

Program Operations Manual

New Mexico's Special Needs / Set Aside Housing Program

**For Local Lead Agencies, Support Service Providers, Property
Managers, and Property Owner/Developers**

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Lisa Howley, Supportive Housing Coordinator

Behavioral Health Services Division

Human Services Department, State of New Mexico

Lisa.Howley@state.nm.us

505-476-9209



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Chapter 1: A Brief Overview of the New Mexico Special Needs/Set Aside Housing Program (SAHP) - Supportive Housing Program

The *Special Needs / Set Aside Housing Program (SAHP)* was created jointly in 2009 by two state level institutional partners – the New Mexico Mortgage Finance Authority (MFA) and Behavioral Health Services Division (BHSD) of the New Mexico Human Services Department (HSD). The intent of the SAHP is to provide priority access to housing for income qualified persons with certain disabilities and persons who are homeless. The SAHP is a special program offered within the New Mexico Low Income Housing Tax Credit Program (LIHTC) and is administered by the New Mexico Mortgage Finance Administration (MFA). MFA oversees LIHTC/SAHP housing development and asset management for those LIHTC projects. BHSD through its contractors, the Local Lead Agencies, will manage the screening and eligibility determination of applicants and referral to LIHTC property managers who are responsible for SAHP housing units. Through the SAHP in the 2009 to 2016 LIHTC award cycles, 390 housing units were designated for persons and/or households with disabilities or homeless in forty-three (43) housing projects, which are located in seventeen (17) New Mexico counties and Native American reservations and tribal lands.

Through the annual LIHTC application process, MFA may award bonus scoring points to housing developers who agree to reserve, "*set aside*," housing units or apartments for qualified households. In turn, the properties built with these reserved or set aside/special needs units receive 'tax credits,' aka federal capital investment and are required through contracts between the developer of the property and the MFA to maintain and hold rent and income levels for the housing units for a minimum of 30 to 45 years, depending upon the housing development funding sources. SAHP applicants are screened, deemed eligible/not eligible, and referred to LIHTC property managers by Local Lead Agencies (LLAs) designated for each county by BHSD. Each LLA's performance is overseen, contracted with, and monitored by BHSD. BHSD also monitors across the state the behavioral health services providers that provide service to consumers who have behavioral health needs.

The SAHP program is based upon two over-arching principles: a) serving a variety of disability populations, e.g. serious mental illness; addictive disorder; developmental disability; physical, sensory, or cognitive disability; disability caused by effects of chronic illness; age-related disability, or, homeless persons and families; and, b) providing *integrated* supportive housing (not single purpose supportive housing, i.e. 100% of the units in a project are dedicated to supportive housing) through either tenant-based or project-based development.

* * * * *

This manual is designed to provide an operational overview of the program; offer guidance to the state level program partners – New Mexico Mortgage Finance Authority and the Behavioral Health Services Division of the Human Services Department --; and direction to local level partners who implement the SAHP program – Housing Developers, Property Managers, Local Lead Agencies, and Support Service Providers. This manual will delineate roles and responsibilities; provide guidance for program operations through standardized policies and procedures; and emphasize the interdependent relationships of all partners that determine the success of the program for the end consumer.

Chapter 2: New Mexico's Low Income Housing Tax Credit Program

Program Overview

The Low Income Housing Tax Credit Program (LIHTC) is a program of the U.S. Department of Treasury created under the Tax Act of 1986. Each year, every State receives a finite allocation of tax credits which are typically administered by their State Housing Finance Authority. These federal tax credits are in turn awarded to housing organizations that develop affordable housing through either new construction or acquisition and rehabilitation. The tax credits provide a dollar-for-dollar reduction in the developer's tax liability for a 10-year period. Tax credits can also be used by nonprofit or public developers to attract investment to an affordable housing project by syndicating or selling the tax credits to investors. In order to receive tax credits, a developer must set aside and rent restricts a number of units for occupancy by households below 60 percent of the area median income (AMI). These units must remain rent restricted and affordable for a minimum of 30 years. LIHTC housing is mixed income multi-family apartment complexes that include market-rate units (rents based on the local housing market) and typically will have a mix of units priced for very low-, low-, and moderate-income residents. In order to accommodate this mix of income groups, LIHTC housing contains a project-based subsidy that is tied to the housing property, not the tenant. LIHTC housing is a market-based strategy to deconcentrate poverty, revitalize urban neighborhoods, combat residential segregation, and in some cases, integrate persons with disabilities and the homeless into standard apartment complexes located in the community.

The New Mexico Mortgage Finance Authority (MFA) is the State Housing Finance Authority and designated Housing Credit Agency (HCA) for the State of New Mexico. MFA is therefore responsible for administering the LIHTC and allocating tax credits to eligible New Mexico housing projects and monitoring projects for compliance with the Section 42 of the Internal Revenue Code of 1986. Accordingly, MFA awards tax credits to projects meeting its project selection criteria. In any given year, a state's tax credit pool includes an annual population allocation from the Department of Treasury together with any subsequent carry-forward allocations, returned tax credits from prior year's allocations that did not meet LIHTC deadlines or policies and national LIHTC pool credits.

Application and Award Process

Each year MFA conducts an LIHTC application and awards process that has these below listed elements and associated deadlines for housing development applications.

Table 2.1

New Mexico LIHTC Application and Awards Process

- o LIHTC Applications are due to MFA every year by a date that MFA sets (typically 20 to 23 applications are received)
- o Preliminary tax credits awarded 3rd Wed in June at MFA Board Meeting (typically 5 to 7 projects receive awards)
- o Awarded Projects receive carryover allocation and indicate lock-in election: November 15
- o Projects must start construction by August 31 of the following year

- o Projects must be completed and placed in service with tenants within two years of carryover. The federal Low Income Housing Tax Credit program requires each state agency that allocates tax credits to have a Qualified Allocation Plan (QAP). The QAP is a document that the state housing finance agencies develop to provide policies and procedures to distribute federal Low Income Housing Tax Credits to projects in the state. Each QAP must spell out the state housing finance agency's priorities and specify the criteria it will use to select projects competing for tax credits. The Qualified Allocation Plan:
 - o Sets forth the LIHTC Project Selection Criteria to be used to determine housing priorities of the Housing Credit Agency, which are appropriate to local conditions. These criteria must consider Project location, housing needs characteristics, Project characteristics, sponsor characteristics, participation of local tax-exempt organizations, public housing waiting lists, tenants with special housing needs including individuals with children, energy efficiency standards, historic character, and Projects intended for eventual tenant ownership.
 - o Gives preference in allocating housing credit dollar amounts among selected Projects to those which:
 - o Serve the lowest income tenants;
 - o Serve qualified tenants for extended periods of time; and
 - o Are located in Qualified Census Tracts and the development of which contributes to a concerted community revitalization plan.
 - o Provides a procedure that the agency will use in monitoring for noncompliance.

The MFA typically publishes the proposed QAP each year in August and receives comments on the QAP policies and procedures for 30 days thereafter. Advocates may use the public hearing and comment period to influence their housing finance agency to target tax credits to housing projects that serve persons with low income; prioritize certain populations; locate projects in priority geographic areas; and/or preserve the existing stock of affordable housing.

New Mexico Set Aside (Special Needs) Housing Program (SAHP)

The Set Aside Housing Program (SAHP) is a special program of the New Mexico LIHTC and is administered through and monitored by MFA. The intent of the SAHP is to provide priority access to multi-family housing developments for income qualified persons with certain disabilities and persons who are homeless/precariouly housed. The mixing of income groups (very low, low, and moderate-income residents with median income residents) and persons of different abilities (physical, behavioral, cognitive, and developmental) is a fundamental part of the SAHP intent, as well as operating and financial plans for each housing project. In order to accommodate this mix of income groups, LIHTC properties offer a limited number of housing units at below market rent that are available to income qualified households on a first come, first serve basis. The below market rent is tied to the identified housing unit, which may be Special Needs unit; and the lower rent is not tied to the tenant.

