

HUD Section 811 PRA

Program Selection Plan



New Hampshire
Housing

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Equal Housing Opportunity

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Section 811 PRA Program Selection Plan

1. **Background.** New Hampshire Housing Finance Authority (NHHFA) has been awarded funding under the Section 811 PRA Program that will result in long term strategies to provide permanent affordable rental housing for individuals with severe mental illness (SMI) as said term is used in the Community Mental Health Agreement in the case of Amanda D., et. al., and others similarly situated vs. Margaret W. Hassan, Governor et., al., Civ. No. 1:12-cv-53-SM. NHHFA is partnering with the State's Department of Health and Human Services Division for Behavioral Health, Bureau of Mental Health Services (DHHS, BMHS) which is the state agency that administers services for people with severe and persistent mental illness to implement the Section 811 PRA Program. NHHFA and DHHS, BMHS will work together to provide permanent housing with the availability of supportive services through the HUD Section 811 Project Rental Assistance Program (Section 811 PRA Program) to extremely low-income adults with SMI.
 - 1.1. **Purpose of Program Selection Plan.** The goals of the partnership between NHHFA and DHHS, BMHS are to provide permanent supportive housing that: (i) Provide integrated, affordable, lease-based housing linked with necessary support services for extremely low-income persons with SMI; (ii) Enhance innovative systemic approaches to provide housing to persons with SMI, with access to appropriate services that can be delivered efficiently in the community and replicated; (iii) Identifies innovative and replicable ways of using and leveraging Section 811 PRA funds. NHHFA will strategically plan for flexibility in this program and structure the operating assistance creatively; (iv) Substantially increases the number of rental supportive housing units for persons with SMI by integrating Section 811 PRA assisted units within existing, new, or rehabilitated multifamily properties with a mix of incomes and disability status; and (v) creates more efficient and effective uses of housing, health care and behavioral health resources. The purpose of this Program Selection Plan is to describe the eligibility requirements for 811 Assistance and outline the process and procedures for accessing this form of housing support.
 - 1.2. **Owners' Tenant Selection Plans.** Each property has its own Tenant Selection Plan with requirements that individuals must meet in order to be housed at that property. Property owners/managers will verify the eligibility status of individuals referred by DHHS, BMHS and will screen each application according to the criteria established in their Tenant Selection Plan. **Eligibility for 811 Assistance under this Program Selection Plan does not guarantee eligibility for admission to a property.** NHHFA has selected properties to participate in the HUD 811 program that have Tenant Selection Plans that are compatible with the eligibility requirements.

2. **Eligibility for 811 Assistance**

2.1. **Disability Requirements** – 811 Assistance is only available to an Extremely Low Income, non-elderly persons between the age of 18 and 61 at the time of admission, who is a member of the Target Population (as defined below) and is eligible for community-based, long-term services as provided through Community Mental Health Centers (CMHCs) as overseen by DHHS, BBH. The individual must be referred to DHHS, BMHS by a partnering Community Mental Health Center, the State Hospital or other institution and that DHHS, BMHS will make continuous, individualized and voluntary supportive services readily available. **Target Population** include:

2.1.1. **Severe Mental Illness (SMI)**: A person served under this program must be eligible for community mental health services for adults determined to have a SMI.

2.2. **Extremely Low Income Limit.** Applicants must have an income that is not greater than 30% of the Area Median Income (Extremely Low-Income) as established by HUD, and as published annually by NHHFA. Income limits are based on household size and the annual income the household receives. In addition, applicants must understand and agree to HUD's requirement of an annual recertification of household income.

2.3. **Criminal Background.** The individual or family member must not have been convicted of manufacturing or selling methamphetamine on the premises of federally assisted housing and must not be subject to the lifetime registration requirement under a State sex offender registration program.

2.4. **Citizenship Requirements.** The Eligible Household must furnish proof of citizenship or eligible immigration status. For citizens, the evidence consists of a signed declaration of US citizenship or US nationality. For noncitizens, adequate evidence consists of a signed declaration of eligible immigration status, and one of the Section 214 documents listed in Figure 3-4 of HUD 4350.3 REV-1.

