DEPARTMENT OF HEALTH & HUMAN SERVICES
Division of Behavioral Health
Community-Based Services Section

DIVISION POLICIES AND PROCEDURES

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Revision Date:

Approved: _____
Scot L. Adams, Ph.D., Director
DHHS Division of Behavioral Health

SUBJECT: Housing Related Assistance
Policies regarding the management of the State Housing Related Assistance Program

PURPOSE:
The purpose of the following is to lay out the state policies guiding the Regional Behavioral Health Authorities in implementing the State Housing Related Assistance Program.

POLICIES:

A. AUTHORIZATION
These policies are issued to implement the State Housing Related Assistance Program as authorized under Neb. Rev. Stat. 71-812(3).

B. REGIONAL ADMINISTRATION OF PROGRAM
1. Funds for the State Housing Related Assistance Program will be distributed to the Behavioral Health Regions through the Division of Behavioral Health's Regional Contract for Services.
2. The Region shall be responsible for providing coordination of the State Housing Related Assistance Program within their region. Coordination of the program involves:
   a) approving applications for eligible consumers for Housing-Related Assistance,
   b) authorizing Housing Quality Standards (HQS) inspections be completed for approved consumers,
   c) making payments to the landlord,

d) providing support and technical assistance to behavioral health providers and consumers in planning and locating rental housing,
e) providing regional system leadership in housing, and
f) providing other related behavioral health housing administrative functions.

3. Each regional behavioral health authority may contract with a qualifying public, or private nonprofit entity for the provision of program coordination and assistance. For the purposes of this program, in order to be a qualified public, or private nonprofit entity the organization must meet the following requirements:
   a) The designated entity shall be an organization with experience in managing affordable housing for adults who are very low income with a serious mental illness.
   b) Providers of behavioral health services are excluded from filling the Regional Housing Coordination function.
4. The Region is responsible for managing the funds allocated to this program in the contract.
   a) The Division of Behavioral Health has set an Annual Funding Cap of up to $6,000 per consumer in a 12 consecutive month time period for state funded Housing-Related Assistance. The $6,000 annual funding cap may be changed if the Region Administrator makes a formal request to the Division of Behavioral Health.
      (1) The request shall be based on the current HUD Fair Market Rent Documentation System.
      (2) It is up to the Regional Behavioral Health Authority to document the need for raising the annual funding cap limit.
   b) On a case by case basis, the Regional Administrator may approve exceeding the annual funding cap or payment of Housing Related Debt of over $500 in order to move into Public Housing. The Region is responsible for maintaining all of the documentation on requests for additional funds, including a record of the Regional Administrator's approval. Division of Behavioral Health approval is not necessary on a case by case basis.
   c) Once a consumer is found eligible to receive Housing Related Assistance, the Region may bill the Division.
      i) For consumers approved for Housing Related Assistance, the Region shall bill the Division on a quarterly basis starting on the consumer's Anniversary Date. The consumer's Anniversary Date shall be the last day of the month in which the consumer was determined to be eligible for the program. The Region may bill the Division up to one thousand, five hundred ($1,500) dollars per consumer, per quarter.
      ii) If start-up costs for an approved consumer exceed $1,500, the Region may request the additional funds. However.
         (1) in no event shall the payments under this Subsection exceed the Annual Funding Cap [six thousand ($6,000) dollars per consumer or as approved by the Division] in any consecutive 12-month period, unless the Division has approved a request for a higher annual cap
         (2) the Regional Administrator specifically approves additional start-up funds for a consumer

(3) The Region is responsible for maintaining all of the documentation on requests for additional funds, including a record of the Regional Administrator's approval.

iii) If the consumer needs less than the amount billed, the Region may retain the balance of funds to serve other eligible consumers. The Region may carryover the unexpended balance of Housing Related Assistance funds into the following fiscal year. The carryover shall only be used to pay housing related assistance for eligible consumers.