Using the LIHTC program and the SAHP project selection criteria, MFA may award bonus scoring points to housing developers who agree to reserve housing units or apartments for qualified households. In turn, the properties built with these reserved or set aside units receive 'tax credits' and are required through agreements between the developer of the property and MFA to: a) prioritize housing for the SAHP target populations discussed below, and, b) to maintain and hold rent and income levels for the housing units for a minimum of 30 to 45 years depending upon the housing development funding sources.

SAHP housing units, therefore, must only be rented to households meeting certain income restrictions and designated target population groups. Set Aside Housing Program (SAHP) eligible households are defined as households in which a head of household individual or household member who has a substantial, long term disability, which includes any one of the following:

(1) Serious Mental Illness; (2) Addictive Disorder (i.e., individuals in treatment and demonstrated recovery from substance abuse disorder); (3) Developmental Disability (i.e., mental retardation, autism, or other disability acquired before the age of 22); (4) Physical, sensory, or cognitive disability occurring after the age of 22; (5) Disability caused by chronic illness (i.e., people with HIV/AIDS who are no longer able to work); (6) Age-related Disability (i.e., frail elderly, or, young adults with other special needs who have been in the foster care or juvenile justice system), or, (7) households/ individuals who are homeless/precariously housed.

Qualified Allocation Plan (QAP) Designation Levels for the SAHP

If a LIHTC housing developer elects to pursue the SAHP with its target population priorities and rent and income restrictions, there are two set SAHP designation levels or categories that stipulate the actual number of set aside units for which LIHTC scoring points may be awarded:

- o 15 LIHTC scoring points for 20% of units set aside for persons that meet the criteria, and 10% of total units to be rent restricted at 30 percent of AMI;
- o 5 LIHTC scoring points for 5% set aside for persons that meet the criteria and 5% of the units must be rent restricted at 30 percent of AMI

The QAP that a LIHTC housing developer/owner follows when approved for LIHTC is the QAP of that year by which the developer/owner is approved to receive tax credits. QAPs may change year to year, but the QAP for that specific year a housing developer/owner is approved remains relevant for the entirety of the compliance period for the property owner.

LIHTC Required Agreements

The LIHTC Application from the developer and due on a date set by MFA must include a '*Letter of Commitment to Coordinate with the Local Lead Agency for Household with Special Needs*' Operations Manual and Forms for New Mexico's Special Needs/Set Aside Housing Program, which signifies the developer will pursue the SAHP designation.

After receipt of LIHTC tax credit awards, the LIHTC carryover application submitted the following November 15 must include a signed '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*,' ([Appendix A](#)) with the Local Lead Agency that services the county in which the project is located. These documents bind the developer's commitment to the scoring points award and assure that the developer is knowledgeable about the roles and responsibilities for the developer and their property management company, as well as the Local Lead Agency. The Developer will approach the Local Lead Agency serving the county that the project is located prior to the November 15 due date and typically in late October or early November for their signature on this Agreement.

The '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*' expires after a period of three years and must be re-established every three years. The LLA and/or Property Owner/Developer must execute these agreements prior to their expiration to ensure validity of programming; the LLA will initiate re-establishment of the agreement at least 90 days prior to expiration of the active agreement.

To further document the land use restrictions associated with the receipt of low income housing tax credits, the developer will also sign a Land Use Restriction Agreement (LURA) when the property receives its final allocation of credits; the LURA is a contract between the property owner/developer and MFA.

LIHTC Land Use Restriction Agreement and Property Income/Rent Targets

After the LIHTC carryover application is approved, MFA requires a contract, the *Land Use Restriction Agreement (LURA)*, with the housing developer to legally bind the fulfillment of the conditions under which the LIHTC tax credits were allocated. The LURA details the elements that must be met by the project including income and rent targets, extended term of occupancy restrictions, and any additional owner agreements between MFA and the housing developer.

Further, each awarded and built LIHTC project has Income and Rent Targets unique to that project, which are assigned by housing unit type (e.g. efficiency, one bedroom, two bedroom, etc.) and qualifying income of the household. Further these designations are floating unit targets, i.e. not tied to specific physical apartment units. So, by example, as a particular tenant vacates (moves out of) their unit, the income or set aside unit category (e.g. 40% AMI) previously met by the departing tenant must be filled by another tenant with the same or similar qualifications until all the Income and Rent Targets are met.

As an example, in **Table 3.1**, Sample Income and Rent Targets for LIHTC Project Amarillo Apartments, there are 11 units at 30% AMI, 20 units at 40% AMI, 54 units at 50% AMI, 2 units at 60% AMI, and 18 Set aside units; total units in this example is 88. After all income and rent targets (total number of set aside units committed to in the Special Needs Housing Set- Aside Agreement) are reached and apartments filled, then any newly vacated units are available to any market rate or non-set-aside (special needs) applicants. The apartment rents are awarded to tenants based upon their household income and how that compares to the area median income (AMI). Therefore, per the sample table below for the Amarillo Apartments development, if the household applying for a 1 bedroom apartment is categorized by their total income to be in the 30% AMI range, the household would pay \$197 a month for rent; whereas if a different household applying for a 1 bedroom apartment is categorized in the 50% AMI range, the household would pay \$462 a month for rent.

Area Median Income (AMI) is county based and may change annually. Refer to MFA website to find current AMI for each specific county. http://housingnm.org/asset_management/housing-tax-credit

**Table
3.1
Sample Income and Rent Targets
for
LIHTC Project Amarillo
Apartments**

	Total	L-I	% L-I	30%	40%	50%	60%		0	1	2	3	4
Project Name	Units	Units	Units	AMI	AMI	AMI	AMI	Mkt	Bdrm	Bdrm	Bdrm	Bdrm	Bdrm
Amarillo Apartments	88	87	99%	11	20	54	2	0	0	24	23	40	

	30% of AMI Rent Levels				40% of AMI Rent Levels				50% of AMI Rent Levels			
Project Name	1 Bdrm	2 Bdrm	3 Bdrm		1 Bdrm	2 Bdrm	3 Bdrm		1 Bdrm	2 Bdrm	3 Bdrm	
Amarillo Apartments	\$197	\$229	\$248		na	na	na		\$462	\$553	\$640	

New Mexico Section 811 Project Rental Assistance Program

The Section 811 Project Rental Assistance (Section 811 PRA) Program is a project-based rental assistance program created by the U.S. Department of Housing and Urban Development (HUD), which provides rental assistance via multi-year grants to State Housing Finance authorities for housing units integrated in multifamily properties that are set-aside for extremely low-income persons with disabilities and who are eligible for community-based long term care services and supports provided under a State Medicaid Program.

The New Mexico Mortgage Finance Authority (MFA), as the lead agency in collaboration with the New Mexico Human Services Department's Medical Assistance Division, applied for and received its first Section 811 PRA grant in 2015. Approximately \$2.3 M will be available for direct rental assistance in LIHTC projects to a minimum of fifty (50) eligible households at extremely low income level, have a qualifying disability, and are 18-61 years of age. An Inter-Agency Partnership Agreement for Section 811 PRA program was requested by HUD and executed between the institutional partners, the State Housing Finance Authority (MFA) and the State Medicaid Agency/Human Services Department (HSD). The Memorandum of Understanding addresses responsibilities and relationships of the partners, the target populations, outreach and referral processes, service array, wait list management, and dispute resolution, as required by the Section 811 PRA NOFA. These institutional partners will form a Section 811 PRA Inter-Agency Oversight Team, which will oversee and assess program operations to ensure timely lease-up, referral and housing placement processes, as well as tenant stability outcomes.

HUD awarded the Section 811 PRA grant in 2015, but MFA encountered challenges with recruiting property owners to participate in Section 811 PRA programming due to the Section 811 PRA LIHTC rents being 30-50% Area Median Income rather than at Fair Market Rate (FMR). Many of the LIHTC properties accept tenant based Housing Choice vouchers issued by public housing authorities, which are FMR rent. Therefore, participation in Section 811 PRA was a disincentive due to the rents being at 30-50% and significantly less than FMR. MFA submitted to HUD a waiver requesting adjustment of the Section 811 PRA rents from 30-50% to Fair Market Rate, as well as requested a decrease of the amount of Special Needs units served from 95 to 50. The original grant commitment was to serve 95 Special Needs units with the Section 811 PRA funding; MFA's request to HUD to decrease the amount of Special Needs units served by Section 811 PRA was to account for the fair market rents that would replace the 30-50% rents.

