steps will include: 1) notification of the member to offer the housing opportunity; 2) if offer accepted, a briefing to ensure that member understands the housing program, next steps and their obligations as a program member; 3) subsidy determination and issuance including verification of unit/subsidy size and income determination; 4) housing search process (if subsidy), and 5) pre-tenancy inspections, and lease approval once a unit has been identified by the member

#### **NOTIFICATION AND ELIGIBILITY VERIFICATION**

When a vacancy has been identified and an eligible applicant is properly matched from the wait list, the Housing Administrator will notify the member using the contact information provided on the application. If proper releases are in place, notification of selection for an AHP subsidy will also be provided to the member's provider or other advocate who may assist the member with housing. The notification will:

- Inform the member of the housing opportunity including whether the opening is a scattered site voucher or a Community Living Property.
  - If a Community Living Property or other special fixed site program, the Housing Administrator will also disclose the location, housing type, and other relevant information related to the opportunity.
- Notify the applicant that the Housing Administrator will be verifying eligibility including a possible contact with the applicant's referring provider. If necessary, the Housing Administrator may also notify the member if releases or other permissions need to be renewed to permit eligibility confirmation.
  - Notification will inform member that housing opportunity/offer is contingent on verification of eligibility.
- Provide instructions on how to notify the Housing Administrator on whether the offer for AHP support will be accepted or declined.

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- Housing applicants always have the choice to accept or decline a housing option based on their individualized housing goals or needs. Declining an offer will not impact the applicant's position on the overall wait list or for other housing opportunities. This will be communicated to the applicant if they decline the offer
- If the applicant chooses to proceed, the notice will give guidance on setting up the next steps in the housing process including scheduling a briefing.
- The notice may provide a reasonable time limit for the member to respond to the notice so that units are not left vacant and openings can be offered to other members as appropriate. As with declining an opening, failure to notify the Housing Administrator will not result in the applicant losing their status or being removed from the wait list for other housing opportunities.

### **BRIEFINGS**

When a member is determined to be eligible for the housing program, the Housing Administrator must ensure that the member fully understands the way the program operates and the member's obligations under the program. AHCCCS requires the Housing Administrator to conduct mandatory briefings for applicant members. This is accomplished through both an oral briefing and provision of a briefing packet containing written documentation of information the member needs to know. The briefing will provide a broad description of owner and member responsibilities, explains the Housing Administrator's procedures, and includes instructions on how to lease a unit.

- Members may be briefed individually or in groups. Briefings may be held via telepresence if necessary and with proper notification and acceptance by member.
- At the briefing, the RBHA or Sub-Contractor must ensure effective communication in accordance with Section 504 requirements (Section 504 of the Rehabilitation Act of 1973), and ensure that the briefing site is accessible to individuals with disabilities.
- Generally, the head of household is required to attend the briefing. If the head of household is unable to attend, the Housing Administrator may approve someone to attend on the household's behalf and with member's acceptance.
- Members that attend group briefings and still need individual assistance will be referred to an appropriate Housing Administrator staff person. Care coordinator or other supportive staff is encouraged to work with member to attend briefing and assist with briefing process with member consent.
- The briefing packet provided to the family will include all HUD required documents. All vital documents including the voucher and the Housing Discrimination Complaint form will be provided in Spanish as well as English.
- Members should be clearly informed of additional documentation including any final eligibility determination documentation needed to complete the eligibility determination and allow issuance of the subsidy.
- Briefings will be conducted in English. For limited English proficient (LEP) applicants, the RBHA or Sub-Contractor will provide translation services.
- As described below, tenants are required to pay up to 30% of their income (if any) towards rent. Briefing should clearly describe this requirement to the member in describing subsidy amount.

### **SUBSIDY STANDARDS AND SUBSIDY ISSUANCE OVERVIEW**

Once the applicant's eligibility has been verified by the Housing Administrator and has attended a briefing and is fully informed of the program's requirements, the Housing Administrator will issue the

member a subsidy. The subsidy includes the unit size the member qualifies for based on the Housing Administrator’s subsidy standards, as well as the dates of issuance and expiration of the subsidy. The subsidy is the document that permits the member to begin its search for a unit and establishes the general amount of time the member has to successfully locate an acceptable unit. The subsidy is evidence that the Housing Administrator has determined the member to be eligible for the program, and that the Housing Administrator expects to have money available to subsidize the member if the member finds an approvable unit. However, the Housing Administrator does not have any liability to any party by the issuance of the subsidy, and the subsidy does not give the member any right to participate in the AHP until a lease is executed.

**DETERMINING MEMBER UNIT (SUBSIDY) SIZE**

The Housing Administrator must establish subsidy standards that determine the number of bedrooms needed for members of different sizes and compositions. This part presents the policies that will be used to determine the member unit size (also known as the subsidy size) a particular member should receive, and the policies that govern making exceptions to those standards. For each member, the Housing Administrator determines the appropriate number of bedrooms under the Housing Administrator subsidy standards and enters the member unit size on the subsidy that is issued to the member. The member unit size does not dictate the size of unit the member must actually lease, nor does it determine who within a household will share a bedroom/sleeping room. The Housing Administrator can choose to accept the subsidy standard as long as it complies with the following:

- The member should disclose all members of the household in order to establish the subsidy/unit size.
- The subsidy standards must provide for the smallest number of bedrooms needed to house a member without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards.
- The subsidy standards must be applied consistently for all members of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the member in determining the member unit size.
- A family that consists of a pregnant woman (with no other persons) must be treated as a two-person member.
- Any live-in aide (approved by the RBHA or Provider/Sub-Contractor to reside in the unit to care for a member who is disabled or is at least 50 years of age) must be counted in determining the member unit size;
- Unless a live-in-aide resides with a member, the member unit size for any member consisting of a single person must be either a zero- or one-bedroom unit, as determined under the RBHA subsidy standards.

The Housing Administrator will reference the following chart in determining the appropriate subsidy size for a member:

| <b>Household Size<br/>(Members)</b> | <b>Subsidy Size<br/>(# of Bedrooms*)</b> |
|-------------------------------------|--|
| 1                                   | 0 or 1                                   |
| 2                                   | 1  |
| 3                                   | 2  |
| 4                                   | 2  |

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|   |   |
|---|---|
| 5 | 3 |
| 6 | 3 |
| 7 | 4 |
| 8 | 4 |

\* Standards are based on the assumption that each bedroom will accommodate no more than two (2) persons.

- In determining bedroom size, the Housing Administrator will include the presence of children to be born to a pregnant woman, children who are in the process of being adopted, children whose custody is being obtained, children who are temporarily away at school or temporarily in foster-care.
- Number of bedroom size will also be determined using the following guidelines:
  - a. Live-in aides will get a separate bedroom.
  - b. Children of the opposite sex will share a bedroom until the age of five. Children of the opposite sex will be assigned separate bedrooms.
  - c. Adult and children will not be required to share a bedroom.
  - d. Foster adults and children will not be required to share a bedroom with member members.
  - e. Children of the same sex will share a bedroom.

**EXCEPTIONS TO SUBSIDY STANDARDS**

In determining member unit size for a particular member, the RBHA or Sub-Contractor’s may grant an exception to its established subsidy standards if the RBHA or Sub-Contractor’s determines that the exception is justified by the age, sex, health, handicap, or relationship of member members or other documented personal circumstances. Reasons may include, but are not limited to:

- A need for an additional bedroom for medical equipment;
- A need for a separate bedroom for accommodation related to a member member’s disability, medical, or health condition.

**SUBSIDY SEARCH TERM, EXTENSIONS, AND SUSPENSIONS**

To ensure members are actively searching for housing while in possession of a subsidy, the Housing Administrator will establish a subsidy search term policy for approval by AHCCCS. The policy should include the following elements:

- Initial subsidy term will not be less than 90 days.
- Extensions of Subsidy Term – The Housing Administrator has the authority to grant extensions of search time for members, to specify the length of an extension, and to determine the circumstances under which extensions will be granted. There is no limit on the number of extensions that the Housing Administrator can approve. Discretionary policies related to extension and expiration of search time will be described in the Housing Administrator’s housing policies.
  - The Housing Administrator may amend search time policies based on local housing conditions/availability or other documented need.
  - Extensions of Subsidy as Accommodation – Housing Administrator must approve additional search time if needed as a reasonable accommodation to make the program accessible to and usable by a person with disabilities. The extension period must be reasonable for the purpose and consistent with the member’s need for accommodation.

- In determining whether to assess a member's the need for an extension, the Housing Administrator should make effort to contact the member's provider or care coordinator if authorized by member to ensure coordination of housing search activities and member ongoing need for a subsidy.
- **Notification** – Within 10 business days after the expiration of the subsidy term or any extension, the Housing Administrator will notify the member in writing that the subsidy term has expired and the policy on remaining or reapplying to the wait list. Housing Administrator's policies must provide that members must be effectively notified in writing of the Housing Administrator's decision to approve or deny an extension.
- **Suspensions of Subsidy Term** – At its discretion, the Housing Administrator may adopt a policy to suspend the housing subsidy term if the member has submitted a Request for Tenancy Approval (RFTA) during the subsidy term. "Suspension" means stopping the clock on a member's subsidy term from the time a member submits the RFTA until the time the RBHA approves or denies the request. This will allow the member the most amount of time to search for a unit in the case the initial lease is not signed.
- **Expiration of Subsidy Term** – Once a member's housing choice subsidy term (including any extensions) expires, the member is no longer eligible to search for housing under the program. If the member still wishes to receive assistance, the Housing Administrator may require that the member reapply, or may place the member on the waiting list with a new application date but without requiring reapplication. Such a member does not become ineligible for the program on the grounds that it was unable to locate a unit before the subsidy expired.
- Approval for subsidy by the Housing Administrator does not ensure approval by a given landlord or property. Member must also qualify and meet any legal requirements established by the landlord or property, especially in privately owned properties for scattered site subsidies. Requirements may include criminal background checks, income verifications, or credit checks. If approved, member care team should assist members in completing necessary housing applications and processes.

### **ALLOWABLE HOUSING TYPES**

The Contractor may provide move-in assistance and eviction prevention services to those members in permanent housing. To recognize member choice and support service plans, AHCCCS will allow scattered site housing subsidy to be applied in numerous permanent housing settings including leased apartments or houses. All AHCCCS subsidized housing should have a standard rental agreement that conforms with ARLTA.

AHCCCS housing subsidy will NOT be allowed in the following situations:

- Payment or mortgage or other ownership related payments;
- Payment of room and board expenses in behavioral health residential facilities or other clinical care based settings. This includes half way houses or other transitional housing settings;
- Purchase or rental of non-fixed mobile units including RV's, trailers, vans, trucks or other automobiles;
- Facilities that do not meet State habitability standards or Housing Quality Standards established by Housing Administrator (see Description below);
- Hotels, motels or other short-term rental facilities without a lease;
- Properties owned by relatives or related parties.



AHCCCS housing will provide subsidy for most other permanent housing leasing settings including but not limited to single family detached homes, duplexes, multiplexes, garden apartments, condominiums, townhouses, and other multi-family facilities. This includes some special settings as long as they meet applicable fair housing, ARLTA habitability standards, and/or other housing quality inspection standards established by the Housing Administrator. Housing subsidy funds may pay for permanent housing lease and utility deposits and if the Housing Administrator may establish policies for reasonable move in costs if funding allows, but cannot pay for furniture.

### **SINGLE ROOM OCCUPANCY UNITS (SRO)**

Single room occupancy (SRO) units provide living and sleeping space for the exclusive use of the occupant, but require the occupant share sanitary and/or food preparation facilities with others. More than one person may not occupy an SRO unit. Housing regulations do not limit the number of units in an SRO facility, but the size of a facility may be limited by local ordinances.

When providing housing assistance in an SRO unit, a separate lease and HAP contract are executed for each assisted person, and the standard form of the HAP contract is used. In some cases, AHCCCS supported Community Living Programs, may consist of multi bedroom houses with each member having a bedroom and sharing common spaces. These facilities may be considered SROs.

- The payment standard for SRO housing is 75 percent of the 0-bedroom payment standard amount on the RBHA or Sub-Contractor's payment standard schedule. An owner should not receive more than the SRO rate for SRO housing;
- The utility allowance for an assisted person residing in SRO housing is 75 percent of the zero bedroom utility allowance;
- The HAP for an assisted occupant in an SRO facility is the lower of the SRO payment standard amount minus the TTP or the gross rent for the unit minus the TTP;
- If an owner is not being paid the SRO rate currently, AHCCCS will not mandate that the change takes place immediately. However; RBHA's should begin planning to transition owners with SRO housing to the 75% of 0-bedroom payment standard in a way that will not place undue financial stress on the members or the RBHA.

### **MOBILE HOMES/MANUFACTURED HOUSING**

AHCCCS Housing funds may be used to lease mobile /manufactured homes subject to HQS approval and other minimum AHP housing standards for all subsidized units. AHCCCS Housing funding/subsidy may not cover the purchase or mortgage related to ownership of manufactured or mobile homes. For purposes of this policy, a mobile home or manufactured home will be defined under the AZ Mobile Home Landlord and Tenant Act (13 ARS §1409).

AHCCCS Housing funds may also be used to pay for pad lease if member owns the mobile home as short term rental assistance in eviction prevention scenarios at the discretion of the Housing Administrator.

### **CONSISTENCY WITH MEMBER SERVICE PLAN AND GOALS**

Housing must be safe, stable, and consistent with the member's recovery goals and be the least restrictive environment necessary to support the member individualized needs and any applicable service or treatment plan they may have. In considering an appropriate housing placement, key considerations should include but is not limited to member identified choice in geography, perception of safety, access to community or natural supports, accessibility, convenience and/or transportation, or other member identified needs or amenities. Whenever possible, and with the members approval, the

Housing Administrator should engage the members care team, providers or other designated supportive service provider to ensure that the member identifies and chooses housing that is programmatically consistent and appropriate to meet the member's needs in the least restrictive environment.

