



## About the Ohio 811 Program

The Ohio 811 Project Rental Assistance (PRA) Program (hereinafter Ohio 811 Program) is a project-based rental subsidy demonstration designed to expand the supply of housing for extremely low-income, non-elderly individuals with disabilities. This program is administered by the Ohio Housing Finance Agency (OHFA) in coordination with the Ohio Department of Medicaid (ODM), the Ohio Department of Developmental Disabilities (DODD) and the Ohio Department of Mental Health and Addiction Services (OhioMHAS). OHFA secures program units through new and existing multifamily housing properties that receive any form of OHFA funding, while ODM, DODD and OhioMHAS work to ensure a healthy pipeline of eligible tenants.

## Purpose

[§ PRA.403\(a\)](#) of the HUD Program Guidelines requires owners to determine tenant eligibility using a Tenant Selection Plan (hereinafter TSP) approved by OHFA.

*“The Owner must accept referrals of Eligible Applicants from the Grantee [OHFA] or their designee for determining eligibility with the Owner’s Grantee-approved tenant selection plan.”*

This document is not intended to be a complete list or to supersede the requirements contained in the property TSP, but does provide guidance as to how OHFA expects Ohio 811 Program referrals to be processed. It is the responsibility of the Owner or their agent to ensure that all provisions of this Addendum are enforced, and where there is a conflict with the property TSP, this Addendum will prevail.

## Tenant Referrals

All prospective tenants for the Ohio 811 Program will be referred to the property by OHFA in accordance with [§ PRA.402\(a\)](#). The owner/property manager accepts referrals in accordance with [§ PRA.403](#). Most importantly, the Owner or property manager must process applications submitted by individuals referred by the OHFA 811 Program’s Waitlist Manager (hereinafter Waitlist Manager) for Assisted Units. Owners and property managers may not process prospective tenants referred through any source other than the Waitlist Manager. The Owner and property manager must fill available Assisted Units with Eligible Tenants until the number of Assisted Units designated under the Rental Assistance Contract (RAC) is met.



## Tenant Eligibility

In order to occupy an Assisted Unit under the Ohio 811 program, the owner/property manager must verify that the household meets all the following criteria:

- Complies with HUD's definition of an "extremely low-income family" as defined in [24 C.F.R. § 5.603](#).
- Income qualifies in accordance with [24 C.F.R. §§ 5.609-5.617](#) using Enterprise Income Verification (EIV) as detailed in [24 C.F.R. § 5.233](#) and [HUD Handbook 4350.3 REV-1, chapter 3-30](#).
- Discloses and submits documentation to verify the Social Security Numbers of all household members in accordance with [24 C.F.R. §§ 5.210-5.218](#) and [HUD Handbook 4350.3 REV-1, chapters 3-3 B and C, 3-9, 3-11, and 3-31](#).

OHFA, its state agency partners, and Referral Agents will verify that at least one member of the household will meet the following criteria:

- At least 18 years of age, but no older than 61 at admission into the property; and
- Meets the definition of a "person with disabilities" as outlined in [42 U.S.C. § 8013\(k\)\(2\)](#) and [24 C.F.R. § 891.305](#); and
- Is eligible for community-based, long-term care services as provided through Medicaid waivers, Medicaid state plan options and other appropriate services related to the disability type(s) targeted under the Memorandum of Understanding.

## Disqualifying Criteria

As federally-assisted housing, owners/property managers of projects that secure Ohio 811 Program funds are responsible for screening applicants for certain HUD disqualifying criteria. Refer to [24 C.F.R. § 5.854-5.857](#) and [HUD Handbook 4350.3](#) Chapter 4-27 Section E for further guidance.

## Mitigating Circumstances

The HUD Office of General Counsel issued guidance in 2016 that provides the following considerations for housing providers related to the use of criminal history in tenant screening and the Fair Housing Act. Additional information regarding mitigating circumstances to consider before rejecting an applicant may be found in sections located below.



## Criminal History

1. Arrests. HUD indicates that a policy that rejects applicants because of arrests (without conviction) is not acceptable.
2. Convictions. While a conviction can be evidence of criminal conduct, HUD encourages housing providers to distinguish between convictions for criminal conduct that indicates a demonstrable risk to resident safety and/or property and criminal conduct that does not. In addition, HUD suggests a tenant screening policy consider the nature and severity of a conviction; and the amount of time that has passed since the criminal conduct occurred.

