



Linkages
Permanent Supportive Housing Program
An Initiative of the Behavioral Health
Purchasing Collaborative

Program Policies
And Procedures Manual

Revised November 2020

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Record of Changes

Each update or change to the plan will be tracked by the Linkages Statewide Services Agency and Rental Voucher Oversight Agencies. The record of changes will include: the change number, the date of the change, chapter/appendix number and the name of the person who made the change. The Program and Policies Manual will be reviewed periodically. Changes within either oversight agency to the designated Linkages Program Administrator may have a direct and significant impact on the program and should be conveyed to all Linkages contributors as early as possible by e-mail and/or telephone.

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1	Debbie Davis	Manual	10/2015
Description of Change: Update forms, reformat to print			
2	Lisa Howley	Chapter 17/page 46	9/2018
Description of Change: <ul style="list-style-type: none"> Updated contact info for MFA (VI) Revised policy – Recertification will allow for income to not exceed very low-income limit; initial eligibility of income will remain at extremely low-income limit standard. 			
3	Shannon Tilseth & Lisa Howley	Manual	3/3/2020
Description of Change: Updates made to entire manual to include formatting revisions and removal of obsolete forms.			
4	Rylee Giffin	Manual	9/15/2020

Description of Change: <ul style="list-style-type: none"> • Program Manager contact information updated • Minor changes, primarily to SSA specific information. Some SSA information added. • Some incorrect forms removed, and others slightly adjusted. 			
5	Lisa Howley; Cassie Russell; Janie McGuigan	Manual	10/27/2020
Description of Change: <ul style="list-style-type: none"> • Revised policy- Qualification Criteria and background checks. Pages 12, 14, 18-20 • SMI Eligibility Criteria – SMI Definition. Pages 9-10 			

Chapter 1: Introduction

The New Mexico Behavioral Health Purchasing Collaborative (the Collaborative) Linkages Permanent Supportive Housing Program (Linkages) is a state-funded initiative designed to provide rental subsidies and supportive services to vulnerable populations to *link* them to affordable quality housing with community-based, individualized services. Linkages targets homeless consumers with demonstrated housing needs prioritizing individuals with serious mental illnesses including Native Americans living off the reservation.

In creating this program, the Collaborative recognizes that permanent supportive housing is proven intervention that can provide a cost effective, quality living situation for those with precarious housing situations. For the purposes of Linkages, the Collaborative defines **permanent supportive housing** as decent, safe, integrated rental housing in the community, coupled with access to quality, community-based supportive services. Specifically, permanent supportive housing is: a) rental housing where participants reside and maintain all the rights and obligations of tenancy and hold an individual lease. Permanent supportive housing is affordable and accessible to individuals with extremely low or no incomes, and includes b) access to voluntary, flexible and community-based supportive services that can ensure a successful tenancy in the housing.

In 2007, the Collaborative initiated the New Mexico Long Range Supportive Housing Plan. Linkages was the first supportive housing program in the state, and the important lessons learned have been used to shape training modules, develop effective service delivery techniques, demonstrate the effective use of Comprehensive Community Support Services (CCSS), create policies and procedures, and implement the Permanent Supportive Housing (PSH) model statewide. The collaboration of local housing organizations, supportive service providers, and state agencies including members of the Collaborative, New Mexico Mortgage Finance Authority (MFA), and Human Services Department is the backbone of the Linkages Permanent Supportive Housing program. Linkages was cited in the November 2011 *HHS ASPE Research Brief* article entitled “Linking Human Services and Housing Supports to Address Family Homelessness: Promising Practices in the Field.” The Linkages Permanent Supportive Housing Program was selected as a promising model and best practice by the U.S. Department of Health and Human Services (HHS) because it demonstrates effective linking

What is Permanent Supportive Housing?

Permanent supportive housing is decent, safe, integrated rental housing in the community. It is housing that is affordable to individuals with low or no incomes. In permanent supportive housing, the applicant has all the rights and obligations of tenancy.

Ideally, permanent supportive housing is affordable, meaning tenants pay no more than 30 percent of their income toward housing costs.

Permanent supportive housing recognizes that for many applicants, access to quality, community-based supportive services can ensure a successful tenancy in the housing. As such, the housing is linked with voluntary and flexible supportive services to support tenancy and address other needs.

of mainstream services with housing supports to prevent and end homelessness among adults with serious mental illness.

Linkages is a model program because it is: collaboratively run (i.e., partnerships between state Human Services Department, support service administrators, housing administrators, and New Mexico Mortgage Finance Authority (MFA); scalable and easily implemented with broad application (i.e., operational in both urban and rural settings); measurable (i.e., uses SAMHSA evidenced-based program – supportive housing); and cost effective (i.e., \$15,000 Linkages costs per person/per year vs. \$45,000+ costs for high incidence emergency services).

For eligibility, individuals must be verified as having extremely low-income, be homeless or precariously housed or at-risk of homelessness, and have a documented serious mental illness with functional impairment, as defined in Chapter Two, Eligibility. Program participants typically pay 30 percent of their adjusted income toward rent, and the Linkages program subsidizes the remaining portion of the rent. Participants may choose their own living units, provided the units meet Housing Quality Standards (HQS), pass a Rent Reasonableness comparison, and fall within the Fair Market Rent (FMR) guidelines established for the area by HUD. While Linkages is a permanent supportive housing project, its limited scale and resources can be expanded if the subsidies ultimately serve as a bridge to transition the participant to other mainstream housing resources, such as the HUD Section 8 Program.

This program manual outlines the policies and procedures to administer this rental subsidy program and applies to the following participating agencies and representatives: The Collaborative, New Mexico Mortgage Finance Authority (MFA), the New Mexico Human Services Department (HSD), and the various subcontracted local housing organizations, local support services agencies, and other service providers.

Chapter 2: Eligibility

This chapter outlines the population eligible to receive assistance under the Linkages program. Eligibility criteria for Linkages are threshold criteria; they are nondiscretionary and not subjective. Applicants who do not meet these criteria are not eligible for the program. In addition to the threshold eligibility criteria, Linkages participants must be determined to be qualified for the program. The eligibility criteria and other program qualifications are outlined below.

Eligible Population

The Linkages program requires that participants in the program meet the following criteria:

1. Homeless or precariously housed or at-risk of homelessness;

AND

2. Disabled with a diagnosed, serious mental illness;

AND

3. Extremely low-income.

Program Eligibility

To be initially eligible for Linkages, the applicant must be literally homeless, precariously housed or be at-risk of homelessness, have a diagnosed, documented serious mental illness, and meet the extremely low-income limits.

1. Homeless or Precariously Housed

Homelessness is described broadly as:

- ◆ People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing or are exiting an institution where they temporarily resided for up to 90 days and were in shelter or a place not meant for human habitation prior to entering that institution.
- ◆ People who are losing their primary nighttime residence, which may include a motel or hotel or a doubled-up situation, within 14 days, and resources or support networks to remain in housing. Specific documentation may be required for this category.
- ◆ Families with children or unaccompanied youth who are unstably housed and likely to continue in that state. This category applies to families with children or unaccompanied youth who have not had a lease or ownership interest in a housing unit in the last 60 or more days, have had two or more moves in the last 60 days, and who are likely to continue to be unstably housed because of disability or multiple barriers to employment.¹
 - Homeless or precariously housed families with children may be considered eligible only by an adult (18 years or older) being diagnosed with SMI (minor children with Severe Emotional Disturbance are not a qualifying situation).

¹ Note. From “Changes in the HUD Definition of Homelessness.” January 18, 2012, Federal Policy Brief.

- Unaccompanied Youth must be 18 years of age and able to legally sign a Lease and diagnosed with a Severe Mental Illness.

At no time can Linkages funds be used to supplant existing local, state, or federal permanent housing sources.

2. Serious Mental Illness

Linkages targets consumers with serious mental illness as defined by the state of New Mexico. Pursuant to Section 1912 of the Public Health Service Act, as amended by Public Law 102-321, “adults with serious mental illness” are persons, age 18 and over, who *currently* or at *any time during the past year*, meet the following four criteria:

1. Age: Must be an adult of 18 years of age or older
2. Diagnoses: Have one of the diagnoses as defined under the current *American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders*. The diagnosis would need to have been determined within the prior 12 months by an appropriately credentialed and licensed professional.
 - Diagnoses codes and descriptions that are listed below are those providing a primary reason for receiving public system behavioral health services [and/or meet the Linkages Program SMI eligibility criteria.]
3. Functional Impairment: The disturbance is excessive and causes clinically significant distress or impairment in social, occupational, and or other important areas of functioning.
4. Duration: The disability must be expected to persist for six months or longer.

Person must meet the above SMI criteria and at least one of the following in A or B:

A. Symptom Severity and Other Risk Factors

- Significant current danger to self or others or presence of active symptoms of SMI.
- Three or more emergency room visits or at least one psychiatric hospitalization within the last year.
- Individuals with substance use disorder that complicates SMI and results in worsened intoxicated/withdrawal complications, bio medical conditions, emotional/behavior/cognitive conditions.

B. Co-Occurring Disorders

- Substance Use Disorder (SUD) diagnosis and any mental illness that affects functionality.
- SMI or SUD and potentially life-threatening chronic medical condition (e.g., diabetes, HIV/AIDS, hepatitis).
- SMI or SUD and Developmental Disability.

Adults included in the target population [prospective Linkages clients] must have a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria for Serious Mental Illness (SMI), specified including:

- ◆ Neurodevelopmental Disorders,
- ◆ Schizophrenia Spectrum and Other Psychotic Disorders
- ◆ Bipolar and Related disorders
- ◆ Depressive Disorders
- ◆ Anxiety Disorders
- ◆ Obsessive-Compulsive Related Disorders
- ◆ Trauma-and Stressor Related Disorders
- ◆ Dissociative Disorders
- ◆ Somatic Symptom and Related Disorders
- ◆ Feeding and Eating Disorders
- ◆ Disruptive, Impulse Control and Conduct Disorders
- ◆ Cyclothymic Disorder
- ◆ Persistent Depressive Disorder
- ◆ Personality Disorders [for which there is an evidence based clinical intervention available] for SMI.

The following diagnosis is excluded unless it is a co-existing condition with mental illness:

- ◆ Substance-Related and Addictive Disorders

The Behavioral Health Policy and Billing Manual appendices includes the above definition of SMI, [https://www.hsd.state.nm.us/uploads/files/Providers/Manuals%20and%20Guides/BH%20APPENDICES%20COMPLETE%20\(003\).pdf](https://www.hsd.state.nm.us/uploads/files/Providers/Manuals%20and%20Guides/BH%20APPENDICES%20COMPLETE%20(003).pdf)

3. Extremely Low Income (30 percent Area Median Income)

All applicants of the program are subject to the U.S. Department of Housing and Urban Development (HUD) Section 8 Extremely Low-Income limits. Income limits are updated annually and are adjusted for family size and location. Income for each applicant must fall at or below the extremely low-income limit to be **initially** eligible for the program. Please visit <http://www.huduser.org/datasets/il.html> current income limits.

In addition to the above eligibility requirements: 1) homeless or precariously housed or at-risk; 2) serious mental illness; and 3) extremely low-income, the Linkages program seeks to address the specific housing needs of tribal members with serious mental illness who are living off reservation. To qualify as a tribal member in this category, participant must provide a verification of their tribal status with a Certificate of Degree of Indian Blood from the tribe to confirm tribal status and verify that they do not live on the reservation, within one year. Tribal member households will be tracked by MFA from information on the Request for Reimbursement.