### **CONCENTRATION OF SMI MEMBERS**

It is in the interest of AHCCCS and its members to ensure that persons determined SMI are not overly clustered in a single location or facility. In general, except for Community Living Programs in which all units are dedicated to persons determined SMI by the terms of the SMI HTF funding used to acquire the property, the number of total AHP SMI members residing in a single complex or facility will be the lesser of 16 persons, or less than 25% of the total occupancy for the facility. AHCCCS will encourage the Housing Administrator, MCOs, and supportive service providers to deconcentrate the number of members in specific facilities with high densities of AHP members when assisting with housing search.

### **INCOME AND SUBSIDY DETERMINATIONS**

A member's income or lack of income is not a criteria for housing eligibility. Income will be evaluated to determine the member's rent contribution. Members with income are expected to pay up to 30% of their income towards their rent payment. Therefore, income will be reviewed to calculate the member's payment and the Housing Administrator subsidy amount. The Housing Administrator will use HUD Housing Choice Housing policy for the determination of income, rent and subsidy amounts. 24 CFR Part 5, Subparts E and F; 24 CFR 982.

Income Determination – The Housing Administrator will establish an income determination policy that includes the following:

- Classification of Income – In general, in determining member income including classification of assets, should follow HUD Standard or industry standards.
- To facilitate housing placement, promote member economic housing stability, and reduce barriers to housing, the Housing Administrator may request to simplify or amend income and asset rules from the HUD standards (e.g., deducting child care expenses from income in determining adjusted income). The Housing Administrator may propose these changes to AHCCCS for approval as long the proposed amendment or change does not violate any fair housing, federal or state statutory requirements.
- AHCCCS Housing programs will not require any minimum rent contribution from member.
- Housing Administrator may request member to certify \$0 income if the member has no income at the time of subsidy.

### **TENANCY APPROVAL**

Once a member has identified a unit that they would like to lease using their subsidy, the member will submit a Request for Tenancy Approval (RFTA) that will include the necessary documentation needed for the Housing Administrator to review and approve the lease and residence. The Housing Administrator will develop a policy, documents, and procedures related to the RFTA including required documentation, timelines for approval, and processes for completing the requirements defined here.

- The RBHA or Sub-Contractor will complete its determination within 10 business days of receiving all required information.
- Prior to approving the assisted tenancy and execution of a HAP contract, the RBHA or Sub-Contractor must ensure that all required actions and determinations have been completed.

These actions include:

- Ensuring that the unit is eligible (See Allowable Housing Types);

- The Housing Administrator must inspect unit to ensure it meets Housing Quality Standards (HQS);
  - Providing a copy of the lease and review of the lease offered by the owner to ensure it is approvable and includes the required Tenancy Addendum;
  - Review of the rent to ensure rent reasonableness;
  - Verification of the rent and member income to ensure the share of rent to be paid by the member does not exceed 30 percent of the member's monthly adjusted income;
  - Review of the owner to confirm it is an eligible owner, not disapproved by the Housing Administrator, with no conflicts of interest; and
  - The member and the owner have executed the lease, including the Tenancy Addendum, and the lead-based paint disclosure information.
- If the terms of the RFTA/proposed lease are changed for any reason, including but not limited to negotiation with the Housing Administrator will obtain corrected copies of the RFTA and proposed lease, signed by the member and the owner.
  - If the Housing Administrator determines that the tenancy cannot be approved for any reason, the owner and the member will be notified in writing and given the opportunity to address any reasons for disapproval. The Housing Administrator will instruct the owner and member of the steps that are necessary to approve the tenancy.
  - Where the tenancy is not approvable because the unit is not acceptable, the member must continue to search for eligible housing within the timeframe of the issued voucher.
  - If the tenancy is not approvable due to rent affordability (including rent burden and rent reasonableness), the Housing Administrator will attempt to negotiate the rent with the owner. If a new, approvable rent is negotiated, the tenancy will be approved. If the owner is not willing to negotiate an approvable rent, the member must continue to search for eligible housing within the timeframe of the issued voucher.
  - RFTA Processes and notifications should be clearly written and the Housing Administrator should have capacity to assist members in completing the necessary RFTA forms and documentation. All materials and processes should be accessible including for persons with disabilities or limited English proficiency.
  - The Housing Administrator will work with AHCCCS and providers to develop processes and documentation that conforms to this guidance and other legal standards including fair housing related to these standards.

### **APPLYING PAYMENT STANDARDS**

AHCCCS Housing programs base payment standards on HUD's Annual Fair Market Rent (FMR) schedule for the designated geography to calculate housing assistance payments for members. *Payment standard* is defined as "the maximum monthly assistance payment for a member assisted in the housing program (before deducting the total tenant payment by the member)" [24 CFR 982.4(b)].

The payment standard for a member is the lower of: 1) the payment standard for the member unit size, which is defined as the appropriate number of bedrooms for the member under the Housing Administrator's subsidy standards [24 CFR 982.4(b)] or 2) the payment standard for the size of the dwelling unit rented by the member. The RBHA is required to pay a monthly housing assistance payment (HAP) for a member that is the lower of (1) the payment standard for the member minus the member's TTP or (2) the gross rent for the member's unit minus the TTP.

The Housing Administrator may establish an exception payment standard for a designated part of an FMR area to allow payment standard above the FMR due to housing affordability, market conditions or other circumstances. The Housing Administrator will work with AHCCCS to establish a process, necessary documentation and circumstances in which exceptions to the FMR will be approved. If a member's unit is located in the exception area, the RBHA must use the appropriate payment standard for the exception area.

If during the term of the HAP contract for a member's unit, the owner lowers the rent, the RBHA will recalculate the HAP using the lower of the initial payment standard or the gross rent for the unit.

### **RENT REASONABLENESS**

It is the Housing Administrator's responsibility to ensure that Payment Standards are sufficient to assure maximum program utilization, to provide program applicants and participants with adequate housing choice and to assure that the rents charged by owners at the time of initial lease up and at each annual re-certification are reasonable based upon unassisted comparable units in the rental market. Rent reasonableness will be based upon comparison to comparable, unassisted housing units in the market. The rent must not exceed rents charged by the same owner or property for an equivalent assisted or unassisted unit the same building or complex. The Housing Administrator will establish process and documentation for validating rent reasonableness and maintain adequate staffing to perform this function. The rent for an assisted unit may not exceed the reasonable rent for that area even if FMR is higher.

### **HOUSING QUALITY INSPECTIONS**

AHCCCS requires that all units occupied by members receiving housing assistance meet HUD's Housing Quality Standards (HQS) before the Housing Assistance Payments (HAP) Contract is signed and annually during the term of the contract. The use of the term "HQS" in this plan refers to the HUD established requirements as defined in 24 CFR 982.401. The Housing Administrator may utilize HUD's Guidebook 7420.10G as a guide in explaining and interpreting Housing Quality Standards.

The Housing Administrator will be responsible for staffing and ensuring that HQS inspections are performed on all AHCCCS supported housing units including Community Living Programs or properties housing SMI members referred by the Housing Administrator and purchased with SMI HTF funds and under Covenants, Conditions, and Restrictions (CC&R) to serve SMI members. The Housing Administrator will maintain qualified and certified staff to perform inspections. The Housing Administrator will also set up processes to enable landlord/owner to make appropriate repairs if possible to address HQS issues and allow occupancy. Key areas covered in HQS inspections will include:

- Sanitary facilities
- Food preparation and refuse disposal
- Space and security
- Thermal environment
- Illumination and electricity
- Structure and materials
- Interior air quality
- Water supply
- Lead-based paint
- Access
- Site and neighborhood
- Sanitary condition
- Smoke detector

The Housing Administrator AHCCCS may audit projects by conducting review HQS exams with proper notice. If possible, member and appropriate, approved supportive service providers should be encouraged to attend inspection to identify any issues requiring remediation prior to occupancy.

### **REVIEW OF LEASE/TERM OF ASSISTED TENANCY**

In reviewing the appropriateness of the lease, AHCCCS requires the following terms be present:

- A minimum, one year initial lease but will permit the Housing Administrator to approve a shorter initial lease term if needed to secure member housing;
- The lease should provide that during the initial term of the lease, the owner may not raise the rent to owner. Finally, any provisions for renewal of the dwelling lease will be stated in the dwelling lease;
- There are no AHCCCS requirements regarding any renewal extension terms, except that they must be in the dwelling lease if they exist;
- For units constructed prior to 1978, owners must either 1) certify that the unit, common areas, and exterior have been found to be free of lead-based paint by a certified inspector; or 2) attach a lead based paint disclosure statement; and
- Owner is acceptable. Possible items that may disqualify an owner include: conflict of interest, removal from program for prior violations of housing quality or fraud related to accepting housing subsidies, prior criminal activity, questionable ownership, or title to property, threats, or harassment of SMI members, or non-compliance with Fair Housing or other legal requirements.

### **UTILITY ALLOWANCES**

In the event utilities are not included in the rent payment, the Housing Administrator will adopt the local utility allowances within the jurisdiction the member's housing is located in for the purposes of rent calculation. In determining utility allowance calculation and payments, the Housing Administrator may apply HUD or other industry standards based on the typical cost of utilities and services paid by energy-conservative households that occupy housing of similar size and type. Allowances are not based on a member/household's actual energy consumption and the Housing Administrator will not reimburse expenses above the allocated amount.

### **SECURITY DEPOSITS**

AHCCCS will authorize the Housing Administrator to pay security deposits related to subsidies in both scattered site and Community Living Properties in which rental subsidy is being provided. The amount of the security deposit cannot exceed one month's rent or a reasonable fixed amount as determined by the Housing Administrator. Subject to applicable laws, interest earned on security deposits may be refunded to the tenant after vacating the unit, or used for tenant services or activities.

### **HOUSING ASSISTANCE PAYMENT AGREEMENT (HAP)**

The Housing Administrator will execute a Housing Assistance Payment Agreement with the landlord. The HAP will include the key elements of the subsidy assistance terms including description of the unit to be leased, term of the agreement, housing assistance payment amounts, required tenant rent payments, and other key obligations. The Housing Administrator will develop appropriate forms based upon HUD's Housing Choice Voucher HAP Contract and Addendum.

### **VERIFICATION OF ELIGIBILITY AND TENANCY APPROVAL**

The Housing Administrator must verify all information that is used to establish the member's eligibility and level of assistance and is required to obtain the member's consent to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The Housing Administrator must not pass on the cost of verification to the

member. The Housing Administrator will establish a process for validating mental health status and housing need through the RBHA's and providers. Where possible, and with member approval, the Housing Administrator may coordinate with the members supportive service provider or other representative to complete the necessary processes, validate adequate documentation and comply with these requirements.

### **PAYMENTS TO OWNERS**

Once the HAP Contract and leases are executed, the Housing Administrator will commence processing payments to the landlord. The Housing Administrator will develop processes, documents and systems to ensure all monthly payments are made in a timely and effective manner with appropriate record keeping.

### **HOUSING ADMINISTRATOR DUTIES**

AHCCCS will work with the Housing Administrator and MCOs to establish processes, policies, and priorities related to the application, wait list and tenant selection processes described here and to ensure that they are fair, easily accessible, and transparent and applied consistently. The Housing Administrator will work with AHCCCS, the MCOs and providers to develop:

- A referral/ application process that will: 1) identify all eligible persons seeking housing; 2) gathers all information necessary to determine eligibility and properly identify appropriate housing options; 3) verifies eligibility; 4) minimizes barriers to accessibility; 5) complies with all legal and statutory requirements defined in Section II; and 6) ensures fairness and consistency. Key elements of the referral and application process include:
- A process for accepting referrals of eligible persons with identified housing need for Permanent Supportive Housing directly from members' provider/primary care provider network.
  - The referral process should include:
    - Notices to providers, members and all MCOs that housing referrals are being accepted and the process for submission of complete referral. Process, basis, and notification for declined referrals.
    - Eligibility criteria and documentation requirements to be included in referrals
    - Timeframes, forms and processes for reviewing referrals
    - Process for appeal, correction, or updating of denied referrals.
    - Record keeping and reporting of referral status and times.
- An application process and application necessary to process referrals for housing. Key elements of the process should include:
  - Means of accepting applications
  - Should include maximum timeframe for review of materials
  - Application process should be easily understandable and accessible.
  - Process for Notice to members of ability to submit applications. Process should not close. Timeframe and requirements for applications to remain active and requirements for determining when application is inactive.
  - Application/verification process should include information on member eligibility for special programs (e.g., ACT housing) and housing preferences (e.g., geography, housing type, unit size) to assist in wait list and prioritization process.
  - Alternative means of access if available (e.g., online, telephonic, other formats)
    - Provisions for LEP members
    - Accommodations for persons with disabilities

- Assistance available to complete applications from Housing Administrator and/or members' service providers.
- Process for record keeping of application documentation including:
  - Updating changes in application information
  - Retention Policies
  - Privacy Requirements
  - Notification process for application status
  - Performance metrics to be determined between AHCCCS and Housing Administrator including at minimum: number of referrals and accepted, applications submitted and accepted; average processing time; # of appeals.
- Policies related to the issuance of the subsidy and search procedures, to the subsidy term, and to any extensions or suspensions of that term.
- Clearly defined wait list policies including:
  - Process for notifying and informing MCOs, providers and members of housing application processes and availability. AHCCCS Housing program application and wait list processes should remain open at all times.
  - Process for notifying members of wait list placement, removal, and ongoing status. This process must also include criteria for notification of member care team or other advocate with member approval. This may include family member or other peer.
  - Process for purging wait list due to alternative housing placement, inactivity, change in eligibility, or other factors. Process should include provisions for reinstating persons to wait list.
  - Members should be placed on wait lists for all housing programs that they may be eligible and appropriate for. This may include setting and subsidy type (e.g., Community Living v. Scattered Site programs; shared living). Supportive Service staff should work with member to identify appropriate housing program consistent with their service plan and choice in the referral and application process.
  - Process for member acceptance including time allowed for approval after notice; required documentation for verifying any outstanding or changed eligibility information prior to search; materials regarding next steps including scheduling briefings; and ability of member to remain on wait list(s) if housing vacancy selection/offer not accepted.
  - Geography – The Housing Administrator will be managing statewide referrals/applications/wait lists. Policies should be in place to allow member to geographical choice including within other GSAs. Geographical choice should be informed by program considerations.
  - Housing Administrator should define process for member (or supportive services provider with permission) to update application information during the application and/or while the member is on a housing wait list especially if additional information would impact the members' eligibility and/or priority.
  - Care Coordination - Housing Administrator should have process in place to share wait list status, wait list position, or other relevant information with members' Care Team or provider with appropriate member permissions.
  - A process for identifying vacancies in CLP or scattered site voucher capacity;
  - Housing Administrator will create policy with AHCCCS to ensure appropriate selection of member with appropriate priority and eligibility for any identified vacancy in an AHCCCS Housing Program. Selection policy will also provide:

- Processes for notifying member of selection for housing vacancy. This should include ability to provide accommodations for notifying persons with disabilities or limited English proficiency. Notification process should also include notification of care team or other approved contacts with member permission including family and/or peer support.
- Processes for determining rental subsidy amounts including tenant payment/contribution towards rent if income, utility allowances and deposit amounts.
- Processes for performing pre-tenancy inspections including lease review, Housing Quality Inspections, and rent reasonableness determinations;

Legal Compliance – All processes and documentation for processes described here must comply with Fair Housing and other legal requirements documented in Section II above. This includes providing reasonable accommodations or other support for persons with disabilities or limited English proficiency. The Housing Administrator should provide access to members if they need assistance with wait list processes and procedures.