5. The Region shall designate a Regional Housing Coordinator to carry out the functions listed in number 2 of this section. The tasks and activities included below do NOT include supervision or delivery of direct services to a consumer. Additional tasks not previously listed include:
   a) Developing and maintaining the Regional Program Plan for State Housing Related Assistance Program.
   b) Developing and implementing strategies to ensure the program is culturally competent, and represents the ethnic and gender needs of the community.
   c) Providing leadership and system problem solving for the Housing Related Assistance program and regional housing issues for adults with serious mental illness, including:
      i) serving as part of the administrative team of the region,
      ii) Supporting behavioral health providers and eligible consumers as requested,
      iii) Participating in meetings for the statewide Housing System Team led by Division staff, and
      iv) Facilitating communication among housing and behavioral health providers (in and out of network), regional systems, human service systems, and other system participants to build coalitions and ensure the region can provide access to appropriate rental assistance services and affordable housing for adults with serious mental illness.
   d) Coordinating an assessment of housing needs for adults with serious mental illness.
   e) Ensuring compliance with data reporting and outcome performance measures as set by the Division.
   f) Maintaining all the documentation required by the State of Nebraska and Division of Behavioral Health under state law, regulations, the regional contract and these Policies.
6. The Region needs written approval from the Division of Behavioral Health for other Housing Related Costs needed but are not listed in these Policies.

C. GENERAL HOUSING RELATED ASSISTANCE PROGRAM REQUIREMENTS

The Nebraska Housing Related Assistance Program will provide Supported Housing capacity in each of the six Regions through the following program requirements:

1. The principles of the evidence based practice of "Supported Housing" should be followed. This includes permanence, functional separation of housing and services, integration, affordability, and flexibility.

2. Funds for Housing Related Assistance shall be used for the Priority Populations established in the eligibility criteria listed below.
   a) Sufficient funds shall be reserved for individuals meeting Priority One standards.
   b) The Division may limit or expand the priority populations dependent on the amount of funds allocate for the Housing Related Assistance program.
3. Funds may only be used for housing related assistance in the state of Nebraska
4. All housing paid under these policies must meet Housing Quality Standards.
5. The Program is the payor of last resort. A consumer must document that he/she has exhausted all other options for payment before requesting any funds from the State Housing Related Assistance Program.
6. A consumer is responsible for providing accurate and timely information to the program. Knowingly providing inaccurate information or withholding information regarding income levels or other changes in status that would affect eligibility for the program is grounds for immediate discharge from the program.
7. The program should follow the "Tenant Based Rental Assistance" model as defined by HUD. This means funds will be provided on the behalf of an individual/household for housing related costs and the consumer selects the housing unit of his/her choice.
8. Project-Based Rental Assistance is NOT an approved use of program funds. Funds for the program are to be used to assist individuals/households only and may not be retained by a particular building or development should the individual/household move to another housing unit, except under the terms of a tenant's lease agreement
9. Housing Related Assistance funds are NOT approved for Licensed Healthcare Facilities as specified under Title 175 Health Care Facilities and Services Licensure. This includes Chapter 4 - Assisted Living Facilities and Chapter 19 - Mental Health Centers.

D. CONSUMER ELIGIBILITY

A consumer shall be considered eligible for the State Housing Related Assistance Program if he/she meets the following criteria:

1. Is an adult with serious mental illness as defined by Neb. Rev. Stat. § 71-812(3);
2. Is receiving Nebraska DHHS funded Behavioral Health Services and is willing to participate in appropriate behavioral health service(s);
   a) Documentation should be provided to the Regional Housing Coordinator by the behavioral health service provider
3. Needs Housing Related Assistance determined by:
   a) Documented efforts to fully exhaust options available for rental assistance through local housing authorities and/or other entities; AND
   b) Clear demonstration of the consumer's willingness to continue to seek other sources of rental assistance if initially turned down or placed on a waiting list.
      i) Failure to honor these agreements may be grounds for Housing Related Assistance to be terminated.
4. Has in Individual Service Plan (ISP) with a goal of independent living. There should be written documentation showing:
   a) The consumer's goal of obtaining and maintaining independent housing;
   b) A contact person who is:
      i) Trained in identifying and assisting the consumer with the above goal, AND

ii) Who can be contacted by a landlord if there are any problems

c) There is a plan of action to seek a stable income if the person is considered a "Zero Income Consumer"