The Certificate of Linkages Eligibility/Program Eligibility Form (Appendix 5) should be included in all program participant files along with accompanying documentation.

Qualification Criteria

It is the underlying foundation of the Linkages program that persons with serious mental illness can live successfully and independently in the community. This includes persons who are dually diagnosed with long-term, chronic alcohol and substance use histories, persons with criminal records, persons with poor housing and credit histories and other experiences that often deem them unsuitable for housing programs.

Linkages aims to include as many of these persons as possible through a philosophy and service practice of a Housing First approach (see text box for details).

As such, when determining whether a person is qualified for the Linkages program, the Support Service Administrator (SSA) will make a preliminary determination based on two disqualification categories. These include:

- ◆ If any member of the household is subject to a lifetime registration requirement under a sex offender registration program; and/or
- ◆ If any member of the household has been convicted of producing or manufacturing methamphetamine in a housing unit.

Housing First

Housing First is assertive outreach, engagement and direct, or nearly direct, placement of persons who are chronically homeless or have had long periods of intermittent homelessness, incarceration or institutionalization into permanent housing. Housing First is often targeted to persons who are reluctant to enter into services. Supportive services are offered and readily available, however, the program does not require participation in these services to remain in the housing. There is a continuous effort to provide case management and to hold housing for persons in the program even if they leave their housing for short periods. Once in housing, a low demand approach accommodates client alcohol and substance use, so that “relapse” will not result in the person losing housing.

* Please note that there are Public Housing Authorities (PHAs) that also serve as Linkages Housing Administrators (HAs). All Linkages HAs, whether PHAs or not, are required to use Linkages policy for administration of the Linkages program. HAs may use PHA policy for administration of non-Linkages programs, such as Section 8. Thus, a PHA may prohibit client admission for programs, such as Section 8, based on other criminal convictions. Many Public Housing Authorities can and will deny admission to their programs when any member of the household has a drug-related conviction within the last three years.

If a Linkages client pursues Section 8 or other programs and a PHA denies a client admission based on their criminal history, the PHA must provide a copy of the record of the criminal activity and give the client an opportunity to dispute the accuracy and relevance of that record. To appeal or request reconsideration of a PHA, it is important for the applicant to gather service(s) engagement information, such as treatment programs, counseling, and recovery groups.

Landlords will also have their own tenant criteria. The SSA should encourage the applicant to disclose potential barriers, so the SSA can engage in problem solving with the potential client.

The SSA is responsible for preliminary screening. The HA and landlord will be responsible for their own background checks.

Chapter 3: Roles and Responsibilities/Methods of Operations

This chapter seeks to outline the roles and responsibilities of the various participating agencies regarding the Linkages program to ensure that all program elements are initiated and implemented as required by the Collaborative. The key players in the Linkages program are the Housing Administrators (HA), New Mexico Mortgage Finance Authority (MFA), the Support Services Administrators (SSA) and the Human Services Department/Behavioral Health Services Division (HSD/BHSD).

Statewide Rental Voucher Oversight Agency – MFA

The general role of MFA is to provide oversight of the issuance of rental vouchers for qualified Linkages applicants. MFA provides technical assistance and support to participating HA's.

General tasks of MFA include:

1. Overall administration of the rental assistance components of Linkages, as outlined below and in this administrative plan;
2. Serve as liaison between BHSD, and the HAs;
3. Establish policies and procedures for rental assistance components of Linkages, including forms, as needed.

Housing Administrative Agency (HA)

The general role of the HA is to ensure that housing units meet housing quality standards and rent limits, landlords receive payment for the unit, and tenants are appropriately charged for their share of the rent. The HA can be a local, public housing authority or a nonprofit agency with experience housing the homeless.

The general tasks of the HA include:

1. Assist SSA to provide outreach to appropriate community organizations including agencies working with mental health consumers to alert them to the availability of resources;
2. Provide outreach to potential HA clients on existing waiting list(s) to notify them of the availability of this new housing resource and how to apply if they feel they are eligible;
3. Establish procedures for the fair selection of recipients;
4. Establish and maintain relations with local landlords, public housing authorities, and property managers; and
5. Maintain a separate waiting list for the Linkages program in its region.

Specific responsibilities of the HA:

1. The HA receives a Certification of Eligibility and a completed housing application from the SSA, verifies income and eligibility requirements, and approves or denies the application.

- a. If approved, HA sends a letter to the applicant, informing the applicant that he/she has 60 days in which to initiate subsidy (see Sample Letters). A copy of the letter is sent to SSA.
 - b. If denied, HA sends a Letter of Denial, stating the reason for denial and informing the applicant of the Subsidy Appeals Procedure. (See Sample Letters and Subsidy Appeals Procedure (Appendix 23). A copy of the letter must be sent to the SSA.
2. HA creates and maintains a Linkages waiting list of eligible applicants.
3. The HA will be responsible for conducting their own criminal background checks.
4. If applicable, HA receives written extension request from SSA or client and may grant up to one 30-day extension. In extenuating circumstances (e.g., hospitalization or other treatment programs), supported by third party verification, a second 30-day extension may be granted. No applicant may be given more than 120 days to find suitable housing. Applicants who have not initiated subsidy within 120 days of program acceptance must reapply. (Chapter 5: Extensions.)
5. HA completes initial Housing Quality Standards (HQS) inspection on units located by recipients – (Appendix 17), informs the landlord and/or property manager of any deficiencies and/or needed repairs, and establishes a timeline for completion of repairs and/or deficiencies (see Sample Letters for the landlord notification).
6. HA negotiates unit price that meets the Rent Reasonableness Comparison with landlord and/or property manager, if applicable. (Chapter 8.)
7. HA conducts initial income certification with recipient
 - a. Income, Asset & Rental Calculation Form completed (Appendix 18); and
 - b. Release of Income Information forms completed (Appendix 2); and
 - c. Tenant Responsibility Agreement form, signed and attachments distributed (Appendix 6); and
 - d. Household Composition/Fraud Statement (Appendix 9); and
 - e. Housing Quality Standards Inspection Form completed and signed (Appendix 17); and
 - f. Income Verification forms(s).
8. HA executes Housing Assistance Payments (HAP) Contract or Rental Assistance Agreement with the landlord/property manager (Appendix 8).
9. All Linkages program participants enter into an initial lease or rental agreement with their landlord of a term of at least six months. This agreement is automatically renewable upon expiration, except on prior notice by either the tenant or landlord. (Chapter 13: Occupancy.)
10. HA distributes monthly HAP to landlords/property managers in accordance with HAP Contract or Rental Assistance Agreement.
11. HA prepares monthly Request for Reimbursement from MFA. Funds to be reimbursed include monthly rent payment, rental arrears, application fees, security deposits on newly rented units, and utility deposits on newly rented units.
12. HA completes interim certifications with recipients, as necessary
13. HA completes annual recertification:
 - a. Income & Rent Calculation form completed (Appendix 18); and
 - b. Release of Income Information documentation signed (Appendix 2)

- c. Income verification documentation
 - d. Release of Information forms signed, a standard HIPAA compliant release will be acceptable. If unavailable, please use the sample release (Appendix 1); and
 - e. Tenant Responsibility Agreement Form signed (Appendix 6); and
 - f. Household Composition/Fraud Statement (Appendix 9); and
 - g. Housing Quality Standard form completed and signed (Appendix 19).
14. HA processes move-out inspections, as applicable. (Chapter 9: Housing Quality Standards)
 15. HA processes Termination of Subsidy Forms, as applicable (Chapter 17: Subsidy Termination) see Sample Forms for notification and Appendix 23 for Housing Subsidy Appeals Procedure)
 16. HA assures that staff members receive HQS and other HUD certified relevant training
 17. HA establishes and maintains relations with local landlords, property managers, general assistance offices, and support services administrators
 18. HA maintains complete files on all recipients. Denied or closed files must be retained for the greater of seven years or the time frame put forth in the HA file destruction policy. If any litigation, claim, or audit is started before the expiration period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved and final action taken.
 19. HA utilizes Linkages application form and data as an official application for other housing programs administered by the HA and automatically screens candidate for those programs.

Statewide SSA Oversight Agency - Behavioral Health Services Division (BHSD) Supportive Housing Program Manager

The BHSD Supportive Housing program manager serves in the role of oversight of the Linkages support service providers to ensure the provision of quality, appropriate, individualized, community-based supportive services for participants of the Linkages program.

The general tasks of the BHSD Supportive Housing program manager include:

1. Provide oversight to the SSA on prescreening process including tenant initial application, tenant screening, and initial determination of eligibility;
2. Make certain contracted SSA provide and coordinate other local services as needed and requested to ensure tenant receives quality, appropriate, community-based services;
3. Ensure the SSA provides that each participant receives assistance in locating, securing and establishing safe and decent housing;
4. Ensure each participant receives one or more home visits monthly by the SSA to identify early problems regarding tenancy;
5. Ensure the SSA has developed an up-to-date crisis plan with each participant including correct contact for information for emergencies;
6. Ensure services aimed at maintaining tenants in their housing in the community are available; and
7. Ensure the SSA provides move-in and eviction prevention assistance including direct financial support for these purposes to the extent funds are available.

Specific responsibilities of the BHSD Supportive Housing program manager:

1. Monitor the SSA performance through planning, initial occupancy, and ongoing operations;
2. Conduct site monitoring visits;
3. Evaluate program to assess services provided to participants, including percentage of time or specific services that are reimbursable through other funding sources;
4. Co-facilitate meetings with MFA between the HA and SSA, as needed, to avoid or resolve problems. This includes working with the HA and SSA to resolve disputes regarding Linkages program rules;
5. Facilitate meetings between SSA and other service providers, as needed, to avoid or resolve problems;
6. Facilitate training of SSA;
7. Expend resources as approved and provided by the Collaborative for use in this program to support the SSAs;
8. Work with MFA to develop a process and respond and resolve applicant appeals or grievances regarding denial of program eligibility;
9. Ensure that the SSA works with each participant to assure housing support is included in the tenant's services/treatment plan and connects participants to appropriate community service providers; and
10. Ensure that the SSA recruits landlords with assistance from the HA to participate in the Linkages program. This participation requires the units meet HQS standards and landlords are willing to become part of the local Housing Authority Section 8 program if they are not already participating in this program.

Support Services Agency (SSA)

The general role of the SSA is to identify individuals that meet Linkages eligibility criteria by conducting client inreach and outreach to appropriate community organizations including agencies working with mental health consumers to alert them about the availability of resources and to provide Linkages participants with assistance to obtain and maintain their housing.

Each designated SSA will work with potential participants to complete the Linkages application including the initial application and the housing application; assist the applicant to obtain all required documentation and provide support and guidance to the applicant through the screening process. The SSA will also work with each eligible participant to identify appropriate housing units, obtain needed supplies and furniture, and to move into the unit.

The SSA will be responsible for completing a basic housing support checklist each month (see Appendix 22) that identifies any problems with the safety or condition of the unit and resolution of any problem, a confirmation that rent was paid in a timely manner and that the tenant is meeting his or her basic rental obligations.

The SSA will ensure each tenant applies for HUD Section 8 Program after they have been made eligible for Linkages and that when a voucher becomes available the tenant transfers to that Section 8 voucher.