Forms/Documents – Housing Administrator will develop clear, easily accessible wait list documents and forms. This may include online resources and tools.

Record Keeping – the Housing Administrator will develop secure and accurate record keeping related to the housing procedures described here. The Housing Administrator will work with AHCCCS to develop reporting tools and deliverables to assist in AHP administrative, operational and programmatic evaluation and improvement.

Member Review – All policies related to the referral, application, prioritization, and selection process should be clearly written and made available to members or their authorized representatives upon request.

Release of Information Forms – The Housing Administrator will work with AHCCCS to develop release of information forms and other consent forms to allow collection, sharing and coordination of member protect information for purposes of applying for and securing housing and coordinating supported services. All releases will comply with HIPAA and the Privacy Act.

Service Coordination – Where possible based on member releases and permissions, the Housing Administrator should work with member’s care team and supportive service provider if approved to gather income documentation, to ensure member understands duties around paying a portion of income toward rent, and securing income for housing as part of larger member service plan goals.

### **CARE MANAGEMENT COORDINATION**

With appropriate member approval, the members care team, peers, or other supportive service provider can should work with the Housing Administrator should assist in the application, wait list, housing search, lease up and approval process. Key roles can include but are not limited to completing applications for housing, validating eligibility criteria and documentation, gathering leases and other documentation needed to complete the RFTA, assistance with preparing forms, assistance with scheduling, securing funding for application fees, landlord relationships (e.g., rent negotiation with the landlord), or attending inspections and other appointments, or reviewing documentation to understanding of leases or other documents.



## **LEASING AND TENANCY**

### **GENERAL LEASING POLICIES**

All tenancies in which AHP funds will be applied for rental subsidy must have a legal and valid written lease that meets, at minimum, the following criteria:

- All lease terms must be consistent with State and local law
- The initial term of the lease agreement must be for a minimum of 12 months unless the Housing Administrator determines that a shorter term will improve housing opportunities for the assisted household
- The lease provides for renewal of the lease at the end of the initial term. Renewal term may be different than term of initial lease
- The rent must be reasonable (see section on Rent Reasonableness in this Guidebook)
- The lease must be signed by both the landlord and tenant
- The lease must include the follow key items:
  - Names of the owner and tenant
  - The specific unit/property rented
  - The lease term
  - The monthly rent to owner
  - Description of utilities and/or appliances are to be supplied by the owner/landlord, and which are to be supplied by the tenant

### **AHP SUBSIDY PAYMENTS**

Once the HAP Contract is executed, the Housing Administrator will commence processing payments to the landlord in compliance with the HAP Contract and lease. The Housing Administrator will establish policies and processes for the timely payment of rents to the landlord including direct deposit of subsidy payments. The member will be responsible for any tenant rent portions per the HAP contract and lease.

### **DEPOSITS AND MOVE INS**

Once all inspections have been successfully completed and lease documents have been approved and executed, the Housing Administrator can authorize payment to the landlord/owner of first month rent and any reasonable deposit (generally one month rent). Deposits will remain property of program and any deposits paid on behalf of tenants that remain at the termination of the lease or tenancy will be reverted back to the Housing Administrator. The Housing Administrator may elect to apply unspent deposit funds towards a member's new unit if they are continuing in the program but changing units or location. The Housing Administrator will develop procedures and processes for payment, recording, and reconciliation of deposit amounts paid.

### **Move In Assistance**

The Housing Administrator may allocate a portion of AHP funds for the purpose of providing limited move in support or move in kits consisting of essential household items and supplies. These move in supports or kits, may not include furniture. AHP funds should not be used to provide food or beverages for the member's unit. AHP may not cover the cost of relocation or moving services such as vehicle rentals to assist in move in.

The Housing Administrator may provide the member and/or their service provider/case manager with resource lists or other referrals to community based organizations and programs that provide housing move in assistance including furniture, move in kits, or moving assistance. It is recommended that the

member's treatment team assist the member in securing resources from community based services or other programs to ensure the member has appropriate furnishings, appliances, access to food, transportation and other essential items necessary to meet daily living goals and maintain housing stability.

### **TENANCY STANDARDS**

Once rent is paid and lease executed, member/tenant is entitled to the privacy and peaceful enjoyment of the lease property. The member must comply with the Tenant obligations and duties described in the Arizona Residential Landlord Tenant Act (ARLTA – ARS 33, Chapter 10). These obligations should be covered by the Housing Administrator in pre-tenancy briefings or meetings and communicated and supported by the member's treatment team. Key duties include but are not limited to:

- Compliance with all defined lease terms;
- Maintaining the unit in a reasonably clean and appropriate manner and avoiding damage to the unit;
- Reporting any maintenance items to the landlord for repair in a timely manner;
- Compliance with property rules related to the use of the property's public or common areas (including non-smoking policies);
- Providing reasonable access to the landlord when proper notice is provided for repair, maintenance or necessary inspections;
- Avoiding behavior that would interfere with the peaceful enjoyment of other tenants;
- Do not partake in, or conduct illegal activities within the leased premises or grounds; and,
- Ensure that any guests or individuals in control of the member do not violate these standards.
- Provide the AHCCCS Housing Administrator with complete and accurate information, to be determined by the AHCCCS Housing Administrator for their administration of the program;
- Make their best and most timely efforts to find a place to live that is suitable for them and that qualifies for the program;
- Attend all appointments scheduled by the ACC, ACC-RBHA, ALTCS-EPD and DES/DDD;
- Allow the AHCCCS Housing Administrator to inspect the unit at reasonable times and after reasonable notice;
- Take responsibility for care of the housing unit, including any violations of housing quality standards caused by the member;
- Comply with the terms of the lease with the owner as well as other AZ Landlord Tenant standards;
- Comply with all AHP program requirements;
- Comply with all lease terms;
- Not engage in violent criminal activity;
- Notify their Housing Administrator and the owner or its agent before moving or terminating the lease;
- Use the assisted unit only for residence and as the sole residence of the member. Not sublet the unit, assign the lease, or have any interest in the unit;
- Promptly notify the AHCCCS Housing Administrator of any changes in household composition;
- Not commit fraud, bribery, or any other corrupt or criminal act in connection with any housing programs.

## **GUESTS**

AHP participants may have visitors and overnight guests consistent with the terms of their lease. The lease must provide that the tenant has the right to exclusive use and occupancy of the leased unit by the members of the household authorized to reside in the unit in accordance with the lease, including reasonable accommodation of their guests [24 CFR 966.4(d)]. The head of household is responsible for the conduct of visitors and guests, inside the unit as well as anywhere on or near the leased PHA premises [24 CFR 966.4(f)]. Visitors or other persons may be considered unauthorized residents, if lease terms related to guests are not followed or if the individual stays beyond the time limits identified in this policy. Per AHP, a participant must notify the Housing Administrator when overnight guests will be staying in the unit for more than 5 days. A guest can remain in the unit no longer than 14 consecutive days or 60 total days in a calendar year.

### Guest Exceptions

A participant may be excepted from the guest policies and stated time limits in the following situations:

- A participant may request an exception to this policy for valid reasons (e.g., care of a relative recovering from a medical procedure expected to last 30 consecutive days). The Housing Administrator may establish documentation requirements requiring the participant to identify and provide documentation of the residence to which the guest will return.
- Children who are subject to a joint custody arrangement or for whom a participant has visitation privileges, that are not included as a household/family member because they live outside of the participant's housing unit more than 50 percent of the time, are not subject to the time limitations of guests as described above.

Former residents who have been evicted are not permitted as overnight guests. Guests who represent the unit address as their residence address for receipt of benefits or other purposes will be considered unauthorized occupants. In addition, guests who remain in the unit beyond the allowable time limit will be considered unauthorized occupants, and their presence may constitute a lease violation.

## **SERVICE COORDINATION**

The MCOs and their providers with whom the member is enrolled are responsible for the provision of Title XIX/XXI wrap-around services to ensure housing stability necessary to achieve service plan goals related to independent living. The MCO and its providers are required to maintain ongoing communication with their members who are in need of, who qualify for, and who are currently receiving Non-Title XIX/XXI supported housing services (rent/utility subsidies and relocation services) in order to ensure adequate coordination of care for these members. They shall have policies in place outlining coordination of care processes for these members, including procedures for collaboration with the Housing Administrator. The housed member's provider shall identify members with housing needs and develop a monitoring process to support transition or post-transition to housing activities including, but not limited to, requests and referrals, transition wait times, transition barriers and special needs, rent amount, monthly income amounts, location of housing options chosen, and counties chosen for transition.

While these wrap around services should be based on clinical assessment and expertise, key functions or services that should be considered related to housing stability include:

- Identifying independent living and housing stability goals and providing members information about local resources which may help the member to obtain, and maintain, housing in an independent community setting (e.g. rehabilitation and support services). The goals and services

should be member focused and individualized and frequency of contact should be based upon members identified need;

- Including housing assistance and housing based supportive services in the members individual service plan or care plan to allow for reimbursement of eligible services provided;
- Assist members with securing adequate income including eligible mainstream benefits or employment to improve economic security;
- Assist member with opportunities for socialization, vocation, recreation, community integration and participation to assist member to develop natural supports to assist in housing stability;
- Connecting member to resources to address member's barriers to housing stability (e.g.: substance abuse treatment, health care, income, education);
- Assisting member with developing a personal crisis plan including emergency contacts and community resources;
- Assistance with acquisition or training in independent living life skills such as personal hygiene, cleaning and maintenance of housing, budgeting and personal finance;
- With members consent, secure releases of information to allow coordination and communication with the Housing Administrator, mainstream programs or other community based resources to assist member secure appropriate care and resources;
- Intervention and coordination with the member, Housing Administrator, landlords, member, and the member's advocates, peers or other identified parties of interest (with the member's consent) to address issues which may compromise housing stability or lease compliance; and,
- In the event of a change in member's personal situation or health needs, eviction or other threat to the tenancy or other event that may result in housing instability, the provider should work with the Housing Administrator, the member and other resources to identify an alternative housing or setting as quickly as possible that addresses the situation and improves housing stability. This may include relocation, increase, or decrease of services, finding legal assistance or mitigating the legal consequences of a termination (e.g.; advocating for lease revocation over eviction, maintaining voucher/subsidy through relocation, identification of alternative housing subsidy sources).
- AHCCCS RBHA's and providers are encouraged to participate in the Homeless Management Information System (HMIS), a software application designed to record and store client-level information on the characteristics and service needs of homeless persons. The HMIS is used to coordinate care, manage program operations, and better serve clients.
- RBHA housing programs are required to include specialized housing units to meet the needs of persons who are difficult to place in the community partly due to crime free/drug free ordinances and specific behavioral health related service need including Substance Abuse. Current specialized housing is housing specifically designed to provide and accommodate the following services or conditions including, but not limited to:
  - Housing for females with co-occurring disorders who are homeless;
  - Apartment complexes for persons determined to have SMI with criminal backgrounds released from jail with a major biological disorder;
  - Housing for persons determined to have SMI who are Deaf or hard of hearing;
  - Housing for persons determined to have SMI who have sexualized behaviors and are in need of on-site support;
  - Gender based house model living for older females determined to have SMI;
  - Apartment complex housing and services to 18-25 year old adults transitioning from the children's behavioral health system to the adult behavioral health system;

- Respite homes for persons with developmental disabilities who are determined to have SMI (joint AHCCCS, DES/DD program);
- Homes that specialize in dialectical behavioral therapy;
- Housing for persons with limited English proficiency;
- Housing suited to meet medical needs of persons with diabetes and other chronic diseases;
- The RBHA shall provide persons determined to have SMI who are discharged from the Arizona State Hospital, supervisory care homes or unlicensed board and care homes, with housing options that promote independent living;
- The RBHA must advocate for persons determined to have SMI who are homeless and those released from Residential Treatment and Board and Care facilities to obtain housing units; and
- The RBHA shall require providers to participate with the member’s treatment team in order to identify available housing units and to place the member in an affordable appropriate living environment upon discharge from an institutional setting.

To ensure coordination between the AHCCCS, the Housing Administrator and the MCOs, AHCCCS will host a quarterly Housing Meeting with the AHCCCS Director of Housing and other relevant AHCCCS stakeholders, the MCOs and the Housing Administrator. This meeting will discuss program coordination issues, housing needs, environmental challenges, member experience, improvements of housing processes, review of housing related data and outcomes and innovative practices to ensure continuous improvement of the AHP program.

#### **PREVENTION**

The Housing Administrator may set aside a designated portion of AHP funds for the purpose of “prevention” activities to assist member in avoiding homelessness or loss of housing due to eviction or other hardship situations that could jeopardize a members housing stability. Assistance may include emergency rent assistance not to exceed one month or less rent, payment of move in or utility deposits, payment of damages, back rent, or other incurred fees.