2.4.1. **Declaration Form** - All household members, regardless of age, must declare their citizenship or immigration status via a Declaration Form. A separate form must be signed by each member of the household. For household members under the age of 18, the form must be signed by an adult member of the household. This form is a statement made by the applicant clarifying whether s/he is a: (1) Citizen or national of the United States, (2) Noncitizen with eligible immigration status as evidenced by an immigration document, or (3) Noncitizen and is not contending eligible immigration status and is thus not eligible to receive Federal assistance. If an applicant under the age of 62 is an eligible noncitizen as an immigrant to the United States, s/he must additionally sign a Verification Consent Form and submit documentation of immigration status. Otherwise, for noncitizens who are in this country on a visa, and are not immigrants, there is an appropriate place on the form for them to sign stating that they do not claim to have eligible immigration status and are not therefore eligible for assistance.

- Eligible Non-citizen “EN” status will be verified by the Systematic Alien Verification for Entitlement (SAVE) Program.

- Noncitizens who are not contending eligible immigration status are eligible to live in assisted housing as long as there is at least one eligible member in the household intending to live in the unit. Only the eligible household members will receive assistance, which will be calculated by using a proration method of eligible members divided by total household members.

2.5. **Social Security Number Requirements.** Before being housed, each applicant must submit the complete and accurate Social Security Number (SSN) assigned to the head of household and to each member of the applicant's household, with supporting documentation of the numbers submitted. The documentation necessary to verify a SSN is a valid SSN card issued by the Social Security Administration (SSA), or such other evidence of the SSN as HUD may prescribe in administrative instructions, including acceptable sources listed in Appendix 3 of HUD Handbook 4350.3 REV-I.

The Social Security Number requirements do not apply to:

A child under the age of 6 years old added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90 days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the household's tenancy be terminated.

2.6. **Students**

Student eligibility is determined at move in/initial certification and at each annual certification. Student eligibility may also be reviewed at interim certification if student status has changed since the last certification. All students are required to report any change in their student status.

A student who is enrolled as either a part time or full time student at an institute of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential will be eligible for assistance if the student meets all other eligibility requirements, meets screening criteria requirements and:

- Is living with his or her parents/guardian or
- Is at least 24 years old or
- Is married or
- Is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes or
- Has legal dependents other than a spouse or
- Is a person with disabilities who was receiving Section 8 assistance as of November 30, 2005 or
- Is a graduate or professional student or
- Is an independent student, defined as:
 - a) The individual is 24 years of age or older by December 31 of the award year;

- b) The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care or a ward of the court at any time when the individual was 13 years of age or older;
- c) The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- Or, is classified as a Vulnerable Youth. A student meets HUD's definition of vulnerable youth when:
 - i) The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in Section 725 of the McKinney-Vento Homeless Assistance Act), or as unaccompanied, at risk of homelessness and self-supporting, by
 - ii) A local educational agency homeless liaison, designated pursuant to the McKinney-Vento Homeless Assistance Act;
 - iii) The director of a program funded under the Runaway and Homeless Youth Act or designee of the director;
 - iv) The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act or a designee of the director or
 - v) A financial aid administrator.
- Or, the individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances or
- Has parents who are income eligible for the Section 8 program

Any financial assistance a student receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education that is in excess of amounts received for tuition and other fees is included in annual income, except:

1. If the student is over the age of 23 with dependent children or
2. If the student is living with his or her parents who are receiving Section 8 assistance

Financial assistance that is provided by persons not living in the unit is not part of annual income if the student meets the Department of Education's definition of "vulnerable youth".

2.7. Authorization for Release of Information and Verification Forms. All members of an applicant household, who are at least 18 years of age, and each household head and spouse regardless of age, must sign the HUD-required consent and verification forms identified in 2.7.1 prior to receiving assistance.