Specific responsibilities of the SSA include:

1. Review and sign the Linkages Program Letter of Commitment Between Housing Administrative Agency and Support Service Agency.
2. The SSA receives or assists an applicant to complete an initial application for the Linkages program. The HA can refer an applicant to the SSA for assistance completing applications and obtaining necessary documentation.
3. The SSA determines eligibility for the program based on the Linkages program criteria: serious mental illness, homeless or at-risk, 30% ELI income limit, housing need and appropriateness for the program.
4. The SSA works with the applicant or HA to ensure that all applicable information is received and documented according to the program requirements.
5. Approve initial eligibility and complete a Certificate of Linkages Eligibility (Appendix 5).
6. When rental subsidies are available, forward Certificate of Linkages Eligibility, Housing Application, and other related documents to the HA for step two processing. Keep participant and the SSA informed of status.
7. When participant is approved by the HA, assist or ensure each participant receives assistance from the SSA to locate (housing search for eligible units), secure (negotiating lease), and move into an eligible unit (obtaining furnishings, physical move into unit; orientation to unit, neighborhood).
8. Review Tenant Responsibility Agreement document with participant and HA and secure participant signature.
9. Review Program Participation Agreement with participant and SSA and secure participant signature.
10. The SSA will retain all approved tenant applications and documentation in the Linkages program participant file including the applications and related documentation, Program Participation Agreement, Tenant Responsibility Agreement (Appendix 6) and Qualification Criteria Form. Ensure that all required forms are complete and signed.
11. Work with HA to resolve disputes regarding participant eligibility or ongoing participation in the program.
12. Complete initial support services training and be a part of the BHSD Supportive Housing Program training network.
13. Identify staff who will serve as the liaison to landlords.
14. Ensure designated staff conducts at least one monthly home visit and completes a monthly housing support checklist (Appendix 22).
15. Adhere to basic requirements listed below, provide pre-tenancy support, move-in assistance, and post-tenancy support (Chapter 19).
16. Assist participant in completing all required applications and assist participant in obtaining necessary documentation.
17. Assist participant in attending all necessary meetings with SSA or HA, as required to process application.
18. Assist participant in requesting any reasonable accommodation from the HA or landlords.
19. Assist participant to locate appropriate housing.
20. Assist participant to request, as needed, a 30-day extension to locate a housing unit (Chapter 5).

21. Assist participant in obtaining needed housing supplies, furniture and other materials to move safely into housing unit.
22. Provide move-in orientation to participant regarding rights and responsibilities of tenancy, neighborhood features and amenities, transportation options, etc.
23. Assist the participants in applying for a Section 8 Housing Choice Voucher and other available permanent housing subsidies/programs.

Chapter 4: Application Process

The purpose of the Linkages application is to collect relevant applicant information necessary to assist in determining eligibility and selecting participants. As such, Linkages will implement a two-step application process.

General Application Guidelines

All applications must be completed and include verifications that are not older than 90 days. Applications that are accepted must be filed at the SSA's office. A copy of all applications must be kept in participant files by both the SSA and the HA, separate from any clinical record(s). Applications that are denied should be retained and filed together by the SSA and the HA.

Applicants that are approved and authorized will work with the SSA on housing search and other steps outlined in Chapter 18.

Step One: Application Process

The SSA obtains a completed application (Appendix 3) from applicants that includes information on mental health disability, other service needs, income, housing history, criminal records, and other core information to assist in determining initial eligibility and qualification for the program.

The SSA will interview each eligible applicant. The interview will take place at the offices of the SSA or other convenient location (e.g., other service provider, emergency shelter, etc.). If the applicant is unable to come to the office (e.g., they are hospitalized), the SSA will go to the applicant to conduct the interview.

The SSA will explain that most convictions are not grounds for disqualification, with a few exceptions. The SSA will ask if any member of the household is required to register as a sex offender and/or has been convicted of producing or manufacturing methamphetamine in a housing unit.

The SSA should share that Public Housing Authorities may prohibit admission to other programs, such as Section 8, based on other criminal convictions. Many Public Housing Authorities can and will deny admission to their programs if any member of the household has a drug-related conviction within the last three years.

If a PHA denies a client admission based on their criminal history, they must provide a copy of the record of the criminal activity and give the client an opportunity to dispute the accuracy and relevance of that record. To appeal or request reconsideration of a PHA, it is important for the applicant to gather service(s) engagement information, such as treatment programs, counseling, and recovery groups.

Landlords will also have their own tenant criteria. The SSA should encourage the applicant to disclose potential barriers, so the SSA can engage in problem solving with the potential client.

The applicant will be provided with an opportunity to ask questions about the Linkages program. Applicants are encouraged to bring household members, friends, case managers, or other individuals for support during the interview.

The SSA will review program requirements with the applicant. In addition to being eligible for the Linkages program, applicants must also be qualified. A qualified applicant is someone whose criminal record does not deem them unqualified. In addition, a qualified applicant must agree to sign the Tenant Responsibility Agreement (Appendix 6), the Program Participant Agreement (Appendix 7), and Qualification Criteria Form and agree to at least one monthly in-home visit by the SSA.

The Linkages program understands that eligible applicants are likely to have difficult tenancy histories and therefore would not qualify for housing using traditional criteria such as nonpayment of rent or poor tenancy behavior. Linkages will generally not disqualify applicants who have such histories. However, applicants will be disqualified for certain behaviors including, but not limited to:

- ◆ If any member of the household is subject to a lifetime registration requirement under a sex offender registration program; and/or
- ◆ If any member of the household has been convicted of producing or manufacturing methamphetamine in a housing unit.

The SSA reviews the application information and interview information and determines initial program eligibility. The SSA should complete a preliminary screening, including review of NM Courts and the Sex Offender Registry, before submitting the housing application to the HA.

For participants determined eligible in step one, the SSA will forward the related step two housing application (Appendix 4) to the HA for step two screening including the Certification of Eligibility.

For applicants determined ineligible, the SSA will send a letter to the applicant that states why determination was made. The letter (Sample Letter of Denial) will provide the name and address of the representative for follow-up, grievance or appeal. Other notification processes should be considered when the applicant does not have a way to receive formal mail.

Step Two: Housing Application Processing Procedures

The HA receives the completed housing application and Certificate of Linkages Eligibility from the SSA and reviews the submitted materials and performs the following:

- ◆ The HA conducts tenant income certification and calculates tenant payment of rent and determines eligibility for the program based on income.
- ◆ The HA conducts a statewide criminal background check using the vendor of their choosing. If the applicant, or any member of the household, discloses prior residence outside of New Mexico, the HA is required to conduct a national background check.
- ◆ The HA and SSA review the Tenant Responsibility Form (Appendix 6) and Program Participant Agreement (Appendix 7) and Qualification Criteria Form with prospective tenant (and SSA or other service provider, if possible) and gets form signed.
- ◆ The HA and SSA work with tenant to review apartment options, allowable rent levels, etc.
- ◆ The HA approves the application and provides tenant with authorization to locate housing unit/assignment of rental subsidy.
- ◆ The HA notifies the SSA of approval and provides authorization with program time limits to locate an available unit.
- ◆ SSA immediately notifies applicant of approval and authorizes applicant to begin the housing search with the assistance of the SSA, finalize program documents, and to move into the unit.

Chapter 5: Housing Search Extensions

The goal of Linkages is to provide permanent supportive housing to consumers with serious mental illness who are homeless or at-risk of homelessness. Linkages resources are limited, and it is the goal of the program to maximize utilization while recognizing the unique challenges consumers may face in locating and securing appropriate housing units. As such, time limits are incorporated into Linkages rules that limit the amount of time between when consumers are approved for a subsidy and begin utilizing that subsidy. This chapter addresses the applicant/program participant's timeframes to utilize an awarded rental subsidy and available extensions to this policy.

The applicant has 60 days from the time of assignment to use a rental subsidy. If the rental subsidy is not utilized, the applicant or the SSA may request one 30-day extension. Extensions must be submitted in writing to the HA. Extensions will be granted to applicants when it is shown that housing is actively being sought or for other good cause (i.e., hospitalization, family emergencies, etc.). If an extension is not requested or approved, then the rental subsidy will be reassigned. In extenuating circumstances, a second 30-day extension can be requested in writing (extreme situations) and reviewed by the HA for approval. No applicant will receive more than 120 days maximum to locate a housing unit.

Current tenants moving between units will have 30 days to find a new unit. If the slot is not utilized, the applicant or their service provider(s) may request up to three 30-day extensions.

Chapter 6: Household Definition and Unit Size

All households served by the Linkages program must meet program eligibility requirements as outlined in Chapter Two. This chapter provides the HA with guidance on how to define households, unit size requirements, and other related criteria.

1. Household Definition

For the purposes of the Linkages program, “household” refers to all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as partners, foster children, wards or employees/caregivers who share the housing unit. In calculating annual household income, income from each member of the household is considered.

2. Household Composition

Upon application and entry into the program, all persons expected to reside in the household must be identified. Changes in household composition must be reported to the HA within 10 days of such change. The HA will work with the household to determine whether Linkages can continue to meet their housing needs.

3. Unit Size

The following factors will be considered in determining the unit size:

- ◆ Number of persons;
- ◆ Relationship of persons;
- ◆ Gender and age of persons;
- ◆ Need to avoid overcrowding, maximize the use of space, and minimize the subsidy costs;
- ◆ Generally, no more than two persons are required to occupy a bedroom.

Change in Household Composition

During their participation in the program, participants may experience a change in household composition resulting from circumstances such as birth of a child, reunification with other children, disability, etc. A household in this situation can request approval to move to a larger unit and receive a larger rental subsidy. Families seeking to reunify with their children can work with the SSA to time movement to a larger unit to allow for the reunification prior to the change in custody when the larger unit is a requirement of custody. The HA should track the increased rental payment and its impact on the overall Linkages budget.

When the change in household composition results in the need for a smaller unit, the HA will not evaluate such circumstances, unless requested to by the household, until the annual recertification process.

The change in household circumstances (i.e., birth, death, changes in income) may impact the participant's required rent payment. When such a change would result in a decrease in the participant's payment, the participant can request the HA undertake a recertification of income and rent payment as outlined in Chapter 16. When a change would result in an increase in payment, the HA will initiate the interim certification process.

Chapter 7: Income and Asset Information/Rent Calculations

All Linkages participants will be required to pay a portion of their income toward rent. For those participants with zero income, no tenant payment is required. To determine the tenant portion of the rent, the HA will conduct an initial income certification. The Linkages program uses the same method for calculating household income as the HUD Section 8 Program laid out in regulation 24 CFR Part 5. **It is not permissible for the HA to institute a minimum rent policy for the Linkages program.**

Determination of Total Tenant Payment

The HA will calculate the tenant's share of the rent, the total tenant payment. Consistent with 24 CFR Part 5, the participant's monthly rent will be either 30 percent of the occupant's monthly adjusted income or 10 percent of the occupant's monthly gross income, whichever is greater. The 10 percent of gross income rule is applicable only when the occupant has an excessive amount of deductions (i.e., in the range of 50 percent of their income). **Generally, a participant's rent share will be 30 percent of their income.**

Monthly adjusted income is the occupant's annual income less all applicable HUD allowances depending on the age of the individual and their medical expenses. Participant income will be calculated in accordance with HUD regulations, using the HUD prescribed form (Appendix 18).