Eligibility – Prevention funding will be available to all members based on AHP eligibility and funding standards including mental health status and housing need. Availability of prevention funds is not guaranteed and is contingent on availability of funding within the budget of the AHP program.

#### **MAINTENANCE AND DAMAGES**

In units where the AHP is paying a monthly subsidy, standard maintenance costs should not be paid to the owner of the property. The monthly subsidy is meant to cover operating costs including maintenance and capital costs. This includes in CLP programs.

In extraordinary circumstances where the member has done damage to the unit, the AHP can approve payments to the owner to repair and rehab the unit including payment of insurance premiums. Damages will only be paid from PHA funds for damages specifically resulting from the behavior of the tenant in an AHP subsidized unit. Availability of reimbursement for damages is not guaranteed and is subject the availability of funding for the AHP program and the Housing Administrator’s approved budgets.

**Housing Administrator:** The Housing Administrator will establish an annual budget target for damages. The Housing Administrator will establish processes for landlords/owners to submit

damage reimbursements, documentation requirements, payment standards and reimbursement limits as part of the AHP Administrative Plan.

**Service Coordination:** While damage reimbursement may be available, the Housing Administrator and member's service providers should make all efforts to prevent or avoid damages. This could include maintaining or increasing supportive service contact and visits to monitor reported or observed behaviors that could lead to damages, communication with member about behavior of guests, or follow up with property owner or manager on any complaints or identified concerns regarding behavior or damages or assistance with life skills related to maintenance and care of the unit.

**Mitigated Damages:** If the member lease includes a mitigated damages clause and/or a schedule of costs for damaged items, damages reimbursement will be limited to the relevant mitigated damages or schedule of costs in the lease.

## **PETS**

Subject to rules established in the lease or other property rules including required additional pet deposits and any notices to the property owner or manager, a member may have a reasonable type and number of pet(s). 10-II.D. Pet owners must maintain pets responsibly, in accordance with lease and property rules and policies, and in compliance with applicable state and local public health, animal control, and animal cruelty laws and regulations.

AHP funds may be used to pay for pet deposits if the pet is an authorized service animal related to a member's disability or a documented companion animal. The member will be responsible for the care, well-being, and supervision of the pet including obeying any licensing requirements or property rules related to having a pet in or on the leased property. Pet deposits will be treated as other deposits in the event of a lease termination and will remain the property of the owner.

**Housing Administrator:** The Housing Administrator will establish processes for the ownership of pets and to track and monitor pet deposits.

**Service Coordination:** If member has or intends to own a pet, the member's treatment team(s) should work with the member to ensure the member is capable of maintaining a pet(s), encourage appropriate pet selection for leased space, assist with any documentation or requirements related to service or companion animals if appropriate, and assist to minimize risk that the pet interferes with the member's housing stability.

## **UNIT ABSENCE**

**Abandonment** - If the family appears to have vacated the unit without giving proper notice, the PHA will follow state and local landlord-tenant law pertaining to abandonment before taking possession of the unit. If necessary, the PHA will secure the unit immediately to prevent vandalism and other criminal activity.

It is reasonable that a member may be absent from the public housing unit for brief periods. In these situations, if a member receiving an AHP subsidy is going to be absent from the unit for an extended period of time the member or a designated treatment team's must contact the Housing Administrator within 24 hours prior of the absence. An extended period is any period in which the unit will be vacant

for a period of more than ninety (90) days. Absences include any voluntary reasons (e.g., travel, stay with family) or involuntary leaves including medical or behavioral health treatment, hospital stays and/or jail. The AHP will maintain housing subsidies for voluntary or involuntary absences for up to ninety (90) days.

If no notice is given, and the Housing Administrator is notified by the property owner or landlord that the unit has been abandoned (see Section Abandonment in this document), the Housing Administrator may terminate the lease for good cause based on abandonment at the expiration of the 90 days. The Housing Administrator can terminate the subsidy payment and lease prior to 90 days, if they have notice from the member or the members treatment team that the absence will be longer than 90 days (e.g., jail or prison sentence). The AHP may establish policies for month to month extensions on a case by case basis at the discretion of the AHP. The Subsidy payments shall be paid to the owner during the first 90 days of a member not being in the unit unless AHCCCS approval is given to end subsidies prior to the 90 days. If the member's subsidy is terminated because the member was in treatment or in the hospital, the member will have priority on the RBHA wait list to receive the next available subsidy and will not prejudice the ability to receive future subsidies.

**Housing Administrator:** The Housing Administrator will establish policies in the Housing Administration guide for members to notify the Housing Administrator of absences and procedures for ensure the continuity of housing subsidies as appropriate.

**Service Coordination:** The member's treatment team or approved designee should have appropriate releases of information from the member to ensure that they can share appropriate information about absences with the Housing Administrator. If made aware of a voluntary or involuntary absence, the treatment team should work with the member to inform the Housing Administrator and/or landlord as appropriate of the situation to avoid termination of the subsidy due to abandonment of the housing or payment of subsidy for an abandoned unit or one that the member will not be returning to for an extended period. For situations involving inpatient care or treatment, hospitalization or incarceration that are expected to just go over the 90 day limit, the service provider should coordinate with the Housing Administrator to ensure that the member maintain their housing at discharge for an appropriate transition.

#### **TRANSFER OF SUBSIDY AND STATEWIDE PORTABILITY**

In general, flexibility in tenancy is a hallmark of AHCCCS's housing programs. To this end, members should be allowed to move to other eligible housing and transfer their subsidy to the new lease. This includes good cause transfers as well as emergency transfer situations. The new lease must meet all AHP standards and processes documented in this policy and follow any processes defined in the Housing Administrator's Administrative Plan. Emergency transfers should be a priority for the Housing Administrator to ensure continuity of the subsidy and re-location of the client. In the event of a transfer mandated by the AHP or Housing Administrator, the Housing Administrator will provide reasonable relocation costs. The following situations may require transfer of the housing subsidy:

- Good Cause Transfers
  - The initial term of the lease has expired and proper notice has been given to the landlord
  - The member's lease has been terminated by mutual agreement of the owner and the member.

- For non-lease violations only: the owner has given the member a notice to vacate, has commenced an action to evict the member, or has obtained a court judgment or other process allowing the owner to evict the member. The Housing Administrator has terminated the assisted lease for the family's unit for the owner's breach of the HAP contract.
- A clinical provider determines that the member's current unit does not meet or interferes with the service plan or needs of the member.
- Changes in economic or other circumstances that may impact the member or their service plan goals (e.g., loss of income, changes in physical health, changes in household composition or natural supports)
- Emergency Transfers
  - Domestic Violence (VAWA) - The member has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the member. This condition applies even when the member has moved out of its unit in violation of the lease, with or without prior notification, if the member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit.
  - Other situations or conditions in which the member's safety, physical or mental health will be threatened if they were to stay in the unit (e.g., uninhabitable conditions in unit, threats of violence)

### **Portability**

Under the AHP, portability of subsidy should be allowed on a statewide basis and not limited by GSAs. A member may not take an AHCCCS subsidy out of the state of Arizona.

### **Denial of Moves**

The RBHA should not put limits on member movement unless it is in RBHA policy and has been approved by AHCCCS. AHCCCS policies permit the RBHA or Sub-Contractor to deny a member permission to move under the following conditions:

- Lack of Funding: The Housing Administrator can deny a member permission to move on grounds that the Housing Administrator/AHP does not have sufficient funding for continued assistance if (a) the move is initiated by the member, not the owner or Housing Administrator; (b) the Housing Administrator can demonstrate that the move will, in fact, result in higher subsidy costs; and (c) the Housing Administrator can demonstrate that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs. The Housing Administrator will create a list of members whose moves have been denied due to insufficient funding. When funds become available, the members on the list will take precedence over members on the waiting list. The Housing Administrator will use the same procedures for notifying members with open request to move when funds become available as it uses for notifying members on the waiting list.
- Timing of Portability (Breaking of Lease and HAP Costs): In general it is preferable to transfer subsidy at the conclusion of a lease prior to renewal. The member may elect to move to another unit at any time, if the relocation would result in the premature breaking of a lease and resulting lease penalties, the AHP may decline the move and the additional expenses. This policy does not apply in situation related to VAWA or in which the health or safety of the member may be negatively impacted by remaining in the current situation.



The Housing Administrator will inform the member of its policy regarding moves denied due to insufficient funding in a letter to the member at the time the move is denied.

**Housing Administrator:** The Housing Administrator will establish policies in the Administrative Plan to allow for member portability of housing subsidies. These policies may include requirements for requesting a move, re-certification of rent and subsidy, documentation requirements, notices, inspections, approval of the new lease and disposition of deposits or other AHP funds. The Administrative Plan should include processes for prioritizing and ensuring adequate funding for emergency transfers.

**Service Coordination:** AHP promotes member self-determination and choice in their living conditions/situations and housing subsidy may be transferred to support member's choice to find a new unit subject the overall limitations of the AHP program especially if the re-location enhances service plan goals including housing stability. In the event of a re-location, the housing provider should also ensure the continuity of wrap around services and coordination. If the re-location or portability changes the member's ACC-RBHA GSA, the service provider should, with the member's approval, assist in transferring their AHCCCS enrollment, provider, and other contractual transition requirements to ensure continuity of service. Portability of housing subsidy may also be a positive strategy to ensure that member is in a housing setting that support service plan goals and to avoid eviction or other negative consequences that may result from an inappropriate or difficult housing situation. In these cases, the Service Provider should work with the member, landlord/property manager, and Housing Administrator to secure a mutual decision or other strategy to minimize legal or economic impacts of the transfer, especially if the transfer may result in a breach of the lease or its term.

### **CHANGES TO LEASE OR TENANCY/RE-EXAMINATIONS**

Member circumstances may change throughout the lease/subsidy period prior to annual re-certifications or reexaminations (see below). The following changes in circumstances or situations are required to be reported to report to the Housing Administrator by the member and/or the landlord/property manager and may result in a re-certification and modification to the lease, subsidy payment, and/or HAP agreement. All changes should be reported within 30 days for the changed circumstances. A re-certification and any modifications will be performed in a reasonable time from when the Housing Administrator is notified. Failure to notify the Housing Administrator of these changes may result in consequences up to and including financial penalties or termination of the subsidy. In most cases changes to rent or lease should become effective at the start of month following the reported change and modification of the lease.

#### **Changes in Member or Household Composition**

The Housing Administrator should be notified if there are changes in the composition of the household residing in the subsidized unit.

- Change in Member Status or Ineligibility – if the member upon whom eligibility for the AHP subsidy is based, dies, abandons the unit, is incarcerated longer than 90 days, requires inpatient or long term residential care, or is no longer residing in the unit should be reported and may result in termination of the subsidy.
- Addition or Removal of Household Members – Members may add or remove persons to the household including spouse or other domestic partnerships, children or other dependents, or

other situations. The Housing Administrator should be notified in case the lease, subsidy, or housing accommodations need to be amended.

- Addition of dependents due to births, adoption, or other legal action will do not require Housing Administrator approval.
- All other changes in household composition may require approval by the Housing Administrator
  - In general, addition or removal of household members due to legal action (e.g., marriage) will be approved.
  - All other additions or removals of household members may be approved at the discretion of the Housing Administrator.
    - With proper release of information, the Housing Administrator may consult with the member's service provider or other advocates in evaluating the request for additional members in the household.
  - The Housing Administrator may also require additional adult members to provide additional information in addition to any additional background checks, documentation, or requirements imposed by the landlord or property management of the lessor.
  - The addition of family or other members to the household should also include a re-certification of income since additional household member's income should be included in the household rent used to determine tenant payment towards subsidy.

#### **Changes Related to Income or Financial Situation**

In the event the member experiences a change in income, including any increases or decreases, it should be reported to the Housing Administrator since it may impact the member's subsidy determination including the member's portion of the rent or other subsidy or rent allowance. Report of any reduction or loss of income is extremely important since failure to pay the tenant portion of the HAP contract to the landlord may still result in eviction for non-payment of rent even if the Housing Administrator pays the monthly subsidy amount.

The Housing Administrator may require a re-examination at any time to correct an error in a previous certification or to investigate any allegations of fraud or other misrepresentation related to the certification process.

#### **CHANGE IN RENT OR OTHER LANDLORD CHANGES**

##### **Change in Rent**

After the initial lease period, the owner may request a rent increase according to the terms in the lease. All rent increases must be submitted in writing to the Housing Administrator by the owner, along with a copy of the rent increase notice to the member. The owner must provide 60 days advance notice to the member and the Housing Administrator.

Scattered Site Programs: In scattered site subsidy programs, the Housing Administrator will not approve owner/landlord requested rent changes prior to the termination of the lease and any change in rents will follow lease terms.

Community Living Programs (CLP): CLP owners may request changes to their unit rent reimbursement rates to the Housing Administrator for all units in the CLP property. The Housing Administrator will

perform a rent reasonableness evaluation and comparison to appropriate area FMR standards as described above. Approval of the request for change in rent will be at the discretion of the Housing Administrator.

### **Change in Ownership**

The Housing Administrator and member must receive a written request by the initial owner in order to change the HAP Contract payee and/or the address to which payment is to be sent. COPHD will process a change of ownership provided appropriate documentation is received from the new owner including: proof of ownership, completed W9, a copy of management agreement or other legal agreement if owner is utilizing an agent to act on its behalf, an agreement to honor all HAP contracts, and any direct deposit or other information required to complete payment of subsidy.

### **Landlord Repairs or Other Facility Modifications**

In the event the Owner or Landlord will be making significant repairs or modifications to the leased premises that may temporarily or permanently affect the quality or habitability of the lease property, the Owner or its agent should provide adequate notice of the changes to the member and the Housing Administrator. The Housing Administrator may require the owner to modify the rent based upon the impact of the change on behalf of the member.

**Housing Administrator:** The Housing Administrator will develop policies in the Housing Administrative Plan related to the processes and policies for notification of changes in member status or rents prior to annual lease renewals. This will include processes for providing adequate notices of any changes to the subsidy or tenant amount documented in the HAP, processes and documentation required for changes, and timing of any modifications in rent or subsidy resulting from a reported change. Housing Administrator may require additional adult household members being added to the lease or unit to attend housing briefing to understand obligations and duties related to lease.