Also, MFA submitted to HUD a revised Memorandum of Understanding (MOU) between HSD and MFA, which included a modified eligibility criteria definition to better align with the existing Set Aside Housing/Special Needs Programming eligibility criteria. The initial MOU only included the diagnosis of Serious Mental Illness (SMI) as eligibility criteria whereas the revised MOU included the diagnoses that are eligibility criterion of the Set Aside Housing/Special Needs program, as screened for by the LLA. Below are the eligibility criteria for Section 811 PRA, per the revised MOU that was accepted by HUD.

- Serious Mental Illness
- Addictive Disorder
- Developmental Disability acquired before the age of 22
- Physical, sensory, or cognitive disability occurring after the age of 22
- Disability caused by effects of chronic illness
- Age-related disability

There is a slight variance between the Section 811 PRA eligibility criteria and the existing SAHP/SN eligibility criteria. Homeless/precariously housed individuals/households is not alone eligibility criteria under Section 811 PRA, as is for existing LIHTC properties. For Section 811 PRA, a diagnosis is necessary with a homeless/precariously housed individual/household status to be eligible for Section 811 PRA. Refer to [Chapter 8](#).

MFA submitted to HUD the MOU and waiver request in 2017; MFA and HSD subsequently began working towards implementation of Section 811 PRA thereafter. The final outcome of the waiver request and revised MOU was 1) rents increased to Fair Market Rent from 30-50%; 2) 50 Special Needs units from 95 to be served; 3) and eligibility criteria changed to better align with SN/SAHP LLA programming. MFA's intent is to expand Section 811 PRA programming to more LIHTC properties to better serve the state.

MFA sought out several LIHTC properties and proposed to LIHTC property owners/developers about participation in Section 811 PRA; as of 2019, two property owners/developers were willing to participate and establish a Section 811 PRA Rental Assistance Contract (RAC). Section 811 PRA will initially apply to three properties of the two property owners; two properties are located in Albuquerque, Bernalillo County with the third property in Hobbs, Lea County. Therefore, the Section 811 PRA does not apply to all existing Local Lead Agencies that are actively implementing the SAHP/SN programming, and the LLAs in the respective counties will participate in Section 811 programming.

Refer to [Chapter 8](#) for further information about Section 811 PRA eligibility criteria, target populations, and program specifics.

Chapter 3: Roles and Relationship of State Level Partners

Two state level partners develop program policy and manage the implementation of the Set Aside Housing Program (SAHP) [and the Section 811 Project Rental Assistance (Section 811 PRA), as applicable]: the New Mexico Mortgage Finance Authority (MFA), through both its Housing Development Department and the Asset Management Department and the Behavioral Health Services Division (BHSD) of the New Mexico Human Services Department (HSD), the lead state department for the New Mexico Behavioral Health Collaborative. As discussed above, the Set Aside Housing/Special Needs (SAHP/SN) [and the Section 811 PRA, as applicable] are special programs offered within the New Mexico Low Income Housing Tax Credit (LIHTC) Program and is administered by the New Mexico Mortgage Finance Administration. MFA oversees housing development and asset management statewide for the SAHP [and the Section 811 PRA, as applicable]; and BHSD through its contractors, manages the screening and eligibility determination for SAHP [and the Section 811 PRA, as applicable] applicants through its network of contracted Local Lead Agencies and behavioral health service providers.

The New Mexico Mortgage Finance Authority (MFA) is the state's designated housing agency that provides financing for housing and other related services to low- to moderate-income New Mexicans. The MFA administers more than 30 programs, initiatives, and funding mechanisms that build affordable rental housing, offer emergency shelter, rehabilitate aging homes, and provide rental assistance and subsidies. MFA collaborates with lenders, realtors, nonprofit organizations, local governments, and developers throughout the state to make its programs and services available to all eligible New Mexicans.

The Behavioral Health Services Division (BHSD) of the New Mexico Human Services Department (HSD) is the State's Mental Health and Substance Abuse Authority. The Authority's role is to address behavioral health needs, provide behavioral health services to low income New Mexicans, and systemically conduct planning and monitoring of program quality across the state. The New Mexico Behavioral Health Collaborative (NMBHC) was created by state statute during the 2004 Legislative Session. The enabling statute allows select state agencies and multiple resources across state government involved in behavioral health prevention, treatment, and recovery to work as one entity in an effort to improve and collaboratively administer mental health and substance abuse services in New Mexico. This cabinet-level group represents the Governor's office and 15 state agencies including the Human Services Department; Aging and Long-Term Services; Indian Affairs; Department of Health; Corrections; Children, Youth and Families; the Governor's Commission on Disability; the Developmental Disability Planning Council; Public Education Department, and Workforce Solutions, to name a few.

These two statewide entities MFA and the BHSD/HSD are uniquely positioned to collaborate and bring their joint resources of housing development and support services respectively to bear in implementing the SAHP program's two over-arching principles: a) serving cross-disability (more than one disability) populations and, b) building integrated (multi-income) supportive housing.

New Mexico Mortgage Finance Authority

Relative to the SAHP [and the Section 811 PRA, as applicable], MFA's Housing Development Department (HDD) is responsible for overseeing the financing of housing development of new and rehabilitated multi-family housing (apartment complexes) most of which is built through the Low Income Housing Tax Credit (LIHTC) Program. The HDD administers the LIHTC program statewide offering between \$5 to 6 million in tax credits annually that are worth \$50 to \$60 million, which are used for capital funding, over their ten year life, the Credit Period. Typically, 5 to 7 new LIHTC projects are allocated credits each year. HDD sets LIHTC policy and funding priorities for the Qualified Allocation Plan (QAP), which is revised every

year and must be approved by the Governor; develops the LIHTC calendar of target dates; accepts public comments regarding the QAP; reviews and scores LIHTC applications and makes tax credit awards to applicants; and after the awards, ensures that each awarded LIHTC project meets the deadlines for financing and project completion.

The HDD requires that all LIHTC Applications for the SAHP must include a '*Special Needs Use Certification – Initial*' form (see [Appendix A/Agreements](#)) that commits the Developer/Applicant to either a 20% or 5% set aside of the development's housing for special needs units. If the SAHP project is awarded credits, HDD requires those awarded LIHTC projects that elected the SAHP option to submit with their carryover application on November 15 a signed '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*,' (see [Appendix A/Agreements](#)). The carryover application will demonstrate that the applicant has met all of MFA's requirements showing site control via purchase or long term lease and that the Developer has secured the permanent financing for the LIHTC project. The Special Needs Housing Set-Aside Agreement signatories are the Developer and the Local Lead Agency that serves the county in which the project is located. This document lists the roles and responsibilities for each party -- the Developer, the Property Management company, and the Local Lead Agency -- for initial lease up and continuous occupancy relative to the SAHP. The Agreement delineates the number of set aside units and eligible target populations, as well as prescribes the joint development of a lease up calendar of target dates for initial occupancy; application screening and referral processes; wait list management for SAHP units; support services provision for the tenant on an as requested basis; and eviction prevention processes. The Agreement is valid for a period of three years; the LLA is responsible for initiating re-establishment of the agreement at least 90 days prior to expiration of the agreement. These processes will be discussed in further detail in [Chapter 4](#), Roles and Relationships of SAHP Lease Up Partners.

Additionally, a Land Use Restriction Agreement is signed by the LIHTC Project Owner and the MFA's HDD at the project's final completion and closing. This agreement binds the parties to limit the use of the low-income housing tax credit property to ensure that the financed facilities are used for low-income housing for the time period required under federal tax laws, the Compliance Period. Each LIHTC property's LURA will contain the low income and rent targeting profile; designate the set aside commitment for the target populations and number of units therein; required record keeping; and the term (in years) of occupancy restrictions.