In addition to verification of income, the housing coordinator will require documentation in order to allow adjustments to gross income including documenting medical expenses with bills, canceled checks, and/or receipts.

The participant will be notified of their rent share during the orientation and during any annual or interim review.

Rent Payment

Payment of rent is one of the most fundamental components of the Linkages program. Participants will be required to pay their share of the rent directly to the landlord as outlined in their lease/occupancy agreement. The lease/occupancy agreement will outline when rent must be paid, what form of payment is acceptable (e.g., check, money order). SSA staff is responsible to work with tenants to ensure that rent is paid according to the lease/occupancy agreement.

Disability Allowance

Since Linkages targets households where the head of household has a serious mental illness, it is anticipated that the majority of Linkages participants will be eligible to receive the Elderly or Disabled Persons Family Allowance of \$400.

Verification of Tenant Income

All Linkages applicants and program participants are required to verify their income **at the time of application and at least annually thereafter**. Whenever possible, written third-party verification of income will be used. Oral, third-party verification may be used, but should be followed by written third-party verification when possible. Self-declaration should only be used if there is no other way to verify the information. The applicant will sign a release form at the time of application and at the time of annual review giving the Linkages program authorization to collect all relevant income information.

If third-party verification is not possible, some acceptable alternative methods of income verification include:

- ◆ Consecutive pay stubs;
- ◆ Certification of Zero Income, a signed, self-statement, followed up by oral verification when possible; and
- ◆ Other records as are reasonable to be used at the discretion of the HA

Use of verification other than third-party should be accompanied by written explanation in the participant's record.

Verifications are valid for 90 days from the date of the verification. For interim recertification, only those factors that have changed must be re-verified.

- ◆ Social Security benefits should always be verified even if the tenant is claiming zero income.
- ◆ Sample Release of Information forms for Verification of Income are included in Appendix 1 and 2.

The Part Five definition of annual income is the *gross amount of income of all adult household members* that is *anticipated to be received* during the coming 12-month period. Each of the italicized phrases in this definition is important to understanding the requirements for calculating annual income:

- ◆ **Gross amount.** For those types of income counted, gross amounts (before any deductions have been taken) are used;
- ◆ **Income of all adult household members.** The Part Five definition of annual income contains income "inclusions" – types of income to be counted – and "exclusions" – types of income that are not considered (for example, income of minors); and
- ◆ **Anticipated to be received.** The Part Five annual income is used to determine eligibility and the amount of federal assistance a household can receive. The property or program manager must, therefore, use a

household's **expected** ability to pay, rather than past earnings, when estimating housing assistance needs.

Anticipated Income Example

In Part Five regulations require that the housing administrator project a household's annual income. To accomplish this, the housing administrator can use a "snapshot" of the household's current circumstances to project future income.

Housing administrators can then assume that a household's current circumstance will continue for the next 12 months, unless there is verifiable evidence to the contrary.

For example, if a head of household is currently working for \$7.00 per hour, 40 hours per week, the housing administrator should assume that this person would continue to do so for the next year. Thus, estimated earnings for this person would be \$7.00 per hour multiplied by 2,080 hours or \$14,560 per year.

As a general rule, this method should be used even when it is not clear that the type of income currently received will continue in the coming year.

For example, assume a household member has been receiving unemployment benefits of \$100 per week or 16 weeks at the time the manager is determining their income. It is unlikely that the person will continue on unemployment for another 52 weeks. However, because it is not known whether or when the person will find employment, the manager should use the current circumstances to anticipate annual (gross) income. Income for this person would therefore be \$100 per week x 52 weeks, or \$5,200.

The exception to this rule is when documentation is available or provided that shows current circumstances are about to change.

For example, an employer might report that an employee currently makes \$7.50 an hour, but a negotiated union contract will increase this amount to \$8.25 an hour eight weeks from the date of assistance. In such cases, income can be calculated based on the information provided. In this example, this household member's income would be:

$\$7.50/\text{hour} \times 40 \text{ hours/week} \times 8 \text{ weeks} = \$2,400$

$\$8.25/\text{hour} \times 40 \text{ hours/weeks} \times 44 \text{ weeks} = \$14,520$

$\$2,400 + \$14,520 = \$16,920$

Knowing Whose Income to Count

Knowing whose income to count is as important as knowing which income to count. Under the Part Five definition of annual income, special consideration is given to income earned by the following groups of people:

- ◆ **Minors.** Earned income of minors, including foster children (age 18 and under) is not counted. However, unearned income attributable to a minor (e.g., child support, TANF payments and other benefits paid **on behalf of** a minor) is included.
- ◆ **Live-in aides.** If a household includes a paid live-in aide (whether paid by the household or a social service program), the income of the live-in aide, regardless of the source, is not counted. Except under unusual circumstances, a related person does not qualify as a live-in aide.
- ◆ **Persons with disabilities.** Exclude from annual income certain increases in the income of a disabled member. These exclusions from annual income are of limited duration. The full amount of increase to a qualified household's annual income is excluded for the cumulative 12-month period beginning on the date the disabled household member is first employed or the household first experiences an increase in annual income attributable to the employment. During the second cumulative 12-month period, the property or program manager is required to exclude from annual income 50 percent of any increase in income. The disallowance of increased income of an individual household member who is a person with disabilities is limited to a lifetime 48-month period. This is also called the "earned income disregard."
- ◆ **Temporarily absent household members.** The income of temporarily absent household members is counted in the Part Five definition of annual income – regardless of the amount the absent member contributes to the household. For example, a construction worker employed at a temporary job on the other side of the state earns \$600 per week. He keeps \$200 per week for expenses and sends \$400 per week home to his household. The entire amount (\$600 per week) is counted in the household's income.
- ◆ **Adult students living away from home.** If the adult student is counted as a member of the household in determining the household size, the first \$480 of the student's income must be counted in the household's income. Note, however, that the \$480 limit does not apply to a student who is the head of household or spouse (their full income must be counted).
- ◆ **Permanently absent household members.** If a household member is permanently absent from the household (e.g., a spouse who is in a nursing home), the head of household has the choice of either counting that person as a member of the household, and including income attributable to that person as household income, or specifying that the person is no longer a member of the household.

Types of Income to Count

At its most basic level, the Part Five definition of annual income is made up of the types of household income that are:

- ◆ Included in the definition of "inclusions"
- ◆ Excluded from the definition ("exclusions")

Assets

In general terms, an asset is a cash or non-cash item that can be converted to cash. Refer to HUDs Part Five guidance which summarizes items that are and are not to be considered assets. (Note: it is the income earned – e.g., interest on a savings account, not the value of the asset that is counted in annual income.)

Actual Income from Assets

Assets can generate income, and for the purpose of determining an applicant's income, the actual income generated by the asset (e.g., interest on a savings or checking account) is what counts, not the value of the asset. The income is counted, even if the household elects not to receive it. For example, if an applicant elects to reinvest the interest or dividends from an asset, it is still counted as income.

As with other types of income, the income included in annual income calculation is the income that is anticipated to be received from the asset during the coming 12 months. Several methods may be used to approximate the anticipated income from the asset. For example, to obtain the anticipated interest on a savings account, the current account balance can be multiplied by the current interest rate applicable to the account. Alternatively, if the value of the account is not anticipated to change in the near future and the interest rate has been stable, a copy of the IRS 1099 form showing past interest earned can be used.

Many managers are surprised to learn that checking account balances (as well as savings account balances) are considered an asset. This rule is not intended to count monthly income as an asset, but rather, is recognition that some households keep assets in their checking accounts. To avoid counting monthly income as an asset, managers should use the average monthly balance over a six-month period as the cash value of the checking account.

Dependent Allowance

Four hundred eighty dollars is allowed for each household member who is 17 years or younger, disabled, or is a full-time student. The head spouse, foster child or adult live-in attendant, unborn child or child that has not joined the household are never counted as dependents.

A full-time student is defined as an individual carrying a full-time course load and is enrolled in a certificate or degree program at an institution.

Passbook Savings Rate

Currently, each HUD Field Office established the passbook savings rate to be used by PHAs within its jurisdiction. A Field Office determines the rate based on the average interest rate received on a passbook savings account at several banks in the local area (24 CFR 5.609)

The current passbook savings rate used by both the HUD Public Housing Occupancy Guidebook and the Office of Housing's newly revised Multifamily Handbook is two percent.

Child Care Expenses

In Anticipated expenses for care of children 12 and younger may be deducted if:

1. Care is necessary to allow a household member to go to work or school,
2. No adult household member capable of providing care is available,
3. Expenses are not paid to a household member living in the unit,

4. The expense is not reimbursed by an agency or individual outside the household, and
5. Amount deducted reflects reasonable childcare expenses and does not exceed the amount earned by a working household member.

Childcare attributable to the work of a full-time student (except for the head spouses and co-head) is limited to \$480 since the employment income of full-time students in excess of \$480 is not counted in the annual income.

Child support payments to guardians or estranged partners or childcare payments on behalf of a minor who is not living in the applicant household cannot be deducted.

Medical Expenses

Shelter Plus Care (S+C) participants are eligible for a medical expense deduction due to their disabled status. The medical expenses of all household members are counted.

Medical expenses include all expenses anticipated to be incurred during the 12 months following certification/recertification, which are not covered by an outside source, such as insurance.

They may include:

- ◆ Services of doctors and healthcare professionals
- ◆ Services of healthcare facilities
- ◆ Medical insurance premiums or cost of an HMO
- ◆ Prescription or non-prescription medicines
- ◆ Transportation to treatment
- ◆ Dental expenses
- ◆ Eyeglasses, contact lenses, hearing aids and batteries
- ◆ Live-in or periodic medical assistance such as nursing services, assisted animal and its upkeep
- ◆ Monthly payment on accumulated medical bills
- ◆ Medical care of a permanently institutionalized household member only if his or her income is included in the annual income
- ◆ Long-term care insurance premiums

Anticipated medical expenses may be based on the medical expenses the household paid in the 12 months preceding the certification less any one-time non-recurring expenses.

The allowable medical expense deduction is that portion of the total medical expenses in excess of 3 percent of the total gross annual income.

Allowance for Disabled Household Member

Owners may deduct anticipated cost for attendant care and/or auxiliary apparatus for disabled household members that exceed 3 percent of annual income if such expenses:

1. Enable one or more household member to work,
2. Are not reimbursed by an agency or individual outside the household,
3. Are not paid to a household member living in the unit, and
4. Do not exceed the earned income of the household member enabled to work.

Attendant care includes: homecare, housekeeping and errand services, interpreter service, etc. Auxiliary apparatus includes: wheelchairs, ramps, adaptation to vehicles, special equipment, etc. if directly related to allowing the disabled person or other household member to work.

Assets Do Not Include

1. Personal property not held as an investment;
2. Assets that are a part of an active business or farming operation (Note: rental properties are considered personal assets held as an investment rather than business assets unless real estate is the tenant's main occupation);
3. Assets a tenant legally owns, but are not accessible by the tenant (e.g., a battered spouse owns a home with her husband, but because of the domestic situation, she receives no income from the asset and cannot convert it to cash).
4. Assets that are not effectively owned by the applicant (i.e., when asset is held in tenant name); however,
 - a. Asset and income from the asset accrue to someone else; and
 - b. That other person is responsible from paying taxes on the income;
 - c. Not to be confused with joint ownership
5. Value of life insurance policies.

The Income/Rent Calculation Form found in Appendix 18 can be used and retained in participant files with backup documentation.