## Tenant Background/Credit Reports

Many housing providers use consumer reports, such as tenant background or credit reports, as part of the application process. The Federal Trade Commission (FTC) provides [guidance for housing providers](#) who use such reports. The FTC notes that when a housing provider takes an adverse action based on information in a consumer report, the housing provider must provide a notice to the applicant that includes:

1. The name, address and telephone number of the Credit Reporting Agency (CRA) that supplied the consumer report, including a toll-free telephone number for CRAs that maintain files nationwide;
2. A statement that the CRA that supplied the report did not make the decision to take the adverse action and cannot give the specific reasons for it; and
3. A notice of the applicant's right to dispute the accuracy or completeness of any information the CRA furnished, and the applicant's right to a free report from the CRA upon request within 60 days.

## Previous Rental History

Previous rental history should be screened for all applicants where previous rental history is applicable. The reference request will include the applicant and household members age 18 or older. Tenancy may be denied if unfavorable references are received regarding tenancy history for any of the following:

1. A "for cause" judgment of eviction within the last three (3) years. In cases of non-payment of rent, consideration should be given to the applicant's current financial ability to pay the rent in light of the Ohio 811 Program subsidy;
2. Failure to cooperate with the requirements of a subsidized housing program, including the re-certification process;
3. Repeated lease violations;
4. History of disruptive or violent behavior;



5. History of creating an unsafe or unhealthy environment including, but not limited to damage to property, excess accumulation of trash, vermin infestation, or posing a health hazard to other residents;
6. Criminal activities that threaten the health and safety of the residents or staff.

## Mitigating Factors

The HUD guidance referenced in the Disqualifying Criteria section above recommends a policy that considers mitigating information as opposed to a policy with strict time limit exclusions, which is less likely to be discriminatory and therefore less likely to be a violation of the Fair Housing Act of 1968. HUD recommends that housing providers adopt the following factors in their evaluation of a housing application:

1. The facts or circumstances surrounding the criminal conduct;
2. The age of the individual at the time of the conduct;
3. Evidence that the individual has maintained a good tenant history before and/or after the conviction or conduct;
4. Evidence of rehabilitation efforts;
5. The facts or circumstances surrounding any negative factor related to rental or credit history to determine if it is a reliable indicator of future tenancy performance;
7. Poor credit or outstanding debt may not be a reliable indicator if related to a previous lack of affordable housing or service supports, or unrelated to housing, such as medical debt;
8. A poor rental history may be due to previous unaffordability or other relevant circumstances. An unlawful detainer action that is dismissed or settled is likely not, without more evidence, a reliable indicator of tenancy performance;
9. The extent to which supportive services will help alleviate the identified negative factors.

## Appeal Process

The applicant has the right to appeal if the Owner denies the applicant for tenancy. The Owner must notify the applicant in writing and e-mail a copy of the notice to the Waitlist Manager within seven (7) days at [811Program@ohiohome.org](mailto:811Program@ohiohome.org). The notice must include the following information:

- The specific reason for denying tenancy and reference to the leasing criteria upon which the denial was based;
- The contact information for any third parties that provided the information on which the denial was based;
- The applicant's right to request a meeting within 14 days to discuss the decision with someone other than the staff who made the initial determination;
- The applicant's right to request a reasonable accommodation in response to the denial.



The appeal will be determined either by an independent review of the application for housing and other documentation in the application file and/or by an informal hearing. The applicant may present documents or testimony as evidence to support the appeal. A decision must be made promptly, and the Owner must notify the applicant and the Waitlist Manager in writing within seven (7) days.

## Violence Against Women Act

The Ohio 811 Program is covered by the Violence Against Women Act (VAWA) as amended in [42 U.S.C. § 13925](#) and [42 U.S.C. § 14043e](#) with implementing regulations found in [24 C.F.R. § 5.2001-5.2011](#). As such, the following requirements apply:

- Admission shall not be denied on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualified for assistance or admission.
- At the time the applicant is admitted, the owner/property manager must provide notice of the rights afforded to tenants under VAWA through HUD Form 5380.

## Compliance with Federal Laws

Owners/Property Managers must comply with all applicable federal laws, including, but not limited to, the following:

- Title VII of the Civil Rights Act of 1968 (Fair Housing Act) as amended in 42 U.S.C. §§ 3601-3631 with implementing regulations found in 24 C.F.R. §§ 100.1-100.600.
- Frank Melville Supportive Housing Investment Act of 2008 as amended in 42 U.S.C. § 8013 with implementing regulations found in 24 C.F.R. §§ 891.300-891.325.
- Americans with Disabilities Act of 1990 as amended in 42 U.S.C. §§ 12101-12213 with implementing regulations found in 28 C.F.R. §§ 36.301-36.311.
- Section 504 of the Rehabilitation Act of 1973 as amended in 42 U.S.C. § 794 with implementing regulations found in 24 C.F.R. §§ 8.20-8.33.

## Contact Us

For more information, please visit the Ohio 811 Program web site or e-mail the Ohio 811 Program Mailbox at [811Program@ohiohome.org](mailto:811Program@ohiohome.org).