### **SERVICE COORDINATION**

While it is expected that a member may have changes in their circumstances described above, it is critical that these changes do not negatively impact the member's housing stability by violating lease terms or economic stability. Again, it is critical that the treatment team secure appropriate releases of information from the member to share information and advocate on behalf of the member with the Housing Administrator and/or landlord. In the event of a change, timely notice of the change will allow appropriate amendments to the lease or HAP agreements.

In the event of changing household composition, every member should have choice around any allowable additional household members they would prefer to share their unit with. While choice should be recognized, the treatment team may want to make sure the member understands the potential legal, economic, and programmatic consequences of adding persons to the lease (e.g., exceeding occupancy standards). Additional household members should also be informed of tenant and lease obligations and expectations. Service support staff may also need to update service plan or goals to ensure adequate wrap around supportive services, especially if member is taking on responsibilities and costs of child care in adding a child member to the household.

In the event of changes in income, this may result in a reduction of the tenant portion of the rent which could be critical in reducing economic risk if the member cannot pay their portion of the rent.

Depending on the severity of the lost income, the member may need to be determined zero income, in which case the AHP subsidy may need to cover the entire rent and remove the tenant portion.

### **RENEWAL/RE-CERTIFICATION**

Members who are receiving a housing subsidy from the AHP will continue to receive their housing subsidy from the RBHA indefinitely as long as they renew their lease and re-certify their eligibility each year. The RBHA will continue to pay the subsidy as long as the members meet the qualifications to be in the housing programs.

At minimum, the Housing Administrator will conduct annual re-certifications at the time of the anniversary date of the lease. The Housing Administrator will provide instructions on re-certification and necessary documents at least 120 days prior to the lease anniversary date. Key information for re-certification will include an updated household data form, a listing of all required documents which the member must return, and an income certification form (including a zero income certification if necessary). Annual renewal/re-certification may also involve confirmation of the member's eligibility with the RBHA and/or provider as well as a Housing Quality Inspection and rent reasonableness review.

**Housing Administrator:** The Housing Administrator will establish policies and processes for annual re-certifications including necessary notices, documentation, forms, and instructions. Policies will include process for in person, mail, and/or electronic filing of documentation as well as accommodations for persons with disabilities.

**Service Coordination:** With appropriate releases, member's provider or supportive service team should assist in ensuring that the member completes all lease renewal and re-certification processes. Key roles may include reviewing notices, assisting in gathering documentation, identifying any income or relevant changes, scheduling inspections or other coordination with the Housing Administrator.

### **TERMINATIONS**

While housing stability and retention of housing are key objectives of the AHP, there may be situations in which the AHP and its Housing Administrator may terminate a tenancy and housing subsidy (HAP).

#### **TENANT TERMINATION**

The member may terminate the lease and HAP at any time, for any reason, by following the notification procedures as outlined in the member's lease. The member must provide reasonable notice to the Housing Administrator where possible (30 days) in writing. The Housing Administrator may waive the notice requirement if the termination is due to circumstances beyond the control of the Housing Administrator or the member. The notice of termination must be signed by the eligible member on the named on the lease. The member must vacate the premises at the identified lease termination date. If the member remains after the termination date, the member will be responsible for any ongoing rent. The Housing Administrator will not pay subsidy for a unit after a notice of termination. Depending on the circumstances of the tenant termination, the member may request for a continuation of their subsidy (see Transfer and Portability above) as long as they remain eligible for the AHP.

#### **INSUFFICIENT FUNDING**

The Housing Administrator may terminate HAP contracts/rent subsidies if the Housing Administrator, with AHCCCS notification and approval, that AHP funding is insufficient to support continued assistance

for members in the program. Prior to terminating any HAP contracts, Housing Administrator will determine if any other actions can be taken to reduce program costs or mitigate the need for termination of contracts including freezing new subsidies or reducing other program elements. If after implementing all reasonable cost cutting measures there is not enough funding available to provide continued assistance for current participants, the Housing Administrator may terminate HAP contracts as a last resort.

Prior to terminating any HAP contracts, the Housing Administrator will inform the AHCCCS Housing Director and receive approval for a plan of action. The Housing Administrator will terminate the minimum number needed in order to reduce HAP costs to a level within the Housing Administrator's annual budget authority.

If the Housing Administrator must terminate HAP contracts due to insufficient funding, the Housing Administrator will do so in accordance with the following criteria and instructions:

- 1) the Housing Administrator will freeze new admissions or subsidies for attrition savings; 2) recommend freezing or termination of housing support programs such as damages reimbursement, move in kits or assistance, and/or eviction prevention; and 3) the Housing Administrator will identify the households with the lowest HAP amounts and terminate the minimum number of HAP contracts needed in order to reduce HAP costs to a level within the Housing Administrator's annual budget authority. Contracts will be terminated in order of lowest to highest HAP amounts.

#### **LANDLORD TERMINATIONS AND/OR EVICTION**

There are two primary ways a landlord may terminate a lease (and the associated HAP contract).

First, the landlord/owner may terminate the lease at the end of the lease term by electing not to renew the lease. To do this, the landlord must provide the member and the Housing Administrator with timely notice of its intent not to renew as described in the lease.

Second, the landlord may evict the participant household at any time by instituting a court action for serious or repeated violations of the lease or other good cause related to the member's non-compliance or violation of the lease. In the event of an eviction, the landlord/owner must notify the sub-recipient in writing of the commencement of procedures for termination of tenancy and the grounds for the termination prior to the commencement of the eviction action at the same time that the landlord/owner gives notice to the participant under state or local law.

It may be possible that the landlord may agree to obtain a mutual rescission of the lease with the participant. The mutual rescission must be signed by both parties and indicate the reason for the rescission. A mutual rescission may be preferable to an eviction since it will not appear as a legal judgment against the member which could cause difficulties in future attempts to rent.

#### **AHP/HOUSING ADMINISTRATOR TERMINATIONS**

Eviction or non-renewal of lease by the landlord or property owner does not mean a termination from the AHP or ability to maintain a housing subsidy in a new unit. The RBHA will follow guidance in 24 CFR Subpart L when determining whether a member should be terminated from the housing program. A member will be considered *evicted* if the member moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.

The Housing Administrator has discretion on terminating assistance depending on the nature and severity of the offense that caused eviction. In situations where housing assistance is going to be terminated, the Housing Administrator should contact AHCCCS and the member's treatment team and/or provider to provide a narrative of the situation and allow for AHCCCS legal input. If possible the member's treatment team should always try to re-house a member when possible or find the proper treatment if needed to allow the member to regain a housing placement.

There may be situations in which the Housing Administrator may elect to terminate a housing subsidy. These will be at the discretion of the Housing Administrator with consultation with the member's treatment team and providers if possible. Some possible reasons for termination include:

- Death of the sole member receiving the subsidy;
- Member abandonment of lease or unit with no communication and the Housing Administrator cannot contact the member despite repeated good faith efforts;
- Continued non-compliance with program rules or eligibility requirements or lack of cooperation in secured necessary eligibility or re-certification information;
- Criminal behavior including threats or violence, the manufacture or sale of drugs in a leased unit, or fraud related to securing the housing subsidy;
- Member no longer eligible or has income to no longer require financial subsidy;
- Member's physical or behavioral health condition no longer allows for independent or community based living setting or requires inpatient or other therapeutic or programmatic setting.

As noted above, decision to terminate the member from the AHP subsidy program on these grounds or any other good cause, is at the discretion of the Housing Administrator. In reviewing and making these decisions, the Housing Administrator will consider all relevant circumstances in evaluating a decision to terminate or deny assistance. The Housing Administrator will use the *preponderance of the evidence* as the standard for making all termination decisions. Preponderance of the evidence is defined as evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not. In reviewing termination decisions, the Housing Administrator may consider the following factors:

- Evidence of the applicant or participant's participation in or willingness to participate in social service or other appropriate counseling service programs;
- In the case of drug or alcohol abuse, whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully;
- The existence of mitigating factors, such as loss of employment or other financial difficulties or environmental conditions;
- In the event of behavior or circumstances related to a disabling condition including a determination of serious mental illness, the ability to provide reasonable accommodations or other supports that may allow for future housing stability and success;
- Whether the cause of the unfavorable information may be that the applicant/participant is the victim of domestic violence, dating violence, sexual assault or stalking;
- With proper releases or permission, consultation or recommendations from the member's treatment team or provider;

- **Removal of Household Member** – If there is more than one member of the household, the Housing Administrator may offer to continue the housing subsidy to an eligible member contingent on removal of one or more other household members, if it is determined that those other household members are responsible for or contributed to the behavior that resulted in the possible termination of the subsidy.

Members whose subsidy is terminated may be eligible to re-apply for future subsidy assistance by re-applying through the normal referral and wait list processes. Termination of future subsidy assistance should not be prejudiced by a previous termination of housing subsidy assistance through the AHP although referring treatment teams or providers may want to consider previous termination of assistance in assessing appropriateness of housing placement, appropriate housing setting and wrap around supportive services needs for future placements.

### **NOTICE OF TERMINATION**

In the event the Housing Administrator elects to terminate a member from the AHP program, the Housing Administrator will provide a written notice to the member (and their treatment team if appropriate) of proposed termination of housing assistance, which will include at minimum the following information:

- The effective date of the proposed termination;
- The basis of the termination decision;
- The family's right, if they disagree, to request an Informal Hearing to be held prior to termination of assistance;
- The household's ability to assume the full rent without the subsidy and maintain the unit; and,
- Protection Rights under the Violence Against Women's Act

The Housing Administrator will also provide a copy of the proposed termination to the owner. The owner will be notified if the termination is rescinded; otherwise, the HAP Contract with the owner will also terminate effective the last day of the month in which the housing assistance was terminated.

### **REPORTING OF TERMINATIONS**

The Housing Administrator will maintain and provide regular quarterly reporting to the AHCCCS Housing Director of all terminations and the basis for each termination. AHCCCS will work the Housing Administrator to establish standards and benchmarks for evictions and negative terminations of subsidy assistance.

### **TERMINATIONS RELATED TO DOMESTIC VIOLENCE, DATING, DATING VIOLENCE OR STALKING (VAWA)**

The RBHA will follow the Violence against Women's Act (VAWA) in regards to termination of assistance where domestic violence is suspected or reported. In accordance with the Violence Against Women Act (VAWA), a participant or lawful occupant who engages in criminal acts of physical violence against affiliated individuals or others may be evicted or removed without evicting, removing, or otherwise penalizing a victim who is a lawful participant or occupant. The Violence against Women Reauthorization Act of 2005 (VAWA), provides that "criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate family member of the tenant's family is the victim or threatened victim of that abuse." VAWA further provides that incidents of actual or threatened domestic violence, dating violence, or stalking may not be construed either as serious or repeated violations of the lease by

the victim of such violence or as good cause for terminating the tenancy or occupancy rights of the victim of such violence.

The Housing Administrator will give all members information about their rights under VAWA in any termination action.

### **BIFURCATION OF LEASE**

VAWA does not protect the perpetrator of Domestic Violence, Dating, Dating Violence, or Stalking. The perpetrator may be removed from lease and HAP agreement or the lease may be bifurcated so that the victim, if eligible, can maintain housing subsidy separate from the perpetrator.

**Housing Administrator:** The Housing Administrator will establish policies and procedures for the administration of these terms in its Housing Administration Manual. Key items will include:

- Notice, documentation and due process requirements for termination decisions;
- Payment standards and timing of payments related to terminations (e.g., partial payments or timing of payments);
- Processes for notification of member's treatment team as appropriate for coordination of service and supports including re-housing due to eviction or termination of assistance
- Processes and standards for reviewing termination of assistance cases;
- Policies for ensuring notice and compliance with VAWA rights in housing termination decisions.

**Service Coordination:** As noted throughout this document, housing stability and avoiding evictions or terminations of a member lease, and more importantly avoiding termination of housing subsidy support is of utmost importance. When possible, the member's treatment team and providers should coordinate with the Housing Administrator to avoid evictions if possible. If the member's lease will be terminated by the landlord, then the treatment team should work with the landlord and Housing Administrator to secure a mutual rescission of the lease to avoid longer term legal or financial consequences related to an eviction judgement. Finally, assuming that an eviction or termination of the current lease is unavoidable, the treatment team, or provider should work closely with the member and Housing Administrator to ensure that the member does not also lose their housing subsidy if possible so they can be placed in another unit. Finally, treatment teams and providers should evaluate all evictions or terminations on a case by case basis to determine what additional supportive and wrap around services, reasonable accommodations or alternative environments or other supports may be necessary for success in future housing placements.



## **ACCOUNTABILITY AND REPORTING**

### **PURPOSE AND GOALS**

AHCCCS is committed to ensuring that housing funds are invested in accordance with State and AHCCCS requirements in order to provide appropriate housing and services to positively to impact the lives of the persons it serves.

This section covers AHCCCS Housing Program policies to: 1) to ensure financial and programmatic accountability and integrity; 2) to prevent, detect, investigate and resolve instances of financial or program abuse or fraud as well as unintentional errors and omissions; 3) to establish a process for financial programmatic quality control including audits and monitoring, and 4) to establish performance benchmarks and reporting to ensure the AHCCCS Housing Subsidy Program is operating effectively.

### **LEGAL COMPLIANCE**

In addition to complying with all Federal, State and local housing standards as defined in Section II, the AHSP, in utilizing State of Arizona allocated funds to provide housing subsidies and supports, will comply with all applicable State and AHCCCS finance and accounting laws, policies and standards regarding the use, administration and accounting of AHP funds. These standards are documented in the State of Arizona Accounting Manual (SAAM). This will include any laws or policies lawfully enacted by the State of Arizona and/or AHCCCS subsequent to this policy being published. AHCCCS also retains the right to amend or update this policy unilaterally to achieve the goals identified above. If State law or policies do not establish a standard, AHCCCS and the Housing Administrator may agree to apply other relevant standards including Federal Housing standards (e.g., HUD HCV Program policies or rules, SEMAP). Any policies established will be incorporated into AHCCCS Policy and the Housing Administrator's Operational Manual utilizing the processes described below.