Chapter 8: Rent Amount/Utility Allowance/Security Deposit

A key component of the Linkages program is renting housing units from private landlords in the community. Linkages must assure that the rents charged by these private landlords are comparable to other rents in the community and do not exceed reasonable market standards for quality, affordable house. This chapter outlines how the HA will ensure that unit rents meet program requirements.

Unit Rent Amount

Linkages involves renting housing units from landlords in the private housing market. Program regulations restrict how much rent a private landlord can charge for rent if they want to participate in Linkages.

Essentially there are two guidelines that must be followed in order to approve the rent a landlord wants to charge for a particular housing unit.

Guideline 1: Rent Reasonableness

The HA must ensure that rents are reasonable in relation to comparable units. Comparability should consider location, size, type, quality, amenities, facilities, and management services. If the owner has both assisted and unassisted units, assisted rents may not exceed the unassisted rents. Specifically, program operators must determine whether the rent being charged for an assisted unit is both:

- ◆ Reasonable in relation to rents being charged for comparable unassisted units with similar features and amenities; and
- ◆ Not more than rents currently being charged by the same owner for comparable unassisted units.

In order to determine comparability, the HA will conduct a rent reasonable review for the units to be funded by Linkages. This review would look at units or buildings with similar features and characteristics in the same neighborhood as the subject unit and obtain information on what rents are being charged for those comparable units. All units must meet the FMR and the rent reasonableness limits.

The housing administrator must keep documentation that demonstrates rent reasonableness. HUD has created a suggested rent reasonableness checklist form to document the review (Appendix 10).

Guideline Two: Fair Market Rent

Linkages funding is based on the Fair Market Rent (FMR) as established by HUD, which are updated annually. Annual FMRs can be obtained at <http://www.huduser.org/portal/datasets/fmr.html>.

Although projections are based on the FMRs, Linkages will allow rents (including utilities) of up to 110 percent of applicable FMR or the rent shown to be 'reasonable' for the area in which the apartment is located.

MFA expects the HA to be aggressive in negotiating the best rent. Securing the lowest possible rents will result in savings for the program and thus allow more people to be served by the program.

Utility Allowance

HAs are encouraged to work with landlords to include the utilities in the rental amount. If a landlord is willing to include the utilities in the rental amount, the utility allowance is **\$0**. If, however, a landlord is not willing to do so, a utility allowance can be included in the rental calculations when determining Tenant Rent and Assistance Payment. HAs should use their standard utility allowances or the ones approved by the local housing agency.

Either the tenant or the HA may assume responsibility for the payment of the utility allowance to the respective utility company. It is the responsibility of the HA to develop a written policy regarding this issue to ensure consistency with all program recipients under the HA's jurisdiction. HAs should work with each landlord and

participant to ensure that the utility deposit required is the most cost effective that can be achieved. Program funds can be used to cover utility deposit payments.

Once a tenant has selected an apartment and the apartment has passed a HQS inspection, and is within the 'rent reasonable' range, the Income/Rent Calculation Form (Appendix 18) must be completed.

Example:

- ◆ Round to the nearest whole dollar. For example, at .49 cents and below round down to the nearest whole dollar, at .50 cents and above round up to the nearest whole dollar.
- ◆ Mary has selected an apartment that is \$400/month.
- ◆ Electricity is not included.
- ◆ Given her household size, the jurisdictional utility allowance is \$30 per month for electricity.
- ◆ The unit has an electric stove, giving an additional allowance of \$10. The total utility allowance in this case is \$40 (\$30 + \$10).
- ◆ Her income is \$550 per month.
- ◆ The total tenant rent (30 percent of her adjusted income) is \$165; therefore, her rent payment after the utility allowance is: \$125 (\$165 – 40).
- ◆ The rental/HAP is \$275 (\$400 - \$125).

Security Deposit

A landlord may charge a reasonable deposit from a tenant, which may be used to cover the cost of any damages caused to the premises by the tenant during the term of residency. (New Mexico Law §47-8-18). Under an annual lease or occupancy agreement, if the landlord receives a deposit from the tenant in an amount greater than one month's rent, the landlord is required to pay the tenant annual interest equal to the passbook interest permitted to savings and loan associations in New Mexico on such deposit §47-8-18 (A)(1). Under the terms of a lease or occupancy agreement for less than one year, the owner cannot demand or receive a deposit that is more than the amount of one month's rent §47-8-18(A)(2).

When the lease or occupancy agreement calls for a security deposit and the tenant does not have the means to pay the security deposit, Linkages resources are available to pay the security deposit in whole or in part.

When a tenant vacates a housing unit, the landlord may apply the deposit toward the payment of rent owed to the landlord and the amount of damages that the owner has suffered through the tenant's noncompliance with the rental agreement and/or obligations under the Uniform Owner-Resident Relations Act. The deposit should not be retained to cover normal wear and tear §47-8-18(C). Normal wear and tear is deterioration that occurs based upon the use for which the rental unit is intended, without negligence, carelessness, accident, abuse or intentional damage of the premises §47-8-3(J). Uncleanliness is not normal wear and tear §47-8-3(J). The landlord must provide the tenant and HA with an itemized written list of the deductions from the deposit and

the balance of the deposit, if any, within thirty days of the date of termination of the rental agreement or the tenant's departure, whichever is later §47-8-18(C).

If the landlord fails to provide the tenant and HA with such written statement and to refund the balance of the deposit within thirty days of termination, the landlord forfeits the right to withhold any portion of the deposit, forfeits the right to assert any counterclaim in any action brought by the tenant or HA to recover the deposit, is liable for the tenant's court costs and attorney's fees, and forfeits the right to assert an independent claim against the tenant for damage to the rental property §47-8-18(D). A landlord who retains a deposit in bad faith is also liable for a \$250 civil penalty, which is payable to the tenant §47-8-18(E).

Payment of Damages Policy

Payment of any property damages using Linkages funds will be only by special exception or waiver and on a case-by-case basis. Substantiated cause for payment of damages by the Linkages program may be submitted for consideration for such circumstances as behavioral health issues in which the SSA and participant have and will continue to work in partnership to address.

This 'special exception' process may be noted in the HAP, however, it will be stated that the Linkages program is not liable for any costs or resulting liability situation.

Payment of Damages Procedures

This process requires the participation of the HA, SSA, MFA, and BHSD.

1. HA and SSA will jointly submit written documentation to MFA requesting payment of damages, including the amount and timeline requested.
 - a. SSA shall present the issue which is resulting in the request for payment and the participant's inability to pay for some or the entire amount.
 - b. SSA shall document interventions and actions to address the issue(s) and discuss the participant's long-term prospect for successful tenancy with Linkages subsidy.
 - c. HA shall demonstrate communication of requests to SSA to address issues.
 - d. Documentation from HA and SSA shall prove due diligence and oversight.
2. MFA and BHSD shall review the request to determine if exception and therefore payment is warranted as a reasonable accommodation.
3. MFA will notify the HA and SSA, with copies to BHSD.
 - a. MFA staff responsible for processing invoices will also be notified of the HA and the approved amount.
4. HA will make the payment to the landlord.
5. HA will submit request for reimbursement to MFA including the approved damages payment as a separate line item on the invoice and to include supporting documentation but not limited to the SSA documentation of interventions and actions.

Payment of Early Termination Fees Policy

Payment of early termination fees using Linkages funds will be only by special exception or waiver and on a participant case-by-case basis. Substantiated cause for payment of early termination fees by the Linkages program may be submitted for consideration for such circumstances as the necessity to move to a new apartment for safety reasons; or to accommodate behavioral health issues. The participant's transition to a HUD Section 8 Program should not necessitate moving to a new apartment; should the participant choose to move either before or after receiving a voucher, this should be well in advance to work within the guidelines in the participant's lease and therefore should not result in early termination fees.

This 'special exception' process may be noted in the HAP, however, it will be stated that the Linkages Program is not liable for any costs or resulting liability situation.

Payment of Early Termination Fees Procedures

This process requires the participation of the HA, SSA, MFA, and BHSD.

1. HA and SSA jointly submit written documentation to MFA requesting payment of early termination fees, including the amount and timeline requested.
 - a. SSA shall present the issue which is resulting in the request for payment and the participant's inability to pay for some or the entire amount.
 - b. SSA shall document interventions and actions to address the issue(s) and discuss the participant's long-term prospect for successful tenancy with Linkages subsidy.
 - c. HA shall demonstrate communication of requests to SSA to address issues.
 - d. Documentation from HA and SSA shall prove due diligence and oversight.
2. A panel composed of representatives from MFA and BHSD shall review the request to determine if exception and therefore payment is warranted as a reasonable accommodation.
3. MFA will notify the HA and SSA, with copies to BHSD
 - a. MFA staff responsible for processing invoices will also be notified of the HA and the approved amount.
 - b. The HA will make the payment to the landlord.
 - c. The HA will submit request for reimbursement to MFA including the approved early termination fee payment as a separate line item on the invoice.

Relocation to an Alternate Unit

Linkages strongly encourages the SSA and HA to work with participants to identify an initial housing unit that best meets the participant's needs in terms of location, housing type, amenities, and service needs. At times, it may be determined that the initial unit may not be appropriate in terms of client service needs and safety. When the SSA determines, for participant safety or relevant service needs, that a participant should move to another unit prior to the end of the lease term, Linkages can approve this request to relocate the participant. In such cases where the SSA determines the move is justified, Linkages funds can be used to pay for a new security deposit, utility deposits, or application fees. In general, with SSA approval, each participant can be approved for

a single relocation using Linkages resources. The HA and SSA need to track such moves as they relate to the overall budget.

Chapter 9: Housing Quality Standards

Linkages seeks to ensure that all program participants reside in units that provide for their health and safety. As such, Linkages has adopted the HUD HQS health and safety regulations. All units receiving a Linkages rental subsidy, including rental arrears payments, must meet HQS standards prior to payment. This chapter outlines how the HA can determine whether units meet HQS.

Initial

The HA must ensure that an inspection is conducted by a HQS trained inspector or co-signed by a HQS certified inspector prior to a tenant moving into a unit. Tenants cannot move into units until the unit has passed a HQS inspection. Assistance will not be provided for units that fail to meet the HQS. Owners of units that fail to meet HQS will be given 30 days to correct any deficiencies and then the HA will re-inspect to see that all deficiencies have been corrected.

The HQS short form 52580-A must be utilized on initial and subsequent inspections (Appendix 17).

Annual

Inspections must occur at least annually for all Linkages subsidized units.

The HQS short form 52580 can be utilized on initial and subsequent annual inspections. The short form can also be utilized for re-inspections resulting from referrals or requests made by persons including, but not limited to, the program recipient, landlord, case workers or other service and/or housing providers.

All inspections should be done with the landlord or management agent present. Inspections should be conducted three months prior to the certification date.

Move-Out

An inspection must be conducted after a tenant moves out of a unit to determine the condition of the unit. This will aid an agreement with the landlord about what is considered damage or what is to be considered normal wear and tear. The tenant and SSA staff should be present at the inspection if possible.

Chapter 10: Lead Paint Requirements

The Linkages program may include families with young children who can be adversely affected by exposure to lead paint. This chapter outlines the HA's responsibilities regarding lead paint.