2.8. Authorization Consent Forms- HUD-9887 and 9887-A

- Form HUD-9887, *Notice and Consent for the Release of Information to HUD and to a PHA*

- Form HUD-9887-A, *Applicant's/Tenant's Consent to the Release of Information-Verification by Owners of Information Supplied by Individuals Who Apply for Housing Assistance*

Refusing to sign the Authorization for Release of Information by any adult household member will cause the household to be ineligible for assistance. All adults regardless of whether they report income must sign these forms.

2.8.1. Individual Verification Forms. In addition, all adult members of an applicant household must sign individual verification forms authorizing the property owner or property manager to verify household income and other applicable eligibility factors. Both the consent forms and the verification forms protect the rights and privacy of applicants by allowing them to have control over any information collected about them.

3. **Outreach Procedures.** DHHS, BMHS will use its existing outreach infrastructure to identify eligible individuals for 811 Assistance. Special outreach efforts will be developed and implemented, as necessary, by DHHS, BMHS and their support service Liaison network to target individuals least likely to apply for services and housing. These groups include individuals with: limited English proficiency, visual, hearing and other communications-related impairments and people who are currently homeless and lack a fixed address.

3.1. **SMI Target Population.**

3.1.1. Outreach. DHHS, BMHS will ensure that individuals are identified through a network of support service providers and outreach organizations across New Hampshire. Ensuring a successful implementation of this program requires outreach and dissemination of the availability of this program. The Program Oversight Committee will conduct outreach through information dissemination sessions for the following groups: consumers, their families, local hospitals, the State Hospital, Guardians, Peer Support Agencies, Area Agencies and advocacy organizations. The following stakeholders will play a significant role in assisting with identifying potential referrals and engaging consumers in applying for the Section 811 PRA Program: Peer Support Directors, NH Behavioral Health Consumer Council, Area Agencies, Community Mental Health Centers, The Mental Health Planning Council, Emergency Services staff at the CMHCs, Public Guardian organizations, PATH workers, NAMI NH, New Hampshire Hospital, New Hampshire Hospital Association and NHHFA. Referrals to the program for individuals with SMI will be managed utilizing many of the existing processes in place for the state-funded New Hampshire Housing Bridge Subsidy Program. This includes initial screening using a standardized universal assessment tool and in-person evaluation with the prospective program participant, their guardian and treatment Liaisons as appropriate to the referral.

3.1.2. Housing. If a housing need is identified during this process, DHHS, BHMS will work with the individual to identify the most appropriate housing option for the person based on the individual's choice, requirements, geographic preference, and the requirements of each housing option available. DHHS, BHMS will evaluate the individual, based in part on the following factors: daily living assessment, income potential, desired location, capacity for support services, employment history, criminal history, and tenant priority. DHHS, BHMS will

support the individual as they access any housing resources. DHHS, BHMS will explain to the individual the implications of tenancy, the purpose of the respective assistance program, and the benefits and responsibilities to the individual. Additionally, they will assist in applying for and entering into any lease by the individual.

4. **Accepting Applications and Selecting from the Waitlist**

4.1. **Procedures for accepting applications.** DHHS, BMHS will use its existing outreach infrastructure to identify individuals in the Targeted Population who are eligible for 811 Assistance. The DHHS, BHMS staff will provide an initial 811 Assistance eligibility review using the criteria listed herein in Section 2. Property owners and managers will not independently accept applications for their 811 Assistance units. All referrals to properties with vacant 811 Assistance units will come from DHHS, BMHS to the property.

4.2. **Waitlist.** If the preliminary eligibility determination by DHHS, BMHS indicates an individual is an eligible household, the eligible household will be placed on the 811 Wait List. The eligible household will be notified when a unit becomes available of the correct bedroom size and location. DHHS, BMHS will maintain one waitlist for all locations where there are properties with a HUD 811 PRA Rental Assistance Contract (RAC). Eligible Households will select their preferred region, city, and property in which they are willing to live and accept referrals to available units that match this preference. NHHFA and the DHHS, BHMS will maintain an updated list of 811 participating properties.