MFA's Asset Management Department' role is compliance monitoring of the LIHTC properties after they are built and conducts compliance audits that include physical site inspections to monitor occupancy levels and applicant screening processes; review of affirmative fair housing practices; analysis of property financial statements; verification of the income qualification of households; and review of program documentation and preventative maintenance plans. Relative to the SAHP, Asset Management staff use the Qualified Allocation Plan (QAP) of the year of application approval, the Set Aside/Special Needs Agreement, and the LURA as policy guidance and to determine monitoring expectations when conducting project site visits.

MFA Roles and Responsibilities related to SAHP [and Section 811, as applicable]

Housing Development Department of MFA will commit to:

- Work collaboratively with BHSD/HSD and Collaborative departmental partners to oversee, manage, and implement the housing related functions of the SAHP program [and the Section 811 PRA, as applicable] and commit to meet as needed to ensure effective ongoing program operations.
- Designate a point of contact for the SAHP [and Section 811 PRA, as applicable] and provide contact information to BHSD staff.
- **Notify BHSD/HSD staff via letter and email 60 days prior to the publish date of annual Qualified Allocation Plan (QAP) and notify BHSD staff of the dates of the 30-day QAP comment period for that year.**
- **Notify BHSD/HSD staff via email regarding each year's annual LIHTC calendar

deadlines.**

- **Notify BHSD/HSD staff via letter and email no later than May 31 each year of the preliminary tax credits awarded at the MFA Board Meeting to include the following information: awardee project name, Developer contact information, general partner contact information, project type (acquisition or rehabilitation or both), property address and county, total number of units, number of set aside units, number of low income units, type and regulatory requirements of rental assistance contracts where applicable.**
- **Notify BHSD/HSD staff via letter and email within 30 days of receipt of formal notice from the Developer of any previously awarded LIHTC projects with Special Needs Set Aside in which the Developer has withdrawn their reservation of credits; and therefore, the property will not be going forward or constructed.**
- **Notify BHSD/HSD staff via letter and email by November 15 which LIHTC projects (both 4% and 9% properties) with Special Needs Set Aside will receive their carryover allocation.**
- **Provide to BHSD/HSD the income and rents targeting profile for each new LIHTC project.**

*** MFA continues to annually award tax credits to LIHTC projects that meet the LIHTC Project Selection Criteria relative to a current Qualified Allocation Plan (QAP). BHSD/HSD discontinued funding support of LLAs associated with new LIHTC projects after State Fiscal Year 2016 due to funding limitations with a budget crisis in State Fiscal Year 2016. Therefore, new LIHTC projects or existing LIHTC properties after Fiscal Year 2016 would not be served by a LLA for SAHP/SN programming with BHSD/HSD funding support via a contract between BHSD and LLA. The LLAs that remain funded via contracts with BHSD were the approved properties prior to FY16. Following FY16, LLAs have and do enter contracts with the property owner/developer to serve as the LLA role; funding is negotiated between LLA agency and Property Owner/Developer and separate from BHSD/HSD. ***

The Asset Management Department of MFA will commit to:

- Work collaboratively with BHSD/HSD and Collaborative partners to oversee, manage, and implement the asset-management related functions of the SAHP/SN [and Section 811 PRA, as applicable] program and commit to meet as needed to ensure effective ongoing program operations.
- Designate a point of contact for the SAHP/SN program [and Section 811 PRA, as applicable] and provide contact information to BHSD/HSD staff.
- Notify BHSD/HSD staff of the annual update of income and rents for each existing LIHTC project within 30 days of issuance by US Housing and Urban Development.
- Be responsible for compliance monitoring of the Developer and LIHTC Property Managers for all SAHP/SN LIHTC properties [and Section 811 PRA LIHTC properties, as applicable].
- Provide support, education, and training for LIHTC Project Owner/Developers and Property Management companies employed by LIHTC Owner/Developers who own and manage LIHTC properties that participate in the SAHP/SN program [and Section 811 PRA, as applicable].
- Ensure the LIHTC Developer understands they have the responsibility to educate their contracted property management company and the local development Property Manager to understand the SAHP/SN [and Section 811 PRA, as applicable] documentation requirements and SAHP/SN [and Section 811 PRA, as applicable] operations to reinforce a smooth operating partnership with the Local Lead Agency.
- Notify BHSD/HSD staff via email of the proposed annual site monitoring schedule with dates of LIHTC Properties with Set Aside/SN units so that BHSD/HSD can coordinate their site monitoring where possible of the Local Lead Agency for the same LIHTC projects.
- Notify BHSD/HSD staff via letter and/or email of any corrective actions or issues relative to site monitoring outcomes and reports for LIHTC Properties with Set Aside/SN Units so that both state level parties (MFA and BHSD/HSD) and the local level partners (Developer/Owner,

Property Manager and Local Lead Agency) can work together to resolve issues.

MFA will, via contracts and agreements, cause the LIHTC Project Owner to:

- Work collaboratively with the Local Lead Agency and Property Manager in the initial lease up processes and subsequent filling of vacancies and ensure ongoing and effective communication between all parties to the SAHP [and Section 811 PRA, as applicable].
- ****Promptly** notify the Local Lead Agency and Property Manager, via email and phone, of any updates, delays, or anticipated delays of the construction, delivery, and issuance of certificate of occupancy for the Special Needs Units during the initial lease up phase of the property. ******
- Ensure continuous SAHP/SN [and Section 811 PRA, as applicable] occupancy in LIHTC properties by requesting their local Property Management company work collaboratively with the Local Lead Agency regarding the notification of SAHP/SN vacancies and the ongoing receipt of SAHP/SN referrals and placement of SAHP/SN tenants.
- Provide or made to be provided reasonable accommodations/modifications, as required under the provisions of the Fair Housing Act and make decisions on the admittance and/or retention of tenants according to the Fair Housing Act.

*****Funding to support LLAs of new LIHTC properties discontinued as of FY16 due to a state budget deficit; therefore, BHSD/HSD has not contracted with a LLA of any new LIHTC projects since FY16. *****

MFA will require that the Project Owner, via their contracts and agreements with the Property Manager for the LIHTC property, to:

- Facilitate ongoing communication with the Local Lead Agency and provide a named individual as the primary Property Management contact for each LIHTC property on matters related to the SAHP/SN [and Section 811 PRA, as applicable] units.
- Provide a copy of the tenant selection plan for each LIHTC property to the Local Lead Agency.
- Ensure that regional property management staff trains all new on-site Property Managers on the requirements of the SAHP/SN [and Section 811 PRA, as applicable].
- Promptly notify the Local Lead Agency via date and time stamped written or email communication, using the 'Notice of Vacancy and Referral of Special Needs/SAHP Applicant for LIHTC Housing Unit' (see Appendix A) whenever the Property Manager becomes aware that a Special Needs Unit(s) is or is becoming available, including at initial occupancy processes and at all vacancy turnovers. Ensure that the Special Needs/Set Aside lease up time frames and holding periods shall be respected by the Property Manager for marketing and filling vacancies after the initial lease up, per the *Agreement between the LLA and Property Owner/Developer*, see Appendix A.
- Return to the LLA the 'Notice of Vacancy & Referral of Special Needs/SAHP For LIHTC Housing Unit' form with the completed portion of the 'Response from Property Manager,' which indicates an approval/denial of a household referred by the LLA to the Property Manager as soon as the determination has been made and as soon as possible. For denied referrals, the property manager will include the Tenant Selection Criteria with specific indication that serves as basis of denials.
- In the event a Set Aside/Special Needs household referred from the Local Lead Agency's waiting list does not meet the established criteria, the Property Manager shall notify the Applicant and the Local Lead Agency within three (3) working days of referral and entertain

requests for Reasonable Accommodations in accordance with State and Federal Fair Housing Law and the provisions of their Agreement.

- Participate in any Community Stakeholder meetings and/or Supportive Housing Learning Community meetings at the initial Project lease up phase and as necessary thereafter to facilitate access to Special Needs Units.
- Maintain a valid Agreement between Property Owner/Developer and LLA, which expires after three (3) years.

The guiding document of performance expectations for the Project Owner/Developer and Property Management is the '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*' ([Appendix A, Agreements](#)), which expires after three (3) years and must be re-established every three years.