Inspections

The lead-based paint section of the HQS applies only to dwelling units built prior to 1978 AND are occupied or to be occupied by families or households that have one or more children of less than six years of age, common areas servicing such dwelling units and exterior painted surfaces associated with such dwelling units or common areas. Common areas servicing a dwelling unit include those areas through which residents pass to gain access to the unit and other areas frequented by resident children of less than six years of age, including on-site play areas and childcare facilities (24 CFR 35.1200).

All units as described above will be inspected for lead-based paint deterioration as defined in HQS form 52580-A. Procedures as written in section 1.9 of HQS form 52580-A will be followed for needed corrections.

Deteriorated paint includes any painted surface that is peeling, chipping, chalking, cracking, damaged, or otherwise separated from the substrate.

Please refer to 24 CFR 35.1200 and the "Interpretive Guidance, The HUD Regulation on Controlling Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Housing Being Sold," (24 CFR Part 35) if further information is needed.

Housing Administrators must review the Lead-Based Paint Disclosure with the program participant and provide the pamphlet "Protect Your Family From Lead in Your Home". (Appendix 14)

New Households

If the dwelling unit build prior to 1978 that is occupied or to be occupied by families or households will have or expect to have one or more children of less than six years of age:

- ◆ Inform the head(s) of household about lead hazards often present in housing in the state of New Mexico.
- ◆ Provide the subsidy recipient with lead disclosure information.
- ◆ Advise household to look for housing in buildings build after 1978 or housing that has been recently rehabilitated.
- ◆ Advise household to look for housing that is free from peeling, chipped paint not only inside the unit, but also in building common areas and outside where children will play.
- ◆ Pay particular attention when conducting initial and also annual HQS inspections in units that will be (or are) occupied by households with children ages six and under. HA staff performing the HQS inspection must evaluate not only the interior of the unit, but also the exterior and common areas of the building, especially areas where children may play.
- ◆ Obtain a copy of signed Lead Disclosure Statement form the landlord to keep in the tenant file, both initially and at the annual recertification.

HUD has an extensive website with the history and regulations surrounding lead-based paint. Information can be found at https://www.hud.gov/program_offices/healthy_homes/healthyhomes/lead

Chapter 11: Program Participation Agreement and Tenant Responsibility Agreement

Linkages is a permanent supportive housing program that seeks to educate participants about the rights and the responsibilities of tenancy. Since it is anticipated that many program participants will have either little or poor histories as tenants, the Linkages Program Services Provider will require each participant to sign a Program Participation Agreement outlining specific expectations regarding rights and responsibilities of being in the Linkages program. This executed agreement will be maintained in the participants file at the SSA. The support services staff will work with the participant to uphold their responsibilities as outlined in the document (see the agreement that is included in the Appendices).

After the participant has been referred to the HA and issued a Linkages voucher, they will be asked to review and sign the Tenant Responsibility Agreement as a way to ensure that the tenant has been informed of all his/her rights and responsibilities related to tenancy expectations for the Linkages program.

The Tenant Responsibility Agreement form must be completed during the initial certification and at the annual recertification. The Tenant Responsibility Agreement form is attached and is also located in the Appendices section of this manual. The executed Tenant Responsibility Agreement will be maintained in the participants file at the HA.

Chapter 12: Housing Assistance Payments (HAP)

The program will utilize a form of the HAP contract to issue payment for the rental assistance under the Linkages program.

As previously described, Linkages rental assistance is administered by the HA, which may include a public housing authority or a nonprofit housing organization. The HAP contract or Rental Assistance Agreement is an agreement between the HA and the owner of a unit occupied by an assisted household stating how much will be paid on behalf of the Linkages participant by the HA. The HAP contract has three parts:

1. Part A contract information (fill-ins). See section-by-section instructions.
2. Part B body of contract
3. Part C tenancy addendum

The HA can either use the prescribed HAP form or a Rental Assistance Agreement provided by MFA (Appendix 8).

A Rental Assistance Agreement serves the same purpose as the HAP contract.

Chapter 13: Occupancy

Linkages seeks to provide permanent supportive housing for eligible participants. Linkages resources are not being well utilized if units are subsidized in which the approved participant is absent for long periods of time and not utilizing nor benefiting from the subsidized housing unit. The program recognizes there are times when it may be necessary for an individual to leave their current housing. At these times, the program will work toward a satisfactory resolution for both the participant and the landlord in the hopes of keeping both the participant and landlord engaged in the program. This chapter defines vacancies and outlines when vacancies can be subsidized through the program.

Occupancy Agreements

Participants must execute an initial lease/occupancy agreement for a term of at least six months, automatically renewable upon expiration, except on prior notice by either the participant or the landlord.

Temporary Vacancies

Less than 30 days

At times a participant may be vacant from a unit on a temporary basis. “Temporary vacancy” includes brief absences such as visiting family, vacationing, jail time, short hospitalization, etc.). A vacancy is considered temporary if it does not exceed 30 days in length. Linkages payments will be made during these temporary vacancies. Participants are responsible to ensure their payment of rent during these temporary vacancies.

Approved absence greater than 30 days

When a participant must be vacant from a unit for more than 30 days related to treatment needs, Linkages subsidies may continue for a period not to exceed 90 days per occurrence. In cases of treatment related temporary absences, participants or the SSA must notify the landlord and the HA in writing. Such written notification should include anticipated period of absence from the unit. The SSA is not required to give the specific reason for the individual vacating the unit nor is the participant obligated to divulge medical or psychiatric information. However, the SSA must determine whether the participant can pay their share of the rent during these periods and if not, inform the HA to increase the rental subsidy portion during this specified period of time to cover 100 percent of the rent.

Vacancy Policy

Participants will be required to provide their landlord, the SSA, and the HA of their intention to leave a housing unit by providing a written 30-day notice. The notice must inform the HA and SSA if the participant intends to remain in the Linkages program but find another unit or if the participant is leaving the Linkages program entirely. Relocating to another unit prior to the end of the lease must be approved by the SSA and HA. The approval should be based on the service and safety needs of the participant. When a household needs a larger unit due to a change in household composition, the household can negotiate breaking the lease with the landlord to move to a larger unit.

If a participant in the program vacates a unit for more than 30 days for any reason without giving a 30-day written notice to both the HA and the landlord, the assistance payment for the unit may continue for a maximum of 30-days from the end of the month in which the unit was vacated. If the participant returns to their unit before the last day of the assistance payment, the program will continue to provide the subsidy.

In cases where the participant must leave the unit prior to giving a 30-day written notice, a mutual decision must be agreed upon by the landlord, participant, and HA to allow the participant to leave with less than a 30-day notice.

Abandonment of Apartment

A participant is considered to have abandoned a unit when they are vacant from that unit for more than 30 days without notice. In cases of abandonment, the SSA should make a good faith effort to contact the participant and send the participant a notice that they are considered to have left the program and the apartment. Landlords can dispose of the participant's possessions in accordance with the HAP and New Mexico law.

Moving

Participants are expected to remain in their unit until the end of the lease term unless a move is justified by safety or service needs. A participant may move from a current unit to another unit at the end of the lease term, only if a 30-day written notice has been submitted to both the HA and the landlord by the first day of the month previous to the move (see chapter discussing subsidy portability for additional information/restrictions regarding moving). The household will be responsible for the payment of any security deposit, application fees, utility deposits, and relocation related expenses.

If a participant leaves a unit at the conclusion of a 30-day notice and wishes to continue to receive assistance, the participant must keep the HA informed of such plans. If the participant does not locate another acceptable unit (HQS, rent reasonableness) within 30 days and does not maintain contact with the HA, the participant will be terminated from the program.

Eviction

If a participant is repeatedly given notices to quit from multiple subsidized units for not paying their rent, damaging the unit, harassing other tenants, or continuing to break established rules despite prior warnings, the participant may be terminated from the Linkages program

If a participant does not leave in a cooperative manner, then it may be necessary for the landlord to evict the participant. If this occurs, the participant may be terminated from the Linkages program.

The HA will continue to work with the landlord and participant toward the least disruptive departure possible. The program will continue to pay the housing assistance portion of the rent as long as the individual is a program participant and in accordance with the Housing Assistance Payments Contract or Rental Assistance Agreement. The participant will also be responsible for their portion of the rent until the unit is vacated and will be responsible for reimbursing the program for any damages deducted from the security deposit.

Death

The HA and SSA will work with the landlord to determine if the unit will be re-rented to another program participant. If the unit will be rented to another program participant, the HA can make vacancy payments to retain the unit for the remainder of the current month and the following month in order to identify and lease the unit to the next Linkages participant.

Surviving member(s) of a household have a right to rental assistance until the end of the second month (60 days) following the death of the program participant (e.g., if individual dies in March, rental assistance is available until May). The surviving members can negotiate with the landlord to remain in the unit without the rental assistance. If an adult surviving household member meets program eligibility criteria (i.e., income and disability), the subsidy can be transferred to their name as the head of household and be continued in accordance with program regulations.

Chapter 14: Subsidy Portability

The Linkages program understands that individuals and families may at times desire or be required to move out of the Linkages region in which they are living to another community. To maintain the integrity of the Linkages program, all program participants will be required to live within the jurisdictions in the state of New Mexico that are current participants of the Linkages program. Individuals or service providers can contact MFA for a current list of eligible jurisdictions. Participants can transfer from one Linkages jurisdiction to another, as long as Linkages is operational.

This policy cannot be waived. Participants cannot continue to receive Linkages rental assistance if they move to other non-Linkages communities.

Participants who seek to move from one Linkages jurisdiction to another must notify both the HA and SSA. The HA and SSA will work with their counterparts in the new region to initiate and finalize the transfer of the participant to the new region.

Linkages Client and Voucher Transfer Policy

In order for an individual in the Linkages Supportive Housing Voucher Program to be able to move/transfer to another Linkages site, the following policy will be used at all sites and can only be used between Linkages voucher sites.

Due to the financial costs involved and prior to starting the transfer process to a new location, a mental and functional assessment by a supervisor and/or clinician in the SSA shall be completed. The purpose of the mental health and functional assessment is to determine the potential for success in making the transition from the old location to the new location. Once the assessment has been completed, the caseworker will present the findings

to the HA and SSA agencies at both sites that will be signing the Linkages Portability Transfer Form (Appendix 15).

As part of this process, a Linkages Transfer Form has been developed to document the transfer of both the client support services responsibility and funds for the voucher that will have to be signed off by all parties involved, including MFA. The initiating HA will start the signature process and forward to the next listed agency signature on the form. This process shall be completed within a 15-day time frame, if possible. The last agency to sign will forward a signed copy, preferably scanned, to all participating agency contacts, and this final date shall start the 60-day timeframe for the client to secure an apartment in the new Linkages site location. If the client does not have a signed contract within the 60 days, they will have to remain at their location until a reasonable and realistic timeframe can be determined by the signatories of the Transfer Form.

If the new Linkages site is willing to accept the new Linkages client, the client will have to locate a rental unit at the rate of payment standard for the appropriate number of bedrooms at the old Linkages site's payment standard; and the old Linkages site will continue to pay the client's rent in the new location. The client will be placed on the bottom of the waiting list for the new site. Once the client gets to the top of the waiting list of the new Linkages site, the client will no longer be paid from funds of the Linkages site the person initially transferred from.

On the initial transfer, the new Linkages site will receive the voucher from the old site and the balance of the voucher funds for the remaining fiscal year. Once the client has moved to the top of the waiting list at the new site and receives the new voucher, the new site will return the voucher and balance of the voucher funds to the old site.