4.2.1. **Placement on a Waitlist.** Eligible households can specify the city, and property from the HUD 811 Property Inventory that they are most interested in. Additional properties can be added to an eligible household's preferences at any time. Once an 811 assisted unit becomes available, the eligible household first on the waitlist (according to the date and time the application was received by DHHS, BMHS) will be offered the opportunity to be referred to the property. At that time the eligible household will complete the property's application and screening process.

4.2.2. **Eligibility for 811 Assistance does not guarantee eligibility for admission to a property.** The waitlist for 811 Assistance may close when there is a longer than three year waiting period and remain closed until such time that an adequate number of applicants have been housed and the wait has been reduced to less than three years.

NHHFA Pre-Screening. DHHS, BMHS will order a criminal background check on all applicants prior to making a referral to a property. The Owner will make the property's Tenant Selection Plan (TSP) available to the applicant and their liaison upon request.

DHHS, BMHS is not using the pre-screening process as a way to prevent an applicant from accessing an 811 unit. It is used as a tool to assist each applicant in preparing for the screening process at the 811 unit and to prepare a response to any negative issues found during the pre-

screening process. The applicant will make the final decision on whether to follow-up on the referral based on the compatibility of the applicant's background and the property's TSP requirements.

4.2.3. Selecting Names from the Waitlist. When a property knows that an 811 unit will be coming available for lease, the Owner and/or Property Manager will notify NHHFA of the vacancy. NHHFA will notify DHHS, BMHS of availability. Then DHHS, BMHS will refer the next Eligible Household from the waitlist that has listed the location as a preference. If there are no Eligible Households on the waitlist interested in applying to the available property, then DHHS, BMHA will notify the property within 3 business days of receipt of the Vacant Unit Notice so the property owner can lease the unit to a non-811 tenant. Each Eligible Household that has been referred to a property has fourteen (14) calendar days to complete the application. The Owner and/or Property Manager will then screen the application in accordance with the property's Tenant Selection Plan. The agent will notify the applicant, the applicant's Case Manager and DHHS, BMHS that the application is accepted and make an appointment for the applicant to meet with the property agent, view the unit and make a decision as to whether or not they want the unit so that the property agent can process the application for move-in. The applicant's case worker will accompany the applicant to the initial appointment with the agent and to the move in appointment. If the process of referring an eligible 811 applicant to the property takes more than 14 calendar days, DHHS will pay the prorated market rent to the owner until such time as the unit is offered to an 811 applicant, the unit is ready for move in and the 811 applicant has been notified of the effective move in date until the time the 811 applicant takes occupancy. If an applicant is rejected by the agent for noncompliance with the owner's Tenant Selection Plan, the reason for rejection needs to be stated plainly in writing and state that the applicant has to 14 days to appeal the rejection. The rejection letter must be sent to the applicant. The rejection letter must also be sent, via email, to DHHS, BMHS and the applicant's Case Manager via email. The first applicant to be approved by the owner will be selected to occupy the unit. All applicants not selected will resume their placement on the 811 waitlist.

4.2.4. Vacancy Loss. There are two types of special claims for vacancy loss that owners are entitled to. Special claims for vacancy loss during rent-up are compensation to property owners for rental loss attributed to vacant units during the initial 811 rent-up period of a property. Vacancy loss during rent-up can be claimed from the time the 811 applicant is notified of the effective move in date to the time taken for the applicant to move in. A special claim for vacancy loss after rent-up is compensation to the property owner for the loss of rental income of a unit that was previously occupied by an 811 assisted resident but has been vacant for circumstances beyond the owner's control. Vacancy loss after rent-up can be claimed from the time the unit is rehabilitated and ready for occupancy to the time it takes for another 811 PRA applicant to move in or up to 60 days. The owner will prepare and submit a Special Claim to NHHFA for the vacancy loss through the monthly billing system for housing assistance payments. The Rental Assistance

Contract (RAC) between the owner and NHHFA provides additional information related to the vacancy loss provision.