5. Meets residency requirements by being either:
   a) A US Citizen; OR
   b) A Legal Permanent Resident or other documented immigration status allowed under Nebraska DHHS policy.
   c) Documentation of immigration status is the responsibility of the individual applying for housing related assistance.
6. Meets either Priority One or Priority Two criteria as listed below. No one under Priority Three shall be served under this policy.
   a) Priority One – either:
      i) A person with Extremely Low Income (as defined below) who is discharged from an inpatient mental health commitment, OR
      ii) A person with Extremely Low Income who is eligible to move from a residential level of care to independent living to make room for a person being discharged from an inpatient mental health commitment.
   b) Priority Two – A consumer with Extreme Low Income who is "at risk" of an inpatient mental health commitment which would be at least in part due to a lack of affordable, independent housing.
      i) For the purposes of this section, "at risk" means the individual meets at least one of the following criteria:
         (1) a history of inpatient mental health board commitments within the last five years
         (2) was subject to an emergency protective custody (EPC) within the last five years
         (3) the housing assistance will clearly prevent a psychiatric hospitalization
         (4) the person is currently homeless
         (5) the person has no income and appears eligible for SSI
         (6) the consumer is living in independent housing that is not safe, decent, or affordable
         (7) housing assistance prevents a consumer from moving into a higher level of care
         (8) is currently committed to outpatient services by a mental health board.
   c) Priority Three – A behavioral health services consumer with Very Low Income (as defined below) who does not meet either Priority One or Two.
7. If a person is found eligible, but is determined to have no income at the time of application for valid reasons, the following policies apply:
   a) There must be a plan of action in the consumer's ISP to document efforts to seek a stable income.
   b) If the consumer is able to seek employment, the ISP should specify how the consumer will obtain employment, including, but not limited to:
      i) searching for employment independently,
      ii) using the services of the NE Department of Labor,
      iii) seeking Supported Employment from a local behavioral health provider,
      iv) applying for Vocational Rehabilitation services, or

v) Other related strategies.

c) If the consumer is not able to seek employment due to a disability he/she must apply for disability benefits through any relevant programs including, but not limited to, SSI, SSDI, or Veteran's disability benefits.
   i) The ISP should include documentation from a behavioral health service provider that the consumer's mental illness is severe enough to prevent the consumer from doing any Substantial Gainful Activity.

d) The Housing Related Assistance Program needs to review the case:
   i) Monthly to determine that the consumer is working to establish a stable income
   ii) If the consumer's application for disability benefits in under appeal, the case review may be done quarterly.

8. When a person served by the program has a job with earnings that exceed the Extremely Low Income requirements as defined under HUD Guidelines he/she will be transitioned from the program.
   i) The Transition period begins upon verification that the consumer has been successfully employed with income over the Extremely Low Income level for one month (30 days).
   ii) Once the need for transition is identified, a Transition plan is developed to allow from one (1) month up to a six (6) month process, depending on the consumer's situation.
   iii) Written notice is given to the consumer of the need to Transition out of the program.
   iv) The Program may hold Housing Related Assistance funds for this consumer for up to three (3) month(s) after successful transition out of the program.

E. ASSISTANCE LEVELS

1. Once a consumer is found eligible for the program, Housing Related Assistance as defined in the definitions section may be used to pay for a unit that meets HQS and the local Fair Market Rent.
2. The Region sets local standards on what is considered reasonable rent.
   a) The leased rent (not including utilities) should be equal to or less than the Fair Market Rents (FMR) as calculated, defined and published by HUD as much as possible.
   b) If it is documented that the eligible consumer can not obtain safe, decent, and affordable housing in the local area using the Fair Market Rent limit, the Region may approve a higher amount of rent.
3. The consumer is expected to contribute 30% of adjusted gross income for rent and utilities. To streamline transition to other programs, the adjusted gross income shall be calculated in a manner consistent with the appropriate local housing authority.
4. Ongoing payments needed for a consumer with zero income to live in public housing is authorized if the Region clearly documents a cost savings to the program.
5. Housing Flex Funds are available for an eligible consumer who does not need ongoing rental assistance.

a) The Housing Flex funds may be used for one-time expenses to help an eligible consumer move into a housing unit that meets HQS and Fair Market Rents (FMR).
b) These funds are not to be used to pay for ongoing housing related expenses.
c) These funds are intended to cover authorized one time costs, utility payments (except those listed below), and/or "Other Related Costs" as needed to provide housing.
   i) Specifically excluded from other related costs are:
      (1) Cable television, and telephone payments.
      (2) Food, cleaning products, or other related consumable products.
      (3) Funds to cover for damages the tenant made to the unit during tenancy, unless such funds are necessary to preserve a relationship with a particular landlord or rental company. Written approval by the Regional Administrator is needed to utilize this exception.
      (4) To cover debt from previous utilizations of the program except as noted below.
   ii) Upon sufficient documentation, the following "other related costs" may be authorized:
      (1) Allowance for stove and refrigerator consistent with the local housing authority's standards.
      (2) One-time costs which may include:
         (a) security and utility deposits,
         (b) reasonable moving expenses,
         (c) needed furniture such as couch, bed, table, and chairs,
         (d) items to make the consumer's apartment suitable for living such as bedding, dishes, silverware, cookware, and general kitchen supplies.
         (e) Housing Related Debt such as past due rent or utility payments may be paid if such payments allow the consumer to receive Section 8 and/or other local housing authority services.
         (f) As a result of this payment, the consumer will be discharged from the program, unless the consumer has zero income.
   iii) Other Related Costs must be clearly documented by the Region.
   iv) Other Related Costs not listed in these Policies are unauthorized without written approval from the Division of Behavioral Health.
d) If additional funding is required, the Region must receive written approval from the Division of Behavioral Health.
e) Use of Housing Flex funds will count as part of the Annual Funding Cap [six thousand ($6,000) dollars per consumer or as approved by the Division].