### **HOUSING OPERATIONS MANUAL AND POLICY MAKING PROCESS**

Policies here describe basic roles, duties and accountabilities of AHCCCS, the AHCCCS contracted Housing Administrator, MCOs and providers. As part of its contract, the Housing Administrative Contractor is responsible for: 1) assisting AHCCCS in providing operational input and finalizing the Housing Guidebook and ACOM §448 Policy; 2) creating and maintaining an AHP Administrative Plan that including standard operating policies and documents to implement the AHP in compliance with all applicable standards; and 3)

Both the ACOM Housing Policy 448 and the AHCCCS Housing Guide will be reviewed and approved through the AHCCCS Policy Committee (APC) process. This must be completed and any operating or policy changes implemented prior the start of the Housing Administrator contract start date of October 1, 2021 and services being provided. The AHCCCS Director of Housing Programs will be responsible for developing a revision process for the AHP Guidebook that incorporates input from stakeholders including, but not limited to the Housing Administrator, AHCCCS, MCOs, providers, and program participants.

**FINANCIAL AND ACCOUNTING POLICIES AND STANDARDS**

**AHCCCS FISCAL DUTIES AND RESPONSIBILITIES**

AHCCCS is responsible for:

- Overall fiscal oversight of AHCCCS allocated State of AZ funds;
- Selection and Oversight of contract Housing Administrator for AHCCCS Housing programs;
- Final approval of all AHCCCS Housing policies standards and operating policies; and
- Approval of consequences for repeat Housing Administrator non-performance up to and including any compliance action.

AHCCCS Contracted Housing Administrator is responsible for:

- Contracting with providers and landlords to provide rental subsidies for eligible program participants. This includes accurately calculating and verifying the tenant/participant's share of the rent as documented in the HAP contract.
- Serving as lead fiscal agent and fiduciary for AHCCCS Housing and is responsible for:
  - Issuing reimbursements and payments to providers and landlords in a timely manner and consistent with HUD and State of AZ standards, policies and procedures documented herein and relevant policies;
  - Reviewing all rent and expense reimbursement through a monthly submittal of a Contractor's Expenditure Report (CER) and supporting documentation including financial and programmatic performance. Also includes review of expenses for eligibility;
  - Conducting internal audits and reviews to ensure compliance;
  - Submitting Annual Performance Reports and other fiscal and programmatic reports to AHCCCS;
  - Managing/ensuring all AHCCCS fiscal standards are met including implementation of financial controls;
  - Communicating in a timely manner any concerns or identified issues of non-compliance related to their performance of the Housing Administrator financial, operational or programmatic requirements;
  - Maintaining knowledge of all AHCCCS fiscal and performance standards as documented in the HEARTH Act or subsequent HUD issued policies and procedures including in the annual NOFA process;
  - Ensuring proper expenditure and management of all AHP funds.

AHP Housing Providers including landlords, providers, or other entities receiving AHP subsidy funding shall:

- Submit timely, complete, and accurate financial documents and supporting documentation for rent or other reimbursement in the appropriate format described by the Housing Administrator;
- Maintain contracted financial, programmatic, and operational requirements as stated in HAP contracts;
- Ensure AHP funding is only used for eligible activities;
- Maintain Fiscal Internal and Budgetary Controls, Accounting Policies, and Procedures. Maintain adequate documentation of these systems for annual monitoring reviews;
- Perform all required annual third party audit of agency and/or program financial statements for compliance under ADOH and Federal standards including Single Audit if necessary; and

- Provide audit results to ADOH as part of annual CoC monitoring.

### **HOUSING ADMINISTRATOR FINANCIAL STANDARDS**

The Housing Administrator's Administration Plan shall include copies of the Housing Administrator's operating financial and accounting manual and policies reflecting the presence of appropriate internal controls. The Housing Administrator must demonstrate adequate internal controls to ensure that: 1) all AHP funding/subsidy requests are paid to providers and that Housing Administrator requests to AHCCCS are processed accurately based upon complete documentation in a timely manner; 2) that AHP funds for reimbursement of housing subsidy or other expenses are appropriately segregated and accounted for including the use of separate dedicated banking accounts as necessary; 3) that all funding/expenditures are utilized for eligible activities and expenses defined in AHCCCS ACOM 448 and other guidance; and 4) that controls and organizational structures exist to reduce the risk of fraud or other misuse of AHP funding. Internal controls should also ensure that all expenditures/reimbursements are supported by documentation of the operational and programmatic outputs and performance for which funds were attributed.

### **BUDGET CONTROLS**

AHCCCS Housing, its contracted Housing Administrator, and all providers regularly compare actual expenditures to the awarded and budget amounts by activity to ensure all funding is utilized, will be available, and can be adjusted if necessary, throughout the contracted period and within the terms of the contract. Budget monitoring with appropriate communication also allows proper management and utilization of all resources within budget parameters and avoids unplanned expenses.

Cash, Property and Other Asset Management: the Housing Administrator and providers have policies and procedures to ensure that cash, property, and other assets are properly acquired through AHCCCS housing programs or its activities are maintained, secure, and utilized for their contractually intended purposes.

### **PROCUREMENT**

All supplies, equipment, and service purchased or acquired with AHCCCS Housing funds must be obtained economically, fairly and competitively and without any conflicts of interest with the parties involved in the transaction.

### **ACCOUNTING CONTROLS**

The Housing Administrator and all housing providers must have adequate accounting controls and systems to ensure that all withdrawals, reimbursements or other transactions are adequately and transparently documented, recorded, and reported.

### **AUDIT AND MONITORING**

Regular and consistent internal and external processes exist to review and evaluate compliance with the fiscal policies and procedures and the activities described herein. In the event that concerns, or issues are identified related to these policies and related activities, processes exist to correct deficiencies, improve policies, and achieve fiscal and programmatic goals.

As a Department of state government, AHCCCS must also comply with state law and accounting standards. The policies included here reflect Arizona State accounting standards. In some cases, as a Medicaid funded entity, AHCCCS will also comply with applicable federal standards and rules.

### **AHCCCS PAYMENTS/REIMBURSEMENT**

All payments and reimbursement of housing subsidy payments, housing related expenses, and Contractor's Administrative fees to the Housing Administrator will be based upon submission of a monthly Contractor's Expenditure Report (CER) and appropriate and timely supporting documentation. Documentation requirements will be established in the Housing Administrator Administrative Plan and contract scope of work.

Each month, AHCCCS will make an estimated payment to the Housing Administrator based on prior month's occupancy and rent payments as documented in the verified CER from the prior month. This payment will be made 10 days prior to the end of the month to cover the upcoming month's rental payment. Within 15 days of the first of the month, the Housing Administrator will submit a CER with documentation to reconcile to the estimated payment as well as documentation on the Housing Administrator's Administrative fees based on actual occupancy. Any amount due or owed based upon the reconciliation will be incorporated into the next estimated payment with total payments to the Housing Administrator.

The Housing Administrator's administrative fee will be a fixed rate for each unit that is occupied within the month and paid with verified CER for the month. This rate will be inclusive of all Housing Administrative services described herein. Total reimbursement and administrative payments for the year cannot exceed the total housing annual budget that will be established by AHCCCS based on the funds allocated in the State budget.

### **ADVANCED PAYMENTS**

All AZBoSCoC payments are based upon occupancy, the contracted rate/fee schedule, and the monthly documented reconciliation statements. AHCCCS will only permit allocations outside of these processes on an ad hoc basis and upon request of the AHCCCS Housing Administrator and only for unforeseen events that occur outside of the Housing Administrator's control.

The general prohibition of advance or payments outside of the general reimbursement/CER process includes any advanced payments for the implementation of the Housing Administrator services during the implementation phase prior to the effective date of the Housing Administrator's contract. Any costs or expenses related to establishing the required services should be included in the Housing Administrator's contracted rate.

### **UNEXPENDED FUNDS**

Within 90 days of the end of the contract year, September 30, the Housing Administrator will provide a final reconciliation of all funding and expenditures. Any unexpended funds will be applied to offset requested funds for the following month.

### **FINANCIAL RECORD RETENTION**

Financial records for the Housing Administrator shall be maintained by the Housing Administrator for seven (7) years.

### **HOUSING ADMINISTRATOR OVERSIGHT, QUALITY CONTROL, AND DATA ANALYSIS**

In addition to fiscal monitoring and oversight policies described above, the Housing Administrator will annually submit a Quality Control Plan documenting its internal processes and control for programmatic

and fiscal oversight of the AHP and contract services. This plan will be reviewed and approved by the AHCCCS Housing Director. This Quality Control Plan must include processes for the monitoring of landlords, providers, and other recipients of AHP funds and subsidies in addition to HQS inspections or other reviews conducted as part of the leasing/subsidy payment process. The Housing Administrator will develop a process for notifying subsidy recipients of deficiencies, processes for corrective action and consequences for ongoing non-compliance, failure to address identified deficiencies or documented financial concerns including possible fraudulent activity. Key issues requiring monitoring include:

- a. Compliance with federal requirements of the SAMHSA Permanent Supportive Housing Fidelity Monitoring
- b. Regular inspections of housing units including tenant living situations to determine whether the individual has access to basic needs and whether the living environment is safe, secure and the least restrictive environment consistent with the treatment goals in the Member Service Plan. Ensure contracted housing providers conduct these inspections also
- c. Develop and maintain an accounting system of all individuals in its housing program and of its housing and support service providers, and when requested or by AHCCCS Contract requirements, submit the data in a format approved by AHCCCS.
- d. Documented processes and confirmation of other provider or landlord financial requests or reimbursement including damages, deposits, or other tenancy related fees.
- e. At each annual reexamination, current information provided by the family will be compared to information provided at the last annual reexamination to identify inconsistencies and incomplete information.
- f. Documentation of errors or possible program abuse and provide process for reporting of possible program abuse.
- g. Housing Administration Performance Data and Metrics – AHCCCS will work with Housing Administrator to adapt the Section Eight Management Assessment Program (SEMAP: 24CFR985) evaluation criteria and benchmarks to the AHP housing portfolio. It is the goal of AHCCCS that is AHP operate to the standards of a high performing Housing Authority. The Housing Administrator will develop a process for collecting and reporting (on a frequency agreed to with AHCCCS) on the following information. There are fourteen SEMAP criteria and benchmarks will be agreed upon between AHCCCS and the Housing Administrator for reporting and evaluation (please note these standards have been modified slightly from SEMAP to reflect AHP program requirements and services):
  1. Proper selection of applicants from the housing choice voucher waiting list
  2. Sound determination of reasonable rent for each unit leased
  3. Establishment of payment standards within the required range of the HUD fair market rent (FMR)
  4. Accurate verification of member/household income
  5. Timely annual reexaminations of member/household income
  6. Correct calculation of the tenant share of the rent and the housing assistance payment
  7. Maintenance of a current schedule of allowances for tenant utility costs
  8. Ensure units comply with the housing quality standards before members families enter into leases and AHP enters into housing assistance contracts
  9. Timely annual housing quality inspections
  10. Performing of quality control inspections to ensure housing quality
  11. Ensure that landlords and tenants promptly correct housing quality deficiencies
  12. Ensure that all available housing choice vouchers are used

13. Expand housing choice outside areas of poverty or minority concentration and avoid clustering or over density of members determined SMI consistent with standard defined in Arnold v. Sarn.
  14. Assist members in engaging available Medicaid workforce and benefit assistance programs to assist members achieve increases in employment income. AHCCCS will assist the Housing Administrator to work with the MCOs and their providers to ensure reporting of this criteria.
- h. While not the responsibility of the Housing Administrator, AHCCCS will utilize housing wait list and tenancy rosters to verify housing eligibility for referrals made by the MCOs and their providers.

### **CORRECTIVE ACTION PLAN**

AHCCCS and the Housing Administrator will develop an internal corrective action plan for any indicator in which the performance score for that fiscal year is less than high performer. The corrective action plan will be closely monitored by to assure increased performance in the corresponding performance area.

### **AHCCCS DELIVERABLES**

In addition to financial and housing quality oversight and accountability described above, AHCCCS will also require the Housing Administrator to provide the following housing reports on a schedule to be agreed to between AHCCCS and the Housing Administrator.

- Monthly deliverable detailing members served utilization rates and average housing assistance payments;
- A monthly Housing Inventory of Community Living Fixed Site Housing providers and tenants as currently required by the AHCCCS Contract Exhibit-9, Deliverables. The deliverable shall be point in time from the 1st of every month. This inventory shall be submitted in the format and time required by AHCCCS and shall include:
  - The number and types of housing programs,
  - Number of units,
  - Fund source for those units, and
  - Populations served for each unit
  - Number of units filled
- Housing Stability Data by GSA to include:
  - General demographics;
  - Number of persons housed in month to include:
    - How many persons entering housing in reporting period
    - How many persons exiting housing in reporting period
      - Reason for exit if known;
      - Exit destination if known;
    - How many persons remaining in housing at end of reporting period;
    - Vacancy rate for reporting period including units off line;
    - Average length of stay in housing by program/Project Type;
  - Wait List Information
    - Number of persons on wait list;
    - Average time on wait list;
    - Number of new persons on wait list;
    - Number housed from wait list;

- Length of time between key housing lease up processes (e.g., referral to wait list, briefing to move in, etc.);
- Ad hoc reports as requested by the housing administrator

### **AHCCCS MONITORING**

AHCCCS Housing will ensure that the Housing Administrator contracted to provide AHCCCS funded housing services is quality organizations capable of responsibly delivering services and utilizing funds. Monitoring will allow AHCCCS to be familiar with all aspects of its contracted Administrator, providers and projects so that they can not only ensure compliance, but also to identify potential weaknesses and problems so that they may be addressed prior to them becoming issues that may threaten funding or worse, the availability of housing to program participants.

AHCCCS will monitor its contracted Housing Administrator as well as major sub-recipients or programs within the portfolio. There are two primary types of fiscal and programmatic monitoring performed regularly: 1) desk monitoring of monthly Housing Administrator submitted CER requests and supporting documentation including rent rolls and standard reporting; and 2) annual monitoring. The Housing Administrator will be provided with reasonable notice of the audit and any related site visits or requests for information. The balance of this section describes the policies and procedures related to annual Housing Administrator monitoring.