Chapter 15: Housing Assistance Payment Reimbursements

The HA will request reimbursement for eligible Linkages expenses on a monthly basis by the 10th of the month. Reimbursement instructions are contained in a separate set of instructions provided by MFA.

Chapter 16: Annual and Interim Recertification

Since Linkages is a permanent supportive housing program, it is anticipated that certain participants will remain in the program for more than one year. As such, the program requires recertification of the person's income to determine participant rent payment for the next 12 month period.

Annual Recertification

All participants must be reviewed and re-certified for assistance annually. The recertification date for an annual certification is one year from the original certification date, effective the first day of the month that the participant began receiving assistance. For example, if the participant was admitted January 3, 2008 then the recertification effective date is January 1, 2009. When processing recertification, the HA needs to complete recertification in a timely and efficient manner. The steps are as follows:

1. First Notice – send 90 days in advance of the recertification anniversary date. The notice must state that the participant has until the 10th of the month preceding the anniversary date to contact the office to begin recertification (see Sample Letters – First Notice Recertification).
2. Second Notice – send approximately 30 days after the previous notice to participants who have not responded. Content is the same as the first notice in addition to stating that if the participant does not respond by the 10th of the month preceding the anniversary date, the owner may suspend assistance payments on the recertification date (see Sample Letters – Second Notice Recertification).
3. Third Notice/Notice of Intent to Terminate – is given on the first of the month preceding the anniversary date to participants who have not yet responded. The notice must state that the participant has 10 days to re-certify. If the participant does not respond within those 10 days, assistance may be suspended or terminated; and the rent may be increased to market rate effective on the recertification anniversary date with no 30-day notice of increase (see Sample Letters – Third Notice Recertification).
4. Meet with the participant and obtain information on their current income.
5. Verify all information in writing, via third party or participant affidavit.
6. Calculate participant's rent and assistance payment by completing the Income/Rent Calculation Form.
7. Provide written notice to participant of any change in rent, giving at least 60-day notice for rent increases unless the participant is late in responding to recertification notices.
8. Perform an annual inspection of the unit to ensure HQS compliance.
9. If the HA and participant both comply with requirements, changes in participant rent and assistance payment are both effective on the anniversary date.
10. Send a HAP amendment/Rental Assistance Agreement to the landlord, participant, and applicable providers.

Housing Administrative Agency (HA) Late

If the HA is late in completing the recertification, a 30-day notice of any rent increase must be given, regardless of the anniversary date. For rent decreases, HA must apply the change retroactively to the anniversary date.

Tenant Late

Participants who respond after the cut-off date in the third notice may have their assistance suspended or terminated as of the scheduled effective date.

If the participant complies with the recertification requirements after the 10-day period stated in the third notice, but before the anniversary date, the participant is considered late but may be re-certified effective retroactively to the anniversary date.

Participants who respond after the 10th of the month preceding the anniversary date but before the anniversary itself should be asked why there was a late response. If there are extenuating circumstances such as hospitalization or family emergency that prevented the recertification, then the assistance may not be suspended. The new participant rent is effective on the date noted in the 30-day notice.

If the HA denies extenuation circumstances, then no 30-day notice is required; and the new participant rent amount is due on the anniversary date. The participant must be informed in writing of the decision and their right to appeal.

Interim Recertification

Interim recertification will only be required when requested by the participant due to changes in participant circumstances (e.g., reduction or loss of income; increase in household composition) that would result in a reduction in the participant payment of rent. Programs will not be allowed to conduct an interim recertification that would result in the participant having a higher rental payment obligation (e.g., increased income).

When requested by the participant, the HA can conduct the interim recertification following annual recertification protocols outlined above.

In circumstances where an interim recertification has been conducted, the next annual recertification date remains consistent on the anniversary date of the original certification.

All notices referenced above must be copied to the SSA.

Chapter 17: Subsidy Termination

This chapter outlines conditions for when a Linkages subsidy can be terminated.

Termination

Rental assistance may be terminated if a participant violates conditions of occupancy. Program regulations recommend, however, that the HA and SSA exercise judgment and take into consideration extenuating circumstances so that participants are only terminated for the most serious rule violations.

If termination is necessary, the HA must provide a 30-day written notice to the landlord and client, (copy to the SSA) containing a clear statement regarding the reason for termination and an opportunity for appeal. If an individual chooses to appeal, assistance must continue through the entire appeals procedure. (Appendix 23)

A termination form must be completed for each participant leaving the program. Ideally, this form is done within 30 days of the participant's exit.

When the participant has knowingly committed or consents to another person in the unit or premises to knowingly commit a substantial violation, the HA can terminate the subsidy with less than 30 days.

The following are considered substantial violations of the rental agreement or rules and regulations when done knowingly by the resident or with the resident's consent, and when done on the premises or within three hundred feet of the premises.

1. Possession, use, sale, distribution or manufacture of a controlled substance, excluding misdemeanor possession and use;
2. Unlawful use of a deadly weapon;
3. Unlawful action causing serious physical harm to another person;
4. Sexual assault or sexual molestation of another person;
5. Entry into the dwelling unit or vehicle of another person without that person's permission and with the intent to commit theft or assault;
6. Theft or attempted theft of property by use or threatened use of force; or
7. Intentional or reckless damage to property in excess of \$1,000.

When a substantial violation has transpired, the HA can give the participant a 3-day notice that the subsidy will be terminated. In cases of substantial violation, it is recommended that the HA work with the landlord regarding the termination of subsidy and any potential action on the part of the landlord in carrying out the lease/occupancy agreement.

Graduation (i.e., Termination of Linkages subsidy due to increase in participant income)

In some cases, subsidy termination will be due to an increase in the participant's income.

If the HA determines at a recertification that the participant's income exceeds the Linkages initial eligibility income limit of extremely low income, 30 percent of the AMI; the participant may still be eligible for Linkages assistance. The participant will remain eligible for Linkages assistance if their income does not exceed the very low-income standards of 50 percent of AMI, per the HUD Section 8 income limits. The income limits are updated annually. Visit <http://www.huduser.org/datasets/il.html> for current income limits.

If at recertification, the participant's income meets very low-income standards, as per HUD Section 8 income limits for very low income, the HA will adjust rent accordingly. Very low-income status will only be applicable at recertification and *not* for initial criteria eligibility.

If the HA determines at recertification that the participant's income exceeds the very low-income limits of 50 percent AMI; the participant will no longer be eligible for Linkages assistance. The HA will arrange a meeting with the participant and the SSA to present the situation and to allow the SSA to begin working with the tenant on rent payment. The HA will provide a minimum 60-day written notice to the participant with no increase in rent in the interim of the subsidy termination; a copy of the notice will be provided to the SSA. The SSA will continue services to ensure that the participant is prepared to pay the full rent when it is due. Strategies may include a budget and savings plan, setting up direct deposit to the landlord each month or setting up a representative payee.

The subsidy termination does not imply a termination of Linkages supportive services.

Chapter 18: General Program Policies

Nondiscrimination Policy

The Linkages program does not discriminate on the basis of race, color, religion, gender, sexual preference, or disability. The program complies with local, state, and federal laws regarding fair housing and nondiscrimination including but not limited to:

- ◆ Title VI of the Civil Rights Act of 1964
- ◆ The Fair Housing Act – Title VIII of the Civil Rights Act of 1968, as amended
- ◆ Executive Order 11063, as amended by Executive Order 12259
- ◆ Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended
- ◆ Section 109 of Title I of the Housing and Community Development Act of 1974, as amended
- ◆ Section 3 of the Housing and Community Development Act of 1968, as amended
- ◆ Sections 503 and 504 of the Rehabilitation Act of 1973, as amended
- ◆ The Americans with Disabilities Act of 1990
- ◆ The Age Discrimination Act of 1975, as amended
- ◆ Executive Order 11246 (as amended by Executive Orders 12375 and 12086) Equal Opportunity Under HUD contracts and HUD-assisted construction contracts
- ◆ Executive Order 12892, Leadership and Coordination of Fair Housing
- ◆ New Mexico Human Rights Act Chapter 28, Article 1 NMSA 1978 (§28.1.1)

Reasonable Accommodations

In accordance with state and federal requirements, the Linkages program provides reasonable accommodations for people with disabilities. The Reasonable Accommodation Policy is on the attached page.

In the appendices is a form that may be used to request a reasonable accommodation. However, the program will accept requests for accommodations whether this form is used, an applicant or participant makes a verbal request, or an applicant or participant makes a written request in another format.

Linkages HA and SSA staff will offer accommodations when they believe it may be necessary to assist a participant in fully participating in the program or maintaining compliance with the Lease/Occupancy Agreements, Participation Agreements, or other program requirement(s). Reasonable accommodations are provided on a case-by-case basis.

The HA and/or SSA will respond, in writing, to requests for accommodations. The HA and/or SSA will respond to requests within five business days.

A written request for a reasonable accommodation must include reliable disability related information that:

- ◆ Verifies that the individual has a disability that falls under the Fair Housing Act; and
- ◆ Describes the needed accommodation; and
- ◆ Shows an identifiable relationship between the requested accommodation and the individual's disability.

Depending upon the circumstance, this information may be provided by the individual him or herself, a doctor or medical professional, a peer support group, a social service provider, or a reliable third party.

Linkages will reference the reasonable accommodation policy in other documents. For example, a termination letter should clearly state that the program provides reasonable accommodations for people with disabilities (see the reasonable accommodation policy described in the text box on the previous page).

Reasonable Accommodation Policy

The Linkages program is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of the Linkages programs, services and activities.

Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to the Housing Administrator's policy, the Housing Administrator will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, the Housing Administrator will make another accommodation that would not result in a financial or administrative burden. A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program or activity.

A copy of the Reasonable Accommodation Policy and Procedures will be included in the Linkages Program Manual and in the Linkages Tenant Participation Agreement.

Legal Authority

The Linkages program adheres to the federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes and regulations:

See Section 504 of the Rehabilitation Act of 1973 (Section 504) ¹; Title II of the Americans with Disabilities Act of 1990 (ADA)²; the Fair Housing Act of 1968, as amended (Fair Housing Act) ³; the Architectural Barriers Act of 1968 ⁴, and the respective implementing regulations for each act.

¹ 29 U.S.C. §794; 24 C.F.R. Part 8.

² 42 U.S.C. §12101 et seq.

Confidentiality Policy

Employees of the HA or SSA will not share client information with anyone outside the project except in specific instances to coordinate the participant's care with other agencies and then only after receipt of appropriate consent form signed by the participant within a specified timeframe.

Information about participants will not be shared (computerized, file copies, by fax, modem or any other way, including spoken communication) except when needed to serve that participant.

Participants sign a Release of Information Consent Form at least once a year, which allows staff to share information with other agencies as necessary.

Requesting an Exception to Conflict of Interest for Linkages Program

Anyone who works for an agency (or is a family member of an employee or has business ties with anyone who works for an agency) cannot receive program benefits while working there and for one year after working there. If this situation arises, the agency is requested to follow these procedures:

1. Notify MFA Linkages staff contact via e-mail of the potential conflict of interest, discuss the situation, and then write a letter to MFA requesting an exception. The letter should include:
 - a. An explanation of the conflict (name of employee, relationship if a family member or business contact, amount and type of assistance or resources requested)
 - b. Document how the potential client qualifies for assistance; that he/she meets all the criteria for the program; is a member of the target group intended to benefit from the program; **and**, that those eligibility determinations were made by another agency staff not related to or knowledgeable about the potential client in any way and after approval is received, documented in the client file.
 - c. Submit a written statement to MFA that the affected employee has not been involved in the decision-making process for the assistance; that all eligibility determinations were made by a disinterested third party; include any other information that you think is relevant to the situation; and, have the statement signed by the agency's executive director.
2. MFA staff will review the request and in consultation with the state Linkages program contact and/or statewide entity contact, will make a final determination as to satisfaction of an exemption from the conflict of interest policy of the Linkages program.