6. The Housing Related Assistance program may continue to pay the rent through a maximum of a 90 day temporary consumer absence from the Housing Unit.
   a) After a 90 day absence from the Housing Unit, or if the consumer is clearly determined to no longer be able to live independently, the consumer shall be discharged from the program.
   b) The 90 day absence policy may be extended only:
      i) Upon recommendation of the consumer's treatment team or a written recommendation from the Region's Emergency Systems Coordinator;

ii) With Written approval from the Regional Administrator; AND
iii) The total extended absence is no longer than 180 days.

7. Housing Related Assistance funds shall not be used to make payments on a mortgage against a consumer's home unless advance approval has been provided in writing by the Director of the Division of Behavioral Health.

D. PROGRAM DEFINITIONS

1. Behavioral Health (BH) Services include both mental health and substance abuse (alcoholism, drug abuse, and addiction) services. Behavioral health disorder means mental illness or alcoholism, drug abuse, problem gambling, or other addictive disorder.

2. Housing-Related Assistance includes rental payments, utility payments, security and utility deposits, and other related costs and payments. Utility deposits and payments are limited to tenant paid gas, electric, water, sewer, garbage. Specifically excluded are cable television and telephone. Other related costs and payments may also be covered.

3. Housing Quality Standards (HQS) are requirements for safe and decent housing issued by the U.S. Department of Housing and Urban Development under the Housing Voucher Programs (commonly referred to as "Section 8"). HQS establish the minimum criteria necessary for the health and safety of program participants.

4. Very Low-Income means a household income of 50 percent or less of the applicable median family income estimate as established by the United States Department of Housing and Urban Development.

5. Extremely Low-Income means a household income between 0 and 30 percent of the applicable Median Family Income (MFI) as defined by the U.S. Department of Housing and Urban Development (HUD).

6. Median Family Income (MFI) may also be referred to as Area Median Income (AMI). MFI represents the value at which one-half of all families have incomes above that value, and one-half have incomes below that value. MFI estimates are updated annually by HUD.

7. Adult With Serious Mental Illness means a person eighteen years of age or older who has, or at any time during the immediately preceding twelve months has had, a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders and which has resulted in functional impairment that substantially interferes with or limits one or more major life functions. Serious mental illness does not include DSM V-codes, substance abuse disorders, or developmental disabilities unless such conditions exist concurrently with a diagnosable serious mental illness per Neb. Rev. Stat. § 71-812(3)(b)(i).

8. Supported Housing, as defined by the U.S. Department of Health and Human Services in the Community Mental Health Services Block Grant, is a specific program model as

defined by the U.S. Department of Health and Human Services in the Community Mental Health Services Block Grant, in which a consumer lives in a house, apartment or similar setting, alone or with others, and has considerable responsibility for residential maintenance but receives periodic visits from mental health staff or family for the purpose of monitoring and/or assisting with residential responsibilities. The objective of supported housing is to help obtain and maintain an independent living situation. It includes services that assist individuals in finding and maintaining appropriate housing arrangements.

9. Substantial Gainful Activity (SGA) is an earnings limit established yearly by the Social Security Administration at which point a consumer on SSI or SSDI loses their eligibility for Medicaid. For the purposes of this program, SGA means any paid employment whose remuneration is over the SGA limit as set by the SSA.

E. PROGRAM PLAN

1. The Region is responsible for developing and maintaining the Housing Related Assistance Program Plan consistent with Division policy.
2. The Housing Related Assistance Program Plan must be made available by the Region to the Division of Behavioral Health upon request.

F. PROGRAM FIDELITY

The program will be audited for program fidelity annually per guidelines set by the Division of Behavioral Health.

G. REPORTING

The Supported Housing Data Base Monthly Report must be sent electronically via e-mail by the 15th of the month to the Division of Behavioral Health.