### **ANNUAL HOUSING ADMINISTRATOR MONITORING**

AHCCCS Housing Director (and/or staff) will perform an annual monitoring of the Housing Administrator consisting of two components:

- a. Off-site Monitoring – Prior to a monitoring site visit, the AHCCCS Housing Director will set a date for the monitoring. Prior to the monitoring date and site visit, the AHCCCS Housing Director will provide a copy of the monitoring tool for review and a request for written response and documents to be provided by the Housing Administrator prior to the site visit. Key documents requested of the Housing Administrator may include:
  1. Housing Administrator Fiscal Policies, Procedures and Documentation
  2. Agency Governance and organizational structure/chart and resumes of key staff including segregation of duties policies.
  3. Cash/Asset Management and Procurement Policies
  4. Agency Audit – Housing Administrator must perform an annual fiscal audit by an independent audit firm. Housing Administrator must submit their most recent annual audit.
  5. Human Resources and Payroll processes
  6. Utilization and other required documentation – AHCCCS will review the program reporting and other contractually required documentation.
- b. Site Visit – In addition to the review of submitted documentation, the AHCCCS Housing Director will conduct an on-site monitoring visit. The site visit includes the following reviews and processes:
  - i. Interview with Key Contractor and Project Staff – The interview will review the monitoring process, discuss any concerns or status of corrective action from prior years as well as any issues identified in the file review.
  - ii. File Review – The monitor will review randomly chosen program participant files to ensure all required programmatic and fiscal information is present including but not limited to identification, eligibility verifications, rent reasonableness documentation,

housing inspections, notices to members, leases and HAP contracts, and any file notes. Reviewed client files may also be compared to AHCCCS financial and program reporting for completeness and consistency.

- iii. Site Inspection – The AHCCCS Housing Director may also request visits of a number of occupied Project housing units. In respect of client privacy, clients are asked in advance for approval to visit their housing unit. Monitor will inspect units to check for key habitability issues such as functioning plumbing and electricity, adequate heating and cooling, accessibility and overall safety and maintenance. The site visit will also evaluate the Housing Administrator’s offices to ensure all required documentation and notices are posted.
- iv. Exit Interview – Before concluding the monitoring visit, the AHCCCS Housing Director will again meet with Housing Administrator key staff to review any initial findings, gathering any final documentation requested during the site visit, and identifying next steps including the process for addressing any findings.
- v. Monitoring Letter – Within 30 days of the monitoring visit, the AHCCCS Housing Director will issue a monitoring follow-up letter reviewing the scope of the audit, findings, and items requiring remedial action if necessary. If there are corrective actions needed, a timeline for performance will be included.

#### **Housing Administrator Performance and Corrective Action**

At any time within the contract term, AHCCCS may identify items or issues of concern through desk audits, annual audits, reviews of agency reports, or communications from the community that require corrective action. Key items may include but are not limited to programmatic quality or inability to achieve service levels and goals, concerns with fiscal issues including spend down rates or quality of financial reports, and reporting and/or complaints from program participants. The goal of this corrective action plan is not punitive. The goal of the corrective action is to give the Housing Administrator or provider notice of the deficiency or issue; identify the required or desired resolution; provide appropriate support; and to resolve the item of concern so that quality services can continue for our program participants. To achieve these policy goals, AHCCCS will follow the following corrective action process steps.

When AHCCCS becomes aware of an item requiring possible corrective action, they will first report this issue to the Housing Administrator for review. The following process will be followed:

**Initial Notice:** The AHCCCS Housing Director e-mails, calls or schedules a face to face meeting with the key staff of the Housing Administrator and inform them of the issue or deficiency. The Housing Administrator will provide a corrective action and time in which the corrective action will be completed. Corrective action steps will be documented and confirmed in an e-mail.

**Written Notice:** If the verbal/e-mail conversation does not result in appropriate corrective action or outcome within the specific timeframe agreed to, the AHCCCS will draft and send a formal letter requesting for the Housing Administrator to submit a written action plan to resolve the issue(s). The timeline will be determined by the AHCCCS.

**2<sup>nd</sup> Written Notice (Temporary Suspension of Funding):** If agency/sub-recipient does not follow through on corrective actions identified in response to 1<sup>st</sup> written notice, a 2<sup>nd</sup> written notice will be sent informing agency/sub-recipient that continued non-performance may result in



suspension of administrative fees to Housing Administrator. A date will be set for Status Conference before funding will be re-activated.

**Status Conference:** If verbal and written notices do not result in the appropriate corrective action within the designated time frame, AHCCCS will schedule a formal meeting between the AHCCCS Housing Director, AHCCCS Leadership and the Housing Administrator Executive Director/CEO and key staff to discuss the failure to perform the agreed upon action plans and timelines and to establish a final corrective action plan and time line. The Housing Administrator will be on notice that funding will remain suspended until corrective action is completed. Continued non-compliance may result in a removal and rebid of the contract.

**Technical Assistance (TA):** At any stage within the Corrective Action process, AHCCCS Housing Director and AHCCCS will offer Technical Assistance to address issues to improve capacity and performance and achieve corrective action plan goals and timelines. Technical assistance may include, but is not limited to: regular meetings/consultation referrals to best practices or other guidance (e.g., HUD Exchange), review of the AHCCCS Policies and Housing Administrative plan to ensure adequacy and ability to comply with standards, referrals to 3d party experts or partners, and coordination with MCOs or referring entities. Participation in TA may be incorporated or mandated in corrective action plans.

#### **CONFLICT OF INTEREST**

At least annually, and in the event of any substantial changes to the Housing Administrator's business or contracts including but not limited to changes of ownership, changes of key staff, new lines of business or addition of new contracts, the Housing Administrator and its key staff must provide up to date Conflict of Interest Statements disclosing any relationships or conflicts of interest with AHCCCS or the AHP or any substantial beneficiaries of AHP funding including paid subsidies.

#### **GRIEVANCES AND APPEALS**

AHCCCS want to ensure that all members have the benefit of all protections due to them under the law. Members participating in the AHP may file grievances related to their treatment or conditions by the Housing Administrator while in the program and/or appeals regarding decisions made by the Housing Administrator regarding their status in the AHP including but not limited to eligibility, approvals, or denials of housing, subsidy amounts, and/or termination of assistance. Participants may not submit grievances related issues with landlords or third parties not related to the Housing Administrator (e.g., disputes with neighbors) or criminal issues related to the participant that may affect housing status (e.g., arrests, criminal charges or adjudication).

The Housing Administrator shall establish a policy for grievances and appeals as part of their Quality Assurance Plan. The grievance and appeals process shall ensure that:

- There is a simple and easily accessible means to report a grievance and/or appeal either verbally or in writing. Members are given a reasonable time in which to report a grievance and/or appeals
- The Housing Administrator will provide an initial response to all grievances and appeals within a reasonable time of the grievance and/or appeal being requested
- Defined criteria upon which the Housing Administrator may dismiss the grievance and/or appeal in the initial responses based upon lack of documentation, violation, or actionable cause.

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- If additional investigation is required, the process and timeline upon which the investigation will be conducted and who will be involved.
  - For matters of eligibility, including documentation related to a member's SMI status or documentation of need related to eligibility, the Housing Administrator will have a process for referring the member to their provider and/or MCO for clarification since the Housing Administrator will rely upon them for these determinations,
  - Similarly, the Housing Administrator will have a process for referring grievances or appeals related to behavioral health supportive services provided to the appropriate MCO for the member.
- Pending an investigation and subsequent decision on the grievance or appeal, the Housing Administrator will have a policy for notifying the participant of the Housing Administrator's determination and any subsequent relief or lack thereof. The notification should also include the participant's right to appeal the determination.
- There are formal and informal hearing processes conducted by the Housing Administrator for grievances and appeals of decisions in which the participant is not satisfied with the initial determination or investigation results.
- The Housing Administrator should have a process for appeals or notification to the AHCCCS Housing Director for issues that go to the formal hearing process.
- For SMI members, the policy should include provision to notify members that they are entitled to file grievances and hearings directly to AHCCCS under ACOM 444 and 446 on issues related to their mental health services and care including any housing based supportive services.
- Process for participants to request appropriate and reasonable accommodations in the grievances and appeals process. This may include processes to involve advocates on the participant's behalf including peers, related persons, case managers, or providers with appropriate participant approval.
- Policies to allow participant to review relevant documentation or information related to their grievance or appeal. The policy should also include guidance on the participant's use of evidence or participation by witnesses.

### **PROGRAM INTEGRITY AND INVESTIGATING ERRORS AND PROGRAM ABUSE**

AHCCCS is committed to ensuring that funds made available to the PHA are spent in accordance with HUD requirements. In addition to monitoring and ongoing oversight described above, AHCCCS will review all referrals, specific allegations, complaints, and tips from any source including other agencies, companies, and individuals, to determine if they warrant investigation. In order for AHCCCS to investigate, the allegation must contain at least one independently-verifiable item of information, such as the name of an employer or the name of an unauthorized household member.

AHCCCS will investigate inconsistent information related to the member that is identified through file reviews and the verification process. AHCCCS will also investigate owners and sub-contractors if potential fraud, over-charging or false reporting is discovered. AHCCCS investigation or follow up on allegation of errors and or program abuse including potential fraud may involve reporting and follow up by the AHCCCS Office of the Inspector General (OIG).

The Housing Administrator will establish policies and practices for inclusion in their Administrative Plan to prevent errors and reduce the likelihood of fraud or program abuse. Key steps the Housing Administrator will include in their Administrative Plan:

- Housing briefing materials will include information for participants on compliance with program standards and identify potential areas of fraud and consequences. Housing Administrator will have participants sign document acknowledging that these issues were presented and understood by the participant. This acknowledgement will be kept in participant's housing file.
- Housing Administrator will ensure all relevant documents including warnings on the penalties and consequences of PHA fraud.
- Housing Administrator will ensure their staff is trained on the program standards, program ethics and identifying potential errors and intentional fraud or program violations.
- Key prohibited examples of program abuse include:
  - By Participants:
    - Offering bribes or illegal gratuities;
    - Offering payments or other incentives to a third party as an inducement for the third party to make false or misleading statements on the participant's behalf;
    - Use of a false name or the use of falsified, forged, or altered documents;
    - Intentional misreporting or omission of family information or circumstances including financial information;
    - Admission of program abuse by an adult family member;
    - AHCCCS or the Housing Administrator may determine other actions to be program abuse based upon a preponderance of the evidence.
  - By the Housing Administrator or its Agents:
    - Failing to comply with AHP program requirements for personal gain;
    - Failing to comply with AHP program requirements as a result of a conflict of interest relationship with any applicant or participant;
    - Seeking or accepting anything of material value from applicants, participants, owners, vendors, contractors, or other persons who provide services or materials to Housing Administrator;
    - Disclosing confidential or proprietary information to outside parties;
    - Sexual harassment;
    - Gaining profit as a result of insider knowledge of AHP activities, policies, or practices;
    - Misappropriating or misusing AHP funds;
    - Destroying, concealing, removing, or inappropriately using any records related to the AHP program;
    - Intentionally falsifying CERs or other documentation related to AHP subsidies or assistance including damages requests, fees, or other reimbursable expenses.
  - By the Landlord, Owner or CLP Housing Provider:
    - False statements to the Housing Administrator or participant;
    - Commit fraud, bribery, or any other corrupt or criminal act in connection with AHP or any federal housing program.
  - Any of the following will be considered evidence of owner program abuse:
    - Charging the family rent above or below the amount specified by the AHP and HAP;
    - Charging a security deposit other than that specified in the participant's lease;
    - Charging the participant for services that are provided to unassisted tenants at no extra charge;
    - Knowingly accepting housing assistance payments for any month(s) after the participant family has vacated the unit;

- Knowingly accepting incorrect or excess housing assistance payments;
- Offering bribes or illegal gratuities;
- Offering payments or other incentives to a participant as an inducement to make false or misleading statements related to the AHP or assistance provided
- Residing in the unit with an assisted participant;
- Intentionally falsifying rent reimbursement requests or other documentation related to AHP subsidies or assistance including damages requests, fees, or other reimbursable expenses.

#### **CONSEQUENCES – CONSIDERATION OF REMEDIES**

All errors and instances of program abuse must be corrected prospectively. The AHCCCS Housing Administrator shall report all potential program abuse to AHCCCS Director of Housing who will determine if additional AHCCCS review or involvement is necessary. Whether AHCCCS and its Housing Administrator will enforce other corrective actions and penalties depends upon the nature of the error or program abuse and the entity responsible for the error or abuse.

#### **PARTICIPANT CAUSED ERRORS OR PROGRAM ABUSE**

AHCCCS and its Housing Administrator shall take into consideration 1) the seriousness of the offense and the extent of participation or culpability of participant or household members, 2) any special circumstances surrounding the case, 3) any mitigating circumstances related to the disability of a family member, 4) the effects of a particular remedy on family members who were not involved in the offense.

When AHCCCS or the Housing Administrator determines a member has committed program abuse, the following remedial actions may be taken:

- Require the participant to repay any amounts owed to the program;
- Revise the HAP or voucher to reflect actual available subsidy and/or change participant contribution. This may be applied retroactively based on the determination of the start of the error or program abuse;
- Require, as a condition of receiving or continuing assistance, that a culpable family member or other resident not reside in the unit;
- Deny admission or terminate the participant's lease;
- Refer the participant to AHCCCS Office of Inspector General for state or federal criminal prosecution if necessary.

#### **PHA CAUSED ERRORS OR PROGRAM ABUSE**

This section specifically addresses actions of a PHA staff member that are considered errors or program abuse related to the AHP. Additional standards of conduct may be provided in the Housing Administrator's personnel policy. In evaluating errors or program abuse on the part of the Housing Administrator or its agents, AHCCCS will evaluate: 1) the seriousness of the offense and the extent of participation or culpability of the Housing Administrator or its agent; 2) any special circumstances surrounding the case, 3) the Housing Administrator's knowledge or approval of its agent's error or abuse, and 4) the Housing Administrator efforts to mitigate or correct its agent's error or program abuse including use of internal policies or controls.