Chapter 19: Supportive Services

Overview

The primary purpose for support services is to assist priority consumers to access the Linkages program. Support services include determination of client eligibility, obtaining a Linkages rental subsidy, finding and moving into housing, and assisting participants in maintaining their tenancy as part of their overall personal recovery and resiliency plan. Services are divided into three categories: pre-tenancy and housing search, move-in, and post-tenancy support.

Support services are highly individualized and focused on helping individuals get and keep housing and are provided as an integral part of other support services individuals are receiving rather than separated from these other services.

The SSA will take Linkages program applications from individuals as self-referrals or from organizations within their region. The SSA will begin immediately to assist the applicant to complete their initial Linkages application and assist the applicant through the participant screening and eligibility determination process.

The SSA will be responsible for completing a basic housing support checklist each month that identifies any problems with the safety or condition of the unit and resolution of any problem, a confirmation that rent was paid in a timely manner and that the participant is meeting his or her basic rental obligations. In addition to designating qualified housing support agencies, BHSD will also offer training and ongoing support through their housing support training network to both SSA and other agencies making referrals to Linkages. BHSD will also monitor implementation of Linkages, provide ongoing assistance, and resolve any disputes between the SSA and the HA.

Designated SSA must meet BHSD requirements as an agency to provide housing support.

The designated Linkages program SSAs must:

- ◆ Complete the initial Linkages Housing Support Services training;
- ◆ Work with applicants to complete the Linkages program application, Program Participation Agreement, Release of Information, and the Housing Application;
- ◆ Ensure that all required forms are complete and signed and maintained in individual Linkages client files at the support service/mental health provider offices;
- ◆ Determine applicant eligibility and complete a Certificate of Linkages Eligibility for each applicant referred to the HA;
- ◆ Work with the HA to ensure that all applicable information including applicant IDs, income sources, and requested documents are provided;
- ◆ Provide support and guidance to the applicant throughout the screening process and keep the applicant informed as to their status of Linkages eligibility, referral to the HA, and housing voucher issuance;
- ◆ Work with each eligible applicant to search and locate eligible rental units, schedule the housing quality inspection by the HA, negotiate and execute the lease, and move into an eligible unit (obtaining furnishings, physical move into unit, orientation to unit, neighborhood);
- ◆ Conduct monthly in-home housing visits with the participant and complete the Monthly Housing Checklist form that identifies any problems with the safety or condition of the unit, confirm that rent is paid in a timely manner, and that the participant is meeting his or her lease and property rules obligations;
- ◆ Ensure Linkages participants also apply for a Section 8 Voucher and other available housing subsidies or Special Needs Housing programs for transitioning out of Linkages and into self-sufficiency;
- ◆ Participate in orientation and supportive housing trainings as requested by HSD/BHSD staff and also participate in statewide Linkages program conference calls as requested by HSD/BHSD staff;
- ◆ Submit requested reports to the HA including monthly updates of the Linkages client tracking spreadsheet before the fifth day of the following month;

- ◆ Work with the HA to meet Linkages voucher lease-up benchmarks, provide client records and supporting documentation to comply with regular Linkages site monitoring visits;
- ◆ Ensure that case manager staff will serve as liaison for their consumers to the property managers; and
- ◆ Provide pre-tenancy support, move-in assistance, and post-tenancy support.

Basic components of housing support include:

1. Individuals receiving “housing support” services meet the eligibility requirements of needing supportive housing.
2. Housing is permanent as long as the participant pays rent, as supportive housing continues indefinitely assuming the participant meets the requirements for a housing subsidy.
3. Individualized housing support services will be available when the participant needs them, and available in the community where the consumer lives.
4. Each participant will have a crisis plan that includes a plan for a housing-related crisis and a plan for a personal or clinical crisis. This includes the consumer receiving crisis support throughout the duration of the crisis.
5. Participants will have access to move-in and eviction prevention assistance. Eviction prevention assistance may include payment of rent for one month if a participant needs to leave their home during a behavioral health crisis.
6. The participant will have a standard lease and as long as they abide by the conditions of the lease, they can remain in their housing unit. If at some point the household income exceeds the income limit of the program, they can remain in the unit but will no longer have access to the housing subsidy.
7. Housing support services are ideally provided by a team so that a provider agency can respond immediately to a potential housing crisis or to landlord requests, etc.
8. Housing support services are ideally included in the individual’s unique treatment or recovery plan.
9. Use of services or programs is not a condition of ongoing occupancy. The one exception is that an identified support services administrator staff member meets with the participant at least once a month at their home for the required monthly home visit.
10. All Linkages SSA Medicaid Providers are strongly encouraged to utilize Medicaid-funded reimbursable services to include Community Comprehensive Support Services (CCSS), as necessary and applicable to serving Linkages clients; SSA Medicaid Providers will be responsible for separate billing to Medicaid. Additionally, Linkages SSA Providers receive a State General Fund allocation that supports the required monthly home visits to Linkages clients.
11. BHSD/HSD strongly supports the employment and utilization of Certified Peer Support Workers (CPSWs) by Linkages SSA providers. Linkages SSA Medicaid Providers who utilize Certified Peer Support Workers (CPSWs) to render Linkages support services are able to invoice monthly under the Supportive Housing – Peer Delivered Pre-Tenancy and Tenancy Services, by utilizing the H0044 Medicaid code for each Linkages client. Please refer to the www.hsd.state.nm.us site and review the “Behavioral Health Policy and Billing Manual for Providers Treating Medicaid Beneficiaries.”

Support Services Administrator Responsibilities

1. Engage with applicant explaining the housing subsidy and housing assistance process;
2. Conduct an initial applicant assessment of housing preferences and housing history;
3. Assist applicants in determining housing preferences, if needed;
4. Assist applicants in compiling housing information needed for Linkages housing subsidy and Section 8 and other benefit applications (if needed) such as credit reports, landlord references, income and asset documentation;
5. Assist applicants to understand the Linkages Program Responsibility Agreement and sign and execute the document;
6. Assist in their housing search and identifying available housing units;
7. Assist applicants in obtaining, completing, and submitting housing subsidy applications and leases;
8. Assist applicants in attending any meetings with HA or landlords including providing or arranging transportation and attending meetings, as needed, to advocate for their Linkages applicant;
9. Assist applicants in filing appeals and requests for reasonable accommodation under Fair Housing Law (for the Linkages, Project-Based or Section 8 program); and
10. Assist applicants in tracking their subsidy application progress.

Move-In

1. Assist participant in understanding the basics of landlord/tenant law, lease requirements and property rules; help participants understand the importance of adhering to occupancy limits and noise or disturbance requirements and how to decline requests from friends to provide them with shelter.
2. Assist participant with making security deposits and utility deposits, securing furniture and other household items.
3. Assist participants with move-in activities.
4. Assist participants to establish utilities (if not included in rent) and telephone.
5. Assist participants in orienting to home, neighborhood, or new town.
6. Identify any housing or community living related skills training needed, including home maintenance, cleaning, shopping, cooking, and budgeting.
7. Provide community living skills training including how to find or access transportation, where to find the local library, church or place of worship, the local coffee shops, support or peer groups, meal sites, local malls, and health care providers.

Tenancy Support

1. Establish routine contact (no less than once per month and more often as necessary) with participants to ensure early detection of any housing issues and identifying any repair or maintenance issues.
2. Establish a crisis plan with each participant that includes how to handle housing crises and personal crises; this includes assuring the participant has emergency contact information including phone numbers for both person and housing crises.
3. Assure participant meets monthly rent and utility payments.

4. Provide ongoing housing-related skills training, if needed, and identify any issues that may require additional training by other parties.
5. Assist the participant with self-advocacy and conflict resolution strategies to solve problems, with the landlord or other tenants; this includes helping participant report and handle repairs and maintenance items.
6. As needed, present liabilities to landlords in a positive light and intervene with landlords, if needed, to problem solve.
7. Assist the participant to participate in the provider agency's service planning process to assure the participant's housing goals are included in the plan along with a clear expectation for the housing supports the participant will receive to meet their housing goals.
8. Assist the participant with remediating problems that may result in eviction and assist with an appeal to a landlord's decision to evict if the eviction appears unwarranted.
9. Maintain good working relationships with landlords and the HA.
10. Assist participants to problem solve to ensure their satisfaction with their home.
11. If needed, review participant request for new unit and assess if the request meets service or safety justification. If the request is justified, notify HA and assist participant to locate new housing unit and move into new unit.
12. Attend annual housing inspections and move-out inspections with the participant, review landlord list of damages, and assist participant to mediate disputes with landlords.

Post-Linkages

Linkages is considered a bridge subsidy to more long-term rental subsidy programs such as the Housing Choice Voucher Program. Participants who do not meet other rental subsidy program eligibility requirements (e.g., citizen status, poor rental history, or credit history) can stay on the Linkages program, as needed. SSAs are expected to continue to provide support services to clients as they transition off Linkages and onto other programs. These long-term, post-Linkages services are to be provided through CCSS mechanisms.

While movement from Linkages rental subsidy is encouraged and expected, such change should have little impact on the provision of services to the participant. There may be rare times when the SSA determines that a client is not yet stable or appropriate to move onto another housing subsidy and seeks to keep the participant on the Linkages program. Justification for this should be well documented in the participant files.

APPENDICIES

1. Authorization to Release Information-General
2. Authorization to Release Information-Income
3. Program Application-Initial
4. Housing Application
5. Attestation of Homelessness
6. Qualification Form
7. Certificate of Linkages Eligibility
8. Tenant Responsibility Agreement
9. Participant Agreement
10. Rental Assistance Agreement
Housing Assistance Payment Contract
9. Household Composition Determination Statement
10. Rent Reasonableness Checklist
11. Certification of Zero Assets
12. Certification of Zero Income
13. Lead-Based Paint Disclosure-English
Lead-Based Paint Disclosure-Spanish
14. Lead-Based Paint Pamphlet "Protect Your Family From Lead in Your Home"
15. Linkages Portability Transfer Form
16. Client File Checklist – Housing Administrator
17. HQS Inspection Form
18. Income and Rent Calculation Worksheet
19. Linkages Program Certification & Move-In Checklist
20. Linkages Program Participant File Checklist - HA
21. Linkages Program Site Monitoring Visit Checklist – SSA
22. Monthly Supportive Housing Checklist – SSA
23. Linkages Housing Subsidy Appeals Procedure
24. Program Participant Files & Intake Process
25. Conflict of Interest Exception
26. Linkages Letter of Commitment - MOU
27. Linkages Workflow
28. Linkages Workbook – Schedule G

SAMPLE LETTERS

1. Linkages Subsidy Approval Notification
2. Linkages Subsidy Letter of Denial Notification
3. HQS Notification to Landlord
4. Recertification Notification – First Notice
5. Recertification Notification – Second Notice
6. Recertification Notification – Third Notice
7. Linkages Subsidy Termination Form
8. Linkages Subsidy Termination Notification