- 4.2.5. Removal of Applications from the Waitlist. Once DHHS, BMHS refers an Eligible Household to the property, the property will start processing the application. DHHS, BMHS will not remove any Eligible Household from the waitlist until (i) the Eligible Household is placed in a unit; (ii) it is determined through Enterprise Income Verification (EIV) and/or determined that the Eligible Household does not meet the HUD 811 eligibility criteria; (iii) the Eligible Household has been referred to three separate property owners but has been determined to be unqualified to live at any of those properties; or (iv) the Eligible Household has been referred to three separate properties but has failed each time to make an appointment within 2 business days or complete an application within 7 business days.
- 4.2.6. Reinstatement on the Waitlist. If an Applicant Household is removed from the waitlist, for any reason described in 4.3.5, they cannot reapply for referral to the waitlist for 6 months after the date of removal. During this period, the Applicant Household, together with DHHS, BMHS will be asked to address the issues that are affecting their ability to make it through all tenant selection processes. DHHS, BMHS community mental health center and/or DHHS, BMHS will provide technical assistance to the Applicant Household in an effort to improve the Applicant Household's chances of being approved.
- 4.2.7. Checking Applicant's Status on 811 Waitlist. DHHS, BMHS provides a call-in number for applicants and case managers/transition coordinators to check the applicants' status on the Wait List.
- 4.3. **Verification of Eligibility/ Screening Criteria.** Owners and property managers will verify the eligibility status of all individuals referred by DHHS, BMHS. This screening usually includes the use of HUD's Enterprise Income Verification (EIV) system, securing a current credit report, prior landlord reference check, and a criminal background report to confirm whether the individual or family member meet the tenant eligibility requirement for the property and the basic eligibility requirements for the HUD 811 program.
- 4.4. **Enterprise Income Verification (EIV).** The Enterprise Income Verification (EIV) system is a HUD managed income verification system available to authorized program administrators of HUD's rental assistance programs to validate an applicant's reported wage, unemployment, and social security income during the screening process. All new applicants (of all ages) must provide SSN documentation which will be verified in accordance with the income verification requirements for 811 Assistance. Property owners/managers will utilize the EIV System and take technical, administrative, and physical safeguards to ensure the privacy of all applicants, including ensuring that there is a current signed copy of Form HUD-9887 on file for all adult tenants. If the household is selected to become a tenant, the EIV system will continue to be used by the owner and property manager to monitor the income of all household members during the period the household is receiving assistance from the 811 program.

5. **Occupancy Standards.** Units are assigned according to household size and composition. If the appropriate unit size is not available at the time of application, the Eligible Household will be put on a waitlist. To avoid overcrowding, and in order to be consistent, NHHFA has adopted the following occupancy standards

Bedrooms	Minimum	Maximum
1	1 person	2 persons
2	2 persons	4 persons
3	3 persons	6 persons

Units must be dispersed throughout the property and must not be segregated to one area of a building (such as on a particular floor or part of a floor in a building or in certain sections within a project). Owners will designate the number of units to be set-aside as Assisted Units but the types (e.g. accessible) and the specific unit numbers (e.g., units 101, 201, etc.) will be flexible depending on the needs of the program and availability of the units in the property.

Unit Transfers. 811 Assistance is a project-based rental assistance that is attached to the property. 811 Assistance is not portable or transferable within or outside of the state of New Hampshire. An Eligible Household may request a transfer *within* their property once they have been approved for housing by contacting the owner/property manager and following the property’s procedures for unit transfer. An Eligible Household, who resides in an 811 assisted unit and who wishes to relocate to a different 811 property, may do so by completing a new 811 Application. Once the new application is received by DHHS, BMHS, the applicant’s name will be placed back on the 811 Wait List. The Eligible Household may select a property in the area where they currently live or where they would like to relocate. The Eligible Household will **not** be given any preference when their name is placed back on the waitlist. The referral will be placed on the waitlist based on the date and time the referral is received by DHHS, BMHS. All HUD 811 tenants are encouraged to stay in their current rental unit for the duration of their lease before they consider moving.