New Mexico Behavioral Health Services Division/Human Services Department

Roles and Responsibilities related to SAHP/SN [and Section 811 PRA, as applicable]

The Behavioral Health Services Division is the entity that designates new Local Lead Agencies and oversees performance and contracts with the statewide network of Local Lead Agencies (LLAs) relative to the SAHP/SN [and Section 811 PRA, as applicable]. As such, BHSD will commit to:

- Work collaboratively with MFA's Housing Development and Asset Management Departments and Collaborative partners to oversee, manage, and implement the Local Lead Agency and service functions of the SAHP/SN [and Section 811 PRA, as applicable] and commit to meet as needed to ensure effective ongoing program operations.
- Designate a point of contact for the SAHP/SN [and Section 811 PRA, as applicable] and provide contact information to MFA's Housing Development and Asset Management Departments.
- Provide technical assistance, education, and training for the Local Lead Agencies.
- Provide policies and procedures for the LLA role in SAHP/SN [and Section 811 PRA, as applicable].
- Provide to MFA staff a list of Local Lead Agencies by New Mexico County for each LIHTC Property.
- Notify MFA staff, the Property Developer, and Property Manager if there are changes of an LLA contracted organization for a LIHTC project and work with MFA staff to facilitate the execution of new Agreements or Assignments of LLA documents.
- Notify MFA Asset Management Staff of BHSD's proposed annual site monitoring schedule of Local Lead Agencies so that MFA can coordinate their site monitoring of the Property Management for the same LIHTC projects, as possible.
- Notify MFA Asset Management Staff via letter and/or email of any corrective actions or issues relative to site monitoring outcomes and reports for Local Lead Agencies so that both state level parties (MFA and BHSD/HSD) and the local level partners (Developer/Owner, Property Manager and Local Lead Agency) can work together to resolve issues.
- Ensure each LLA maintains required records for the SAHP/SN [and Section 811 PRA, as applicable] programs including a Local Lead Agency Client Data Base, as well as other requested program specific records.
- **Be responsible for oversight, performance, and site monitoring of Local Lead Agencies for all SAHP/SN [and Section 811 PRA, as applicable] properties (that were established prior to FY16).**
- **Designate new Local Lead Agencies as needed and as requested by MFA relative to new LIHTC housing projects that have Special Needs units.**

***Funding to support LLAs of new LIHTC properties discontinued as of FY16 due to a state budget deficit; therefore, BHSD/HSD has not contracted with a LLA of any new LIHTC projects since FY16. ***

BHSD will, via annual Scopes of Work, cause the Local Lead Agencies to:

- Pre-screen Special Needs [and Section 811 PRA, as applicable] applicants according to the target population criteria of eligible and qualified applicants and refer, via a standard letter of referral, the eligible and qualified applicants to Owner or Owner designated Property Manager in a timely manner and for the duration of the Compliance Period and Extended Use Period.
- ***Meet with the Housing Developer and their designated Property Manager a minimum of four (4) months prior to LIHTC project construction completion to ensure ongoing and effective communication; develop a lease up calendar of target dates for the initial housing project lease up phase; and facilitate timely initial lease up. Property Managers who are under tight deadlines to meet their tax credit deadlines can negotiate with Local Lead Agencies to increase the timeliness of referrals.***
- Ensure that the following Special Needs/Set Aside lease up time frames and holding periods shall be respected by the Local lead agency for filling vacancies:

-- SAHP Special Needs units shall not be rented to other households unless the unit has been marketed for 30 days for *initial lease up*;

- For developments with a set aside of 4 units or fewer referrals must be made within 7 business days after receipt of written or email notice from the Property Manager.
- For developments with a set aside of 5 or more units referrals must be made within 14 business days after receipt of written or email notice from the Property Manager.

The Property Manager must accept a *qualified* Household with Special Needs referred within 30 days of date that notice of unit availability was delivered to the Local Lead Agency, prior to accepting any other applicant for such unit. Property Managers who are under tight deadlines to meet their tax credit deadlines can negotiate with Local Lead Agencies to increase the timeliness of referrals.

--SAHP Special Needs units must be held open from the date that the Vacancy Notice is given to the LLA – for subsequent vacancies at the LIHTC property:

--LLAs should refer to the *Special Needs Housing Set Aside Agreement between LLA with Property Owner/Developer* and/or established practice for holding periods from the date that the Vacancy Notice is given to the LLA, as some properties allow for longer holding periods.

- In the event a Set Aside/Special Needs household referred from the Local Lead Agency's waiting list does not meet the established criteria, the Property Manager shall notify the Applicant and the Local Lead Agency within three (3) working days of referral, send the LLA the *Notice of Vacancy* with the Response from Property Manager portion completed, and entertain requests for Reasonable Accommodations in accordance with State and Federal Fair Housing Law and the provisions of their Agreement.
- Consistently maintain an active wait list of currently qualified applicants so that applicants can be referred according to agreed upon time frames to the Owner-designated Property Manager.
- Assist the referred applicants and their Referring Support Services Provider with gathering required eligibility documents and with requesting and negotiating Reasonable

Accommodations and Modifications.

- Ensure that support services and monthly home visits will be provided by the Special Needs tenant's referring and/or designated support services provider organization; and if the designated services provider organization fails to provide the necessary services and the required monthly home visits, the Local Lead Agency will intervene to avert eviction of the tenant and then assist the tenant in securing and designating another support services provider organization.
- Convene and lead local Community Stakeholder meetings at the initial Project lease up phase and Supportive Housing Learning Community meetings thereafter; a minimum of two (2) times a year for all properties with Special Needs units that the LLA is responsible for and as necessary thereafter to facilitate continued lease up of Special Needs Units. There are circumstances that may serve as justification for a Provider to request of BHSD an approval to have one SHLC meeting per year rather than two; details about such are included in [Chapter 5](#).
- Facilitate communication with the Property Management company by designating and maintaining, in the event of staff turnover, a named Local Lead Agency individual as the primary contact for matters related to the Set Aside/Special Needs Units.

***Funding to support LLAs of new LIHTC properties discontinued as of FY16 due to a state budget deficit; therefore, BHSD/HSD has not contracted with a LLA of any new LIHTC projects since FY16. ***

The guiding documents for the roles and responsibilities of the Local Lead Agency relative to the SAHP/SN [and Section 811 PRA, as applicable]:

- *Local Lead Agency Scope of Work* executed between the Local Lead Agency and the NM Human Services Department, Behavioral Health Services Division ([Appendix A, Agreements](#)). Scope of Work is established at the beginning of each State Fiscal Year.
- *Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*, ([Appendix A, Agreements](#)) which remains valid for a three (3) year period. Agreement for each property needs to be re-established every three (3) years to which the LLA will initiate re-establishment at least 90 days prior to the expiration.

Chapter 4: Roles and Relationships of LIHTC Lease Up Partners: Local Lead Agency, Property Manager, and Support Service Agencies

This chapter will discuss the roles and relationships of the local lease up partners -- Developer/Project Owner, Property Manager, Local Lead Agency and Support Service Provider -- for LIHTC properties with Set Aside Housing/Special Needs units [and Section 811 PRA, as applicable]. These partners are involved in the initial property lease up processes and in filling vacancies to ensure continuous occupancy of SAHP/SN housing units (apartments).

The guiding document for these processes is the '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner/Developer*', ([Appendix A](#)). This document details the roles and responsibilities for each of the above listed partners; defines the number of set aside units and eligible target populations; prescribes the development of the lease up calendar of target dates for initial occupancy; describes the special needs application screening and referral processes and wait list management for SAHP/SN units; and eviction prevention processes. The '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner/Developer*' is valid for a period of three (3) years but must be re-established throughout the entire term of occupancy restrictions, per the Land Use Restrictions Agreement between MFA and the Property Owner/Developer. The provisions of the '*Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner/Developer*' cannot be revised or changed without a mutually agreed upon approval of BHSD and MFA. The LLA is charged with initiating re-establishment of the agreement at least 90 days in advance to avoid expiration of the contract.