When AHCCCS or the Housing Administrator determines the Housing Administrator or its agent has committed program abuse, the following remedial actions may be taken:

- Require the Housing Administrator or its agent to repay any amounts owed to the program and/or affected participants. Repayment to an affected participant will occur regardless of if the incorrect payment resulted from error or program abuse.
- Require the Housing Administrator to terminate or relieve the agent of their duties with the AHP program if possible and subject to Housing Administrator's HR policies.
- Revise affected participant's HAP or voucher to reflect actual available subsidy and/or change participant contribution. This may be applied retroactively based on the determination of the start of the error or program abuse. The participant will not be responsible for errors or underpayments resulting from the Housing Administrator or its agent's error or program abuse.
- Refer the Housing Administrator or its agent to AHCCCS's Office of Inspector General for state or federal criminal prosecution if necessary.

#### **LANDLORD, HOUSING PROVER, OR OWNER ERRORS OR PROGRAM ABUSE**

AHCCCS and Housing Administrator will take into consideration 1) the seriousness of the offense; 2) the length of time since the violation has occurred; and 3) the effects of a particular remedy on family members who were not involved in the offense.

When AHCCCS or the Housing Administrator determines that the owner has committed program abuse, the following actions may be taken:

- Terminate the HAP contract;
- Bar the owner from future participation in any COPHD programs;
- Refer the case to state or federal officials including the HUD Office of Inspector General (HUD-OIG for criminal prosecution);
- Require the owner to repay excess housing assistance payments. The Housing Administrator may recover overpaid amounts by withholding housing assistance payments due for subsequent months;
- If the ineligible facility, landlord, or provider is providing units under Covenants, Conditions, and Restrictions (CC&R) related to the purchase of the property or facility with AHCCCS SMI HTF funds, the AHCCCS Director of Housing will be notified and additional corrective action may be taken to ensure compliance including AHCCCS remedies documented in the CC&R.

#### **NOTICE AND APPEALS**

The Housing Administrator will inform the relevant party in writing of its findings and remedies within 10 business days of the conclusion of the investigation including any referral to AHCCCS. The notice will include: 1) a description of the error or program abuse, 2) the basis on which the Housing Administrator determined the error or program abuses, 3) the remedies to be employed, and 4) the family's right to appeal the results through an informal hearing or grievance hearing.

If the error or program abuse involves the Housing Administrator, AHCCCS will notify the Housing Administrator within 10 days of the conclusion of its investigation or corrective action. The AHCCCS notice will also include the elements required of the Housing Administrator's notice.

#### **CONFIDENTIALITY OF DOCUMENTATION OR ERRORS OR PROGRAM ABUSE**

Documents and other evidence obtained by the Housing Administrator and/or AHCCCS during the course of an investigation will be considered "work product." The Housing Administrator Administrative Plan will detail procedures to ensure "work product" documentation is maintained in a secure manner

and that errors and program abuse investigations and related materials are not shared with staff other than those directly involved or participating in the investigation.

AHCCCS will maintain all documentation or investigation materials related to errors or program abuse, including any referrals to OALS or AHCCCS OIG confidential. Information will only be shared with those directly involved in the investigation.

**RECORD RETENTION**

The Housing Administrator will establish policies to maintain all housing information for up to seven (7) years. Lease information and history must be maintained for the term of the lease and up to seven (7) years after the end of assistance/member participation. The Housing Administrator will also have policies to ensure all files and records including both physical and electronic records are secured appropriately.

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## DEFINITIONS

- **ACC-RBHA:** Arizona Complete Care and Regional Behavioral Health Authority
- **AHCCCS:** The Arizona Health Care Cost Containment System – A managed health care program which pertains to health care services provided pursuant to A.R.S. 36-2903 et seq., and is also the name of the State agency
- **ACOM:** AHCCCS Contractor Operations Manual
- **DBHS:** Arizona Department of Behavioral Health Services
- **AHCCCS Housing Administrator:**
- **AHP:** AHCCCS Housing Program(s) are those funded by Arizona NXIX/XXI State SMI General Housing and Supported Housing funds
- **AMPM:** AHCCCS Medical Policy Manual
- **Arizona Residential Landlord Tenant Act (ARLTA):** ( ARS §33-1301 *et seq.*) Arizona statutes governing residential leasing and Landlord and Tenant rights and obligations.
- **Community Living Program (CLP):** Fixed Site Housing for SMI members. Properties are purchased or rehabilitated with Arizona State SMI Housing Trust Funds on behalf of a provider owner/operator with a requirement for the property to provide PSH for persons determined SMI. AHP often provides rental support or subsidies for program participants residing in CLP units.
- **Dependent:** A family member who is under 18 years of age or an individual of any age who has a disability or is a full-time student. The following individuals can never be dependents: the head of household, spouse, co-head, foster children/adults, and live-in aides.
- **Family:** A Family includes but is not limited to the following, regardless of actual or perceived sexual orientation, gender identity, or marital status:
  - A single person;
  - A group of persons residing together. This includes, but is not limited to:
    - A married member and their spouse;
    - A family with or without dependent(s);
      - A child who is temporarily away from the home because of placement in foster care is considered a member of the family;
      - Unborn children and children in the process of being adopted are considered family members for purposes of determining bedroom size;
      - Child (a minor) by: birth, adoption, a court order establishing custody, or a legal order from the social service agency (e.g., Child Protective Services, DES).
  - A family does not include:
    - A housekeeper or live-in aide;
    - Foster children and/or foster adults;
    - A group of unrelated persons living together (e.g., friends, etc.);
    - Aunt, uncle, sister, brother, cousin, friend, etc.; or
    - An additional family to the household, (e.g., a sister and her children, etc.)
  - Each family must identify the individuals to be included in the household at the time of application, and must notify the AHCCCS Housing Administrator if the family's composition changes any time after an AHP application has been submitted or the individual is participating in AHP.

- **Foster Children and Foster Adults:** Foster adults are usually persons with disabilities, unrelated to the tenant family, who are unable to live alone [24 CFR 5.609(c)(2)]. Foster children and foster adults that are living with an applicant or resident family are considered household members but not family members. The income of foster children/adults is not counted in family annual income and foster children/adults do not qualify for a dependent deduction [24 CFR 5.603 and HUD-50058 IB, pp. 13-14].
- **FFS:** Fee for Service
- **Gender Identity:** Actual or perceived gender characteristics
- **GMH/SUD:** General Mental Health/Substance Abuse Disorder
- **Guest:** For the purposes of AHP A guest is defined as a person temporarily staying in the unit with the consent of a tenant or other member of the household who has express or implied authority to so consent on behalf of the tenant.
- **Head of Household:** The family may designate any qualified adult family member as the head of household. The head of household must have the legal capacity to enter into a lease under state and local law and is responsible for ensuring that all household members comply with the duties of the tenancy. A minor who is emancipated under state law may be designated as head of household.
- **Household:** includes the individual and all family members if any. A family may have a spouse or co-head but not both. The co-head is an individual in the household who is equally responsible for the lease with the head of household. A co-head never qualifies as a dependent. The co-head must have legal capacity to enter into a lease and must also meet AHCCCS eligibility requirements.
- **Homeless(ness):** For AHCCCS purposes, an individual or family is homeless if they: do not have a fixed, sustainable or appropriate nighttime residence including: a) the primary nighttime residence is a public or private place not meant for human habitation; b) is living in a shelter designated to provide temporary living (including homeless shelters, transitional housing, hotels paid for by charitable organization or government program); or 3) is being discharged from an institution, such as a residential treatment or similar facility, a behavioral health inpatient stay, physical health hospitalization, and they were admitted as homeless and/or whose discharge may result in returning to the street or shelter as described in a) or b); d) persons formerly experiencing homelessness under a, b, or c above but who currently reside in Permanent Supportive Housing for SMI or GMH/SU members.
- **Independent Community Housing:** A setting where participant can live in a home, apartment or allowable housing without on-going daily supervision from behavioral health providers. Independent community housing is the primary housing type for Permanent Supportive Housing and subsidy programs in the AHP.
- **Institution (or Mainstream Institution):** Shelter, room and board or housing provided by mainstream entities or their contractors related to treatment or incarceration. Examples include but are not limited to jail or prison, inpatient or residential behavioral health or substance abuse treatment programs, hospitalization or foster care settings. For purposes of AHP eligibility, AHCCCS will consider Flexcare and other behavioral health transitional or substance abuse programs with average stays of less than 90 days as “institutions.”
- **Institutional Releases:** Includes individuals exiting an institution as defined above and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution and who lack a safe, sustainable housing destination for discharge.;



- **Live-In Aide:** Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who: 1) is determined to be essential to the care and well-being of the persons, 2) is not obligated for the support of the persons, and 3) would not be living in the unit except to provide the necessary supportive services [24 CFR 5.403].
  - The AHP must approve a live-in aide if needed as a reasonable accommodation in accordance with 24 CFR 8, to make the program accessible to and usable by a family member with disabilities.
  - A live-in aide is a member of the household, not the family, and the income of the aide is not considered in income calculations [24 CFR 5.609(c)(5)]. Relatives may be approved as live-in aides if they meet all of the criteria defining a live-in aide. However, a relative who serves as a live-in aide is not considered a family member and would not be considered a remaining member of a tenant family.
- **MCO:** Managed Care Organizations
- **Member:** An individual who is enrolled in an AHCCCS MCO. For AHP purposes, participants do not have to be members as long as they meet the program eligibility requirements (ex: Determined SMI)
- **Non-Title XIX/XXI:** State and other funding not related to Medicare (Title XIX of the Social Security Act) or the Children’s Health Insurance Program (CHIP)(Title XXI of the Social Security Act). For AHP, Non-Title XIX/XXI funding is primarily State General SMI Housing and Supported Housing funds.
- **Participant:** For AHP, a participant is any individual who may be eligible for, applied for, or who is currently in the AHP program including those on waiting lists, searching for housing or currently receiving AHP subsidies or housing services.
- **Permanent Supportive Housing (PSH):** Supportive housing links decent, safe, affordable, community-based housing with flexible, voluntary support services designed to help the individual or family stay housed and live a more productive life in the community. There is no time limitation, and tenants may live in their homes as long as they meet the basic obligations of tenancy. While participation in services is encouraged, it is not a condition of living in the housing. Housing affordability is ensured either through a rent subsidy or by setting rents at affordable levels.
- **Person(s) with a Disability: [24 CFR Part 8.3 and 100.201]**  
For the purposes of this Guide, AHCCCS utilizes the Federal Civil Rights law definition of an individual with disability. A person with a disability is any person who:
  - Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
  - Has a record of such impairment, or
  - Is regarded as having such impairment
 Disability Sub-Definitions:
  - The phrase “physical or mental impairment” includes but is not limited to:
    - Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
    - Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The

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term “physical or mental impairment” includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

- Major Life Activities includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.
- Impairment (or has a record of impairment) means having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment.
- The definition of a person with disabilities does not include:
  - Current illegal drug users;
  - People whose alcohol use interferes with the rights of others;
  - Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the HCV program.

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

- **Public Housing Authority (PHA):** a government entity authorized to administer HUD housing programs
- **Transitional Housing (TH):** a shelter or housing program that is designed to provide housing and appropriate supportive services to homeless persons or other designated populations to facilitate movement to independent living. The housing is short-term, typically less than 24 months. In addition to providing safe housing for those in need, other services are available to help participants become self-sufficient.
- **Provider:** For purposes of AHP, any AHCCCS Contracted Managed Care Organization (MCO), TRBHA or AHCCCS Registered Provider responsible for completing referrals or providing services to an AHCCCS enrolled member.
- **Qualified Representative:** for the purposes of these policies, a qualified representative may be: 1) any licensed health or behavioral health worker; or 2) a non-licensed health or behavioral health worker with direct support, oversight and or knowledge of the member’s circumstances which includes their housing needs and situation, individualized service plan and history, service needs or discharge status from an inpatient, jail or treatment institutional setting.
- **Scattered Site:** A program in which the tenant identifies and leases housing in any property in the community. The tenant is directly responsible to the owner of the property and AHP provides a monthly subsidy to pay for the unit rent. This program is comparable to the HUD Section 8/Housing Choice Voucher Program, but with modifications to meet the needs of adults determined to have a Serious Mental Illness.
- **Sexual Orientation:** A person’s sexual identity or self-identification as homosexual, heterosexual, bisexual, pansexual, etc.

- **Serious Mental Illness (SMI):** A condition as defined in A.R.S. §36-550 diagnosed in persons 18 years and older.
- **Supportive Housing Services:** Services, as defined in the AHCCCS Behavioral Health Services Guide, that are provided to assist individuals or families to obtain and maintain housing in an independent community setting including the person’s own home or apartments and homes that are owned or leased by a subcontracted provider. These services may include but are not limited to case management, assistance with housing search and lease up processes, assistance with understanding lease and housing documents, daily living skills, employment and income assistance, budgeting, connection to natural supports, transportation, crisis planning, and substance abuse treatment, behavioral health services and assistance with accessing community resources. Many of these services are Medicaid reimbursable for eligible members. Many of these services may also be provided in the participant’s housing setting.
- **Transition Requiring Housing Placement:** Discharge from an institution, program, or facility that is required to provide or arrange housing upon release (e.g., crisis stabilization unit, detox facility) and without adequate long-term sustainable safe housing.
- **Medical Necessity:** For purposes of AHP eligibility, a member may have a “housing need,” if a physician or licensed practitioner of the health arts within the scope of practice, determines that housing would, “prevent disease, disability or other adverse conditions of progression, or to prolong life” (ACC R 22-101). For the purposes of identifying “housing need” based on “medical necessity,” a qualified representative must be “physicians or licensed practitioners of the health arts within the scope of practice.”
- **Qualified Representative:** For the purposes of these policies, a qualified representative may be: 1) any licensed health or behavioral health worker; or 2) a non-licensed health or behavioral health worker with direct knowledge of the member’s circumstances including their housing situation, service plan and history, service needs or discharge status from an institutional setting.