- 5.1. **Transfer by Owner.** On occasion an owner may require an Eligible Household to transfer to a smaller unit size. This may occur when the household composition decreases and the household no longer qualifies for the unit size in which they are dwelling. If a unit of appropriate size is not available, the owner will not evict the household. However, if an appropriately sized unit is available, the household will be required to move in thirty (30) calendar days so that HUD is not paying more in rental subsidy than it should be under 811 Assistance requirements.

6. **Policies**

- 6.1. **Fair Housing Requirements.** NHHFA enforces a marketing effort that attracts a broad cross-section of the eligible population without regard to race, color, religion, sex, sexual orientation or perceived sexual orientation, gender identity or perceived gender identity, disability, familial status, marital status, age, or national origin. Whenever additional applicants are needed to fill available units, advertising will be carried out in accordance with the State-approved PRA Affirmative Fair Housing Marketing Plan (AFHMP), and as indicated below. NHHFA has an approved AFHMP HUD-92243-PRA

(Affirmative Fair Housing Marketing Plan) which has been approved by HUD. The plan is available for review at the NHHFA's main office at 32 Constitution Drive, Bedford, NH 03110.

- 6.1.1. Race and Ethnic Data Reporting. The owner or property manager will offer all members of an Eligible Household the option of completing Form HUD-27061-H, Race and Ethnic Data Reporting Form. This form is used for gathering race and ethnic data in assisted housing programs. The form will be offered for completion at initial application or at lease signing. In-place tenants who have not completed the form will be offered the opportunity to complete the form. There is no penalty for persons who do not complete the form. The owner will place a note in the file of any household member who chooses not to complete the form.
 - 6.1.2. Special Marketing Requirements for Section 811 PRA Units. NHHFA agrees to comply with the requirements of its State-approved HUD 811 PRA AFHMP. The purpose of the plan is to ensure that eligible families of similar income levels will have a similar range of housing opportunities. Special efforts will be made to attract persons who are least likely to apply due to such factors as: persons with hearing, visual and other communication-related disabilities; people with Limited English Proficiency; people who are currently homeless and lack a fixed address; or other factors that HUD or the State may require.
 - 6.1.3. Monitoring and Documenting Marketing Activities. NHHFA will monitor marketing efforts and retain copies of marketing materials, records of marketing activities conducted, and documentation of any special marketing activities conducted in accordance with the program's approved AFHMP. NHHFA will annually assess the success of the affirmative marketing activities, and make any necessary changes to their affirmative marketing procedures as a result of the evaluation.
 - 6.1.4. Review of Plan. NHHFA will review the AFHMP thirty (30) calendar days prior to beginning their 811 Assistance outreach and marketing efforts and every five years thereafter to assess the effectiveness of The Plan.
 - 6.1.5. Advertising. NHHFA will coordinate all marketing and advertising for 811 Assistance in partnership with DHHS, BMHS and any other state agencies participating in this initiative. Specific marketing activities designed to reach those individuals in the Targeted Populations who are least likely to apply are outlined in the AFHMP HUD-92243-PRA. All advertising for 811 Assistance includes the HUD-approved Equal Housing Opportunity logo, the Equal Housing Opportunity slogan, or an equal housing statement.
- 6.2. **Section 504 or Rehabilitation Act of 1973.** It is the policy of NHHFA, DHHS, BBH and Harbor Homes to comply fully with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act; and Section 109 of the Housing and

Community Development Act of 1974. NHHFA must also comply with HUD's Equal Access to Housing in HUD Programs regardless of Sexual Orientation or Gender Identity requirements and any legislation protecting the individual rights of residents, applicants or staff which may subsequently be enacted. NHHFA will not discriminate on the basis of race, color, sex, sexual orientation or perceived sexual orientation, gender identity or perceived gender identity, religion, age, familial status, marital status, disability, or national origin in the leasing, rental, or other disposition of housing or related facilities, or in the use or occupancy thereof. In addition, NHHFA, DHHS, BBH and Harbor Homes will not:

- Deny to any applicant the opportunity to apply for 811 Assistance, nor deny to any Eligible Household the opportunity to lease housing suitable to its needs;
- Provide 811 Assistance or housing which is different from that provided to others;
- Subject a person to segregation or disparate treatment;
- Restrict a person's access to any benefit enjoyed by others in connection with 811 Assistance;
- Treat a person differently in determining eligibility or other requirements for 811 Assistance;
- Deny a person access to the same level of services;
- Deny a person the opportunity to participate in a planning or advisory group that is an integral part of the 811 Assistance; or
- Automatically deny 811 Assistance to a particular group or category of otherwise eligible applicants. Each applicant in a particular group or category will be treated on an individual basis in the normal processing routine for 811 Assistance funds.

6.2.1. Information Regarding Disability. NHHFA, and DHHS, BBH will ensure that any questions related to a person's disability on the application for 811 Assistance, have to do with program eligibility. It is not required that any information regarding a possible disability be revealed other than for program eligibility requirements.

6.2.2. Mitigating Circumstances. Section 504 and Fair Housing regulations state that consideration for mitigating circumstances shall be given to all persons applying for occupancy. If an applicant feels there is a mitigating circumstance or reasonable accommodation to be considered for determining occupancy, they should contact the property immediately to schedule a meeting.

6.3. Violence Against Women Act (VAWA).

VAWA Protections apply to households applying for or receiving rental assistance payments under the Section 811 Project Rental Assistance Program.

Violence Against Woman Act Protections are not limited to women and covers victims of domestic violence, dating violence, sexual assault and stalking regardless of sex, gender identity or sexual orientation.

Owners and Management Agents will not consider incidents of domestic violence, dating violence, sexual assault and stalking as serious or repeated violations of the lease or “other good cause” for termination of assistance, tenancy or occupancy rights of the victim of abuse.

If an applicant or resident or an affiliated individual of (applicant or resident’s spouse, parent, brother, sister, child or a person for whom they stand in the place of parent or guardian. For example, the affiliated individual is in the care, custody or control of the applicant or resident) or any individual, resident or lawful occupant living in the applicant/resident’s household is or has been the victim of domestic violence, dating violence, sexual assault or stalking by a member of their household or any guest, the applicant/resident may not be denied rental assistance or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault or stalking.

Owners and Management Agents may request in writing that the victim, or a family member on the victim’s behalf, certify or provide documentation that the individual is a victim of domestic violence, dating violence, sexual assault or stalking. VAWA Protections do not have to be provided for failure or refusal to provide the certification or other documentation within 14 business days, or an agreed upon extension date.

Criminal activity directly related to domestic violence, dating violence, sexual assault or stalking, engaged in by a member of a resident’s household or any guest or other person under the tenant’s control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.

Assistance may be terminated or a lease “bifurcated” in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.

- 6.3.1. Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking. All Eligible Households will be provided the option to complete form HUD-91066, Certification of Domestic Violence, Dating Violence or Stalking. This form will be made available by the owner or property manager to all adult household members at the time of admission
- 6.3.2. Lease Addendum for VAWA. Form HUD-91067, HUD's lease addendum for the VAWA provisions, is a required addendum to every lease. If it is determined that physical abuse caused by a tenant is clear and present, the law provides the owner or property manager the authority to bifurcate the lease, and remove, evict, or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. The eviction of, or termination action against the individual, will be done in accordance with the procedures prescribed by Federal, State, and local law. If such action is deemed necessary, an interim recertification will be processed by the owner or property manager reflecting the change in household composition.
- 6.3.3. VAWA Forms Requirements. VAWA Appendix A: Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380 and VAWA Appendix C:

Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, form HUD-5382 must be given to each 811 applicant if rejected, to each 811 household at admission and to each 811 applicant if served with a lease violation notice or eviction notice.