Local Lead Agency Role and Responsibilities

Every LIHTC property owner and their property manager that manages LIHTC properties with SAHP/SN units (prior to FY16) will partner or collaborate with a Local Lead Agency (LLA) designated for that property. LLAs perform eligibility screening and referral of qualified SAHP/SN applicants and also act as a liaison between property management and support service agencies to assist in addressing issues that may arise during a SAHP/SN person's tenancy. The benefit of the LLA role is that the housing developer and property management have a designated point of contact for all SAHP/SN tenants. This relationship is formalized between the Housing Developer/Owner and the Local Lead Agency in the Special Needs Housing Set-Aside Agreement.

Local Lead Agencies (LLAs) are designated by and contracted to the New Mexico Human Services Department's Behavioral Health Services Division (BHSD/HSD), as discussed in [Chapter 3](#), Roles of State Partners. The number of LLAs in New Mexico has grown from 5 (five) in 2009 serving 5 counties to 14 (fourteen) LLAs in 2017 serving seventeen (17) New Mexico counties and Native American reservations.

The Local Lead Agency role is designed to accomplish four primary goals:

- Act as a liaison between property management and the tenant's selected Support Service Provider to address issues concerning tenancy and ensure residential stability.
- Meet the business needs of property management and the developer/property owner by providing qualified SAHP/SN referrals.

- Protect tenant confidentiality by minimizing property management involvement with SAHP tenants' service needs.
- Provide technical assistance and guidance to participating referral service agencies and/or support service agencies who have housed their clients through the SAHP Program.

In general, the overarching responsibilities of the LLA include:

- Pre-screen and refer eligible applicants to LIHTC property managers to ensure that they: a) have a qualified disability or are homeless/precariously housed; b) meet the income threshold requirements; and c) have a designated Support Service Provider.
- Establish and maintain a waiting list of eligible applicants for SAHP/SN units.
- Avert eviction of a SAHP/SN tenant by working with property management and the tenant's selected support service agency to address and resolve tenancy issues related to the lease or property rules.

Local Lead Agencies will:

Pre-screen SAHP/SN applicants to ensure that applicants referred to the Property Manager for tenancy:

- o Are members of the eligible population,
- o Have a preliminary determination that their household income is not in excess of applicable LIHTC limits for the property,
- o Have sufficient income to cover rent and tenant-paid utilities, and
- o Appear able to uphold his or her responsibilities under the lease as participants in the SAHP/SN program.

Ensure outreach to and engagement of all prospective SAHP/SN applicants and community organizations to announce the availability of SAHP/SN apartments in the community via newspaper ad, local community websites, email groups, or other social media outlets.

Designate one contact person within their LLA organization who is responsible for the following: overseeing the appropriateness of referrals to the SAHP; monitoring and tracking all referrals to the property manager of each LIHTC property.

Assist prospective SAHP/SN applicants and their referring Support Service Provider to complete the 'New Mexico Special Needs Housing Program Pre-Application Form' ([Appendix A](#)) to:

- Obtain the required supporting documentation, e.g. verification of disability or homelessness, sources of income, birth certificates, etc.
- Ensure completion of all attachments to the Application: Service Provider Commitment of Support Services Provision, Tenant Responsibility and Participation Agreement, and the Crisis Response Plan and Contact Numbers.

Safeguard the privacy of any applicant's or tenant's personal health information -- including diagnosis of disability -- contained in its records from any persons or agencies other than those specifically approved in writing by the applicant in the Release of Information form.

Provide an official letter of referral form 'Special Needs Applicant Proof of Eligibility and Letter of Referral to Property Manager' ([Appendix A](#)) to the Property Manager for each screened and eligible household referred. Lease up processes between the LLA and the Property Manager will be discussed in detail in

Chapter 5: Property Lease Up Processes.

Maintain a current and continually updated LLA's SAHP/SN Wait List (using the prescribed LLA data base software form) of screened and eligible applicants so that applicants can be referred according to agreed upon time frames to fill vacant SAHP/SN housing units according to the available/vacant LIHTC housing unit size and income requirements.

-- **During the **initial lease up** phase, the LLA will be responsible for conducting a lottery for all screened and eligible applicants to create the initial SAHP/SN wait list. The LLA will create a SAHP/SN wait list that is based upon the order that applicant names are drawn during a public lottery conducted at a time/date designated by the LLA. The LLA will use this list to respond to the notification from the property manager of the first available housing units when a new LIHTC property has been constructed.**

***Funding to support new LIHTC properties discontinued as of FY16 due to state budget deficit.*

-- The LLA shall conduct proactive maintenance of their SAHP wait list for the LIHTC property or multiple LIHTC properties by regularly reviewing SAHP applicants on their list to: a) ensure the wait list has current SAHP applicant information and referring support service agency staff contact information; and, b) affirm the applicant's continued interest in being considered for a LIHTC housing unit vacancy. [Section 811 PRA programming shall have a separate wait list, as applicable.]

-- Following the initial lease up phase that includes a lottery for all screened and eligible applicants, the screened and eligible applicants who are not housed will remain on a wait list. If the LLA is responsible for multiple SAHP properties, the LLA will maintain a wait list that is not property specific. [Section 811 PRA programming, as applicable, will have a wait list separate from the general wait list]

-- For **ongoing and continuous lease up processes**, the Property Manager will notify the LLA of a vacancy by immediately sending the '*Notice of Vacancy & Referral of Special Needs/SAHP Applicant for LIHTC Housing*' to the LLA, and the LLA shall in turn contact the next qualified SAHP/SN applicant on the LLA's SAHP/SN wait list and also their referring/support services agency case manager by both phone and email. The LLA will immediately respond to the property manager's notification by sending the '*Notice of Vacancy & Referral of Special Needs/SAHP Applicant for LIHTC Housing*' back to the Property Manager with the referral information of the applicant that is next on the wait list, as well as may send referral information (on separate copies of the *Notice of Vacancy*) of at least two (2) more applicants from next on the wait list with indication of which referral takes precedence. The LLA response must be within 7 days from receipt of the *Notice of Vacancy*, per the *Agreement Between the Property Owner/Developer and LLA*; multiple referrals to the property manager by the LLA is to ensure the vacancy is filled by an eligible SN applicant in the event the initial applicant does not qualify.

-- If the applicant or referring support service agency does not respond within 3 business days from the date of initial contact, the applicant shall not be considered as a priority referral for the current open/vacant unit, and the LLA will call and email both the applicant and referring/support service agency of such. The LLA shall move on to contact the next eligible SAHP/SN applicant on the LLA wait list. The LLA will notify the Property Manager about moving to the next referred applicant, if applicable.

-- LLA Wait List Purging Procedures: If the applicant and/or their referring support/service agency does not respond within 14 business days from the date of initial notification of a vacant housing unit that the SAHP/SN applicant is still interested in applying for a LIHTC housing unit and remaining on the wait list; does not update their applicant's or agency's email, phone, and mailing address contact information; then the applicant's name will be removed from the LLA wait list. The applicant would be eligible to reapply in the future.

-- If an applicant on the wait list responds to the LLA's notification about a vacancy but declines pursuing the unit of the specific property, the applicant may request to remain on the list. If an applicant declines available vacancy units of any property three (3) times, the LLA will have discretion about keeping the applicant on the wait list. The LLA will allow the applicant the option to re-apply, if the LLA decides to remove applicant from the wait list after three declined opportunities. After an applicant denies twice, the LLA must inform the applicant that it is possible for removal from the wait list due to the denials, as well as the LLA must inform the applicant about the option of re-application if removed from the wait list. The LLA has discretion of not removing an applicant from the wait list after three denials.

-- LLA is responsible for communicating with the Property Manager about any pertinent circumstances regarding the referrals made.

Ensure that the referring, selected, or designated Support Service Provider for the SAHP/SN applicant or tenant commits to: a) provide services as requested by the applicant/tenant and indicated by the tenant's services plan jointly developed by the tenant and their Support Service Provider; and, b) performs the required monthly home visits as noted in the LLA/Developer Agreement. Receipt of support services is not a condition of tenancy; but supportive housing, monthly home visits are required.

Assist the referred SAHP/SN applicants and their referring Support Service Provider with requesting and negotiating Reasonable Accommodations and Modifications from the property management company, as well as attend meetings and hearings related to any requests for Reasonable Accommodations and Modifications in conjunction with the SAHP/SN applicant or tenant;

Intervene to avert eviction of the SAHP/SN tenant if the designated Support Service Provider fails to provide eviction prevention services, after a '*Notification that Resident Was Served Notice of Eviction (3, 7, or 10 day) from LIHTC Property*' form, (Appendix A), and/or the actual Eviction Notice (3, 7, or 10 day) has been sent by the Property Manager to the LLA. Then, if needed, the LLA will assist the tenant in securing and designating another Support Service Provider organization to meet the needs of the SAHP/SN tenant. Note: See further discussion in Chapter 6, Tenant Issues and Eviction Prevention.

Assess and determine if circumstances exist to terminate the Special Needs status of a client to discharge from programming as successful or unsuccessful. LLA with the Support Service Provider will review the client's programming needs and progress to include the length of time of active participation. The LLA will also communicate with the Property Manager and consider their input regarding the client's tenancy status. The determination of termination of Special Needs status should be a consensus decision between the LLA, Support Service Provider, and Property Manager. If the decision to terminate is not agreed upon by the LLA, Support Service Provider, and Property Manager; the LLA will seek the guidance of the LLA TA and/or the BHSD Supportive Housing Program Manager. See further details in Chapter 6: Tenant Issues and Eviction Prevention.

Create and maintain a Supportive Housing Learning Community (SHLC) in each County that the LLA serves, inclusive of the first Community Stakeholder Group invitees. The Community Stakeholder meeting occurs during the initial lease up phase whereas the SHLC meetings are the meetings that occur thereafter at least twice per year. The purpose of the SHLC meeting is to facilitate marketing and support consumer and Service Provider community knowledge of equal access to SAHP housing units. There are circumstances that may serve as justification for a LLA to request of BHSD an approval to have one SHLC meeting per year rather than two; the basis allowing for an approval by the BHSD Supportive Housing Coordinator include but are not limited to the following: the amount of filled SN units

within that year, the outreach conducted by the LLA besides SHLC meetings and/or the LLA's presentation(s) during other various community meetings; meetings facilitated by the LLA with supportive housing topics relevant to SAHP and/or SN and the specific community location; and/or the location of an LLA being rural and limited with which agencies to pursue outreach. Approval to decrease the minimum frequency of two meetings per year will be limited to LLAs with a valid basis of justification and requested of the BHSD Supportive Housing Coordinator before the last quarter of the fiscal year.

Obtain the annually updated LIHTC fair market value rents and income chart for each LIHTC housing project/property so that current rents can be provided to SAHP/SN applicants. Maintain all relevant SAHP/SN program records to respond to financial and programmatic reviews. This includes maintaining individual SAHP/SN property specific, client files for all referred/housed applicants; and, maintaining a LIHTC Property information file (including a signed LLA/Developer agreement, property lease, property rules, amenities information, income and rent limits, and tenant selection criteria) for each property that the LLA is responsible.

Ensure that the signed and executed LLA/Developer Agreement or Assignment of Contract, as applicable, documents are up to date and have not expired. The LLA shall initiate contact with the Property Developer/Owner at least 90 days prior to the expiration date of the Agreement to execute a new Agreement before it expires after three years. [An Assignment of Contract is a document that allows for a current LLA provider to transfer the LLA responsibilities and duties to another LLA with the approval of BHSD, see [Appendix A.](#)]

Participate in Local Lead Agency (LLA) orientation sessions and ongoing supportive housing trainings as requested by BHSD staff.

Participate in Local Lead Agency (LLA) regional and statewide provider conference calls as requested by BHSD staff. Special Circumstances: Local Lead Agency may be the same agency as the Support Services agency for some Behavioral Health Consumers.

Some of the support service agencies fulfilling the Local Lead Agency role may coincidentally provide services to their own clients of a particular disability group, e.g. behavioral health; however, in their role as Local Lead Agency, they assist property management only in screening and referral of qualified SAHP/SN clients.

Property Management Role and Responsibilities

The property management role associated with the SAHP/SN is not very different from the typical role fulfilled by property managers. Property managers oversee and manage their properties in accordance with the rules associated with each funding source involved in a particular housing development. However, a few additional responsibilities will need to be incorporated for effective administration and record keeping for the SAHP/SN program. In general, property managers are responsible for leasing SAHP/SN units [and Section 811 PRA units, as applicable] to eligible persons, screened and referred only through the Local Lead Agency, and for communicating any tenant issues that may threaten eviction of the SAHP/SN participant to the Local Lead Agency and/or the client's referring Support Service Provider.

The Property Management Company and their onsite property manager will:

- Accept and process SAHP/SN Applications received from the LLA.
- Notify the LLA if a referred applicant does not meet Property's tenant selection policy.
- Notify the LLA of housing unit vacancies, if the number of SAHP/SN set aside units has not been met.
- Notify the LLA and tenant's Support Service Provider of any tenancy issues and if a tenant eviction notice has been issued.

Property Management companies and local (on site) property management staff are responsible for:

Processing SAHP/SN Applications screened and referred only by the designated Local Lead Agency (LLA), which include the completed form: '*Special Needs Applicant Proof of Eligibility and Letter of Referral to Property Manager*' (see [Appendix A](#)) that is signed by the LLA.

Screening SAHP/SN applicants referred by the LLA with the same tenant selection criteria used for all housing applicants. The Property Management company is responsible for conducting their own criminal background check, rental history, and financial verification.

Maintain appropriate documentation on each tenant to determine whether the household meets the income qualifications associated with the housing unit offered and the LIHTC property requirements.

Work with the Local Lead Agency to obtain all required supporting documentation needed for SAHP/SN applicants and tenants.

Determine and document whether the referred household meets the income qualifications associated with the SAHP [or Section 811 PRA program, as applicable] and housing project eligibility (household size, rental history, credit worthiness, criminal background, etc.), according to the housing development's funding sources. [Section 811 PRA is only applicable to select LIHTC/SAHP properties]

When a SAHP/SN vacancy occurs, the Property Manager shall promptly notify the LLA by sending a time and date stamped communication form, the '*Notice of Vacancy and Referral of Special Needs Applicant*,' ([Appendix A](#)) to the LLA. The LLA will respond by completing and sending to the Property Manager the '*Response from LLA*' portion of the form with the name of the referred individual, as well as send the '*Special Needs Applicant Proof of Eligibility and Letter of Referral*' ([Appendix A](#)). The LLA will send to the Property Manager at least three eligible SAHP/SN applicant referrals (separate copy of form for each referred applicant), if there are at least three individuals on the LLA wait list, for the vacant SN unit and indicate which applicant referral takes precedence.

The Property Manager must accept or decline Special Needs referrals prior to considering any other applicant(s) for the vacant unit. A Special Needs Housing Set Aside unit shall not be rented to other households unless the unit has been marketed by the designated LLA for 30 days/7, 14 days, holding period per provision of *Agreement between LLA and Property Owner/Developer*. The Property Manager will respond to the LLA by completing the '*Response from Property Manager*' portion of the '*Notice of Vacancy and Referral of SN Applicant*' form with an approval/denial; denials will include the Tenant Selection Criteria of that SAHP property with indication of the specific criteria that serves as the basis for the denial.

Note: Detailed lease up processes will be discussed in [Chapter 5](#), Property Lease Up Processes with the Property Manager, Local Lead Agency, and Support Service Provider.

Refer any walk-in applicants received at the LIHTC Property or any applicants referred by support

service agencies to the Local Lead Agency so the applicant can be properly screened.

In the event a Special Needs/Set Aside household referred from the Local Lead Agency's waiting list does not meet the established screening criteria, the Property Manager shall notify: (1) the Applicant and the Local Lead Agency within three (3) working days of referral and consider requests for Reasonable Accommodations in accordance with State and Federal Fair Housing Law. The property manager shall process the next referred applicant that the LLA sent; the LLA will provide at least three (3) eligible referral applicants, if there are at least three applicants on their wait list.

Attend Community Stakeholder and Supportive Housing Learning Community Meetings to represent the LIHTC property at the initial project lease up phase and as necessary thereafter to facilitate marketing and ongoing lease up of SAHP/SN Units. Community meeting invitees may include organizations and individuals interested in SAHP/SN units, including but not limited to disability advocacy groups, special needs Support Service Provider agencies, community organizations, veteran's organizations, public schools, etc. in the County.

Notify the LLA as soon as possible via email or phone contact of any tenancy issues that may potentially threaten Special Needs tenancy to initiate eviction prevention discussions. Notify the LLA within 24 hours if a notice of eviction is issued to the tenant by sending a '*Notification that Resident Was Served Notice of Eviction (3, 7, or 10 day) from LIHTC Property*' form (Appendix A) and/or a copy of the Notice of Eviction (3, 7, or 10 day) issued to the tenant.

Educate the initial and subsequently hired on-site property managers at LIHTC properties with SAHP/SN units regarding SAHP/SN policies and procedures [Section 811 PRA, as applicable]; screening and referral procedures for receiving qualified SAHP/SN applicants only through the LLA; and, provide contact information for the new on site property manager to the Local Lead Agency within seven (7) days of employment.

Support Services Agency Role and Responsibilities

Referrals of SAHP/SN applicants come to the Local Lead Agency (LLA) from local Support Service Provider agencies that provide supportive services to persons experiencing homelessness or persons with a qualified disability that are served by the SAHP. LLAs require the participating referral support service agencies to continue to address the ongoing services and tenancy needs of the SAHP/SN tenants they have referred and are housed in the SAHP. Eligible SAHP/SN candidates typically need ongoing access to supportive services to sustain their tenancy and maintain housing in the community. Therefore, access to the SAHP is by referral from the LLA and from approved support service agencies, e.g. agencies that have committed to provide appropriate supports and services according to the person's disability needs.

In general, the overarching responsibilities of the referring and/or designated Support Service Provider include:

- Assist persons with the SAHP/SN application process to ensure appropriateness and accuracy and provide to the Local Lead Agency the required information and backup documents. The '*New Mexico Special Needs Housing Program Referral and Pre-Application (SAHP)*' (Appendix A) consists of these completed and signed forms with required supporting documentation: Pre-Application Form; Commitment of Support Services Provision; Authorization of Release of

Information; Crisis Response Plan and Contact Numbers; and the Tenant Responsibility and Participation Agreement.

- Safeguard the privacy of any applicant or tenant's personal health information -- including diagnosis of disability -- contained in its records from any persons or agencies other than those specifically approved in writing by the applicant in the Authorization to Request/Release Information form.
- Assist the applicant to develop a Housing Plan with goals for each stage of finding, securing and keeping safe, affordable and appropriate housing. This will be discussed in detail in [Chapter 7: Providing Supportive Services for Housing](#))
- Notify the LLA when and if persons should be removed from LLA's SAHP/SN waitlists because of a change in circumstances, i.e. the applicant finds other housing, leaves the area, or no longer are deemed appropriate for referral.
- Upon the notification of a SAHP/SN vacancy by the LLA via both phone and email, the Support Service Provider shall insure that the applicant will present themselves in person within the 3 days maximum time period to the LIHTC property with the vacant housing unit to begin the Lease application process with the property manager.
- If there is no response within 3 business days after notification by the LLA of the SAHP/SN applicant and their Support Service Provider, the LLA shall notify the applicant and their referring support services agency via phone and email that the applicant shall not be considered as a priority referral for the current vacant unit due to lack of response; and the LLA shall move on to the next eligible SAHP/SN applicant on the LLA wait list.
- LLA Wait List Purging Procedures: If the applicant and/or their referring/support service agency does not respond within 14 business days from the date of initial notification of a vacant housing unit that the SAHP/SN applicant is still interested in applying for a LIHTC housing unit; remaining on the wait list; and does not update their applicant's or agency's email, phone, and mailing address contact information, then the applicant's name will be removed from the LLA wait list. The applicant is eligible to reapply in the future.
- Commit to provide ongoing services, as requested by the SAHP/SN tenant and indicated by the tenant's service plan that is jointly developed by the tenant and the Support Service Provider, and perform the required monthly home visits. Receipt of support services is not a condition of tenancy, but supportive housing monthly home visits are required. The Support Service Provider and applicant shall sign and submit to the LLA the '*Commitment of Support Services Provision*' form ([Appendix A](#)) (portion excerpt below) in which the Applicant's Support Services Provider/Agency, Support Worker, and Supervisor certify that:
 - Required support services will be available, as needed and requested by this applicant, and rendered by the Support Services Provider/Agency.
 - Agency will conduct the required Monthly Home Visits in the consumer's apartment.
 - Agency will coordinate services and provide eviction prevention by working with the property manager and Local Lead Agency, as needed to ensure success of the tenant in their Special Needs Housing.
- Remain the point of contact for their referred and housed tenants throughout the entire time their client is housed in a LIHTC/SAHP Property and work with the Local Lead Agency and property

management to resolve tenancy issues.

- Assist their SAHP/SN consumer to move into their new apartment, as needed, and ensure their SAHP/SN tenant understands the lease requirements and property rules.
- Conduct the SAHP Monthly Home visit and submit the completed ‘*Monthly Supportive Housing Checklist*’ home visit form, (Appendix A), to the LLA as proof that the required monthly home visits are being made to ensure their SAHP/SN tenant/consumer is stable and their services and housing needs are being addressed.
- Submit and regularly update the ‘*Crisis Response Plan and Contact Numbers*’ form, (Appendix A), for each SAHP/SN consumer that is housed.
- Make regular, proactive phone calls and/or office visits with property management for general inquiry regarding their SAHP/SN tenant(s).
- Contact the LLA proactively if their SAHP/SN consumer/tenant is experiencing difficulty, or discontinues services. This will help LLAs in their communication with property management to de-escalate tenancy issues because LLAs can provide the agency valuable technical assistance to address the issue.
- Request and negotiate Reasonable Accommodations and Modifications, in collaboration with the Local Lead Agency’s guidance, as may be needed to access SAHP housing or maintain housing.
- Attend the Community Stakeholder Meetings and Supportive Housing Learning Community meetings to collaborate with other community partners in support of SAHP/SN tenants.
- Assist LLA to assess and determine if the Special Needs status of a tenant should be terminated after review of circumstance and obtaining input from property manager. Further details in Chapter 6: Tenancy Issues and Eviction Prevention Processes.

Support Service Providers Should Assess their Consumer Applicant’s Appropriateness for the SAHP/SN Program [Section 811 PRA, as applicable].

It is important that Support Service Provider agencies understand that this type of supportive housing may not be appropriate for every consumer/client. Since referring, support service agencies are responsible for providing and/or coordinating necessary support services, *the agency should also assess if it can make the commitment to provide the level of services that are required for their consumer to be successful* and live independently in SAHP/SN housing [Section 811 PRA, as applicable].

Referral agencies should make every effort to refer persons only to properties for which they are eligible. For instance, some properties are restricted to persons over a certain age. Other properties may not have adequate bedroom sizes or be in a convenient neighborhood location to meet the needs of the person’s household. The level of rent affordability (rental assistance) available for SAHP [Section 811 PRA, as applicable] varies across properties and will have a large bearing on whether households meet eligibility criteria.

Housing choice is a strong predictor of housing stability so persons should only be referred to those properties where they are interested in living. Considering the property’s location, accessibility to public transportation, community amenities and applicant’s proximity to natural support systems is critical when helping persons make appropriate housing decisions.

Change in Service Providers

If a relationship between a support service agency and a waitlisted applicant or housed SAHP/SN tenant [Section 811 PRA, as applicable] comes to an end, the support services agency should notify the LLA of the potential change and the person's new Support Service Provider as soon as possible.

Maintaining Status as an Approved Support Services Agency

If the referring and/or designated support services agency does not comply with the terms of the SAHP Program and their Commitment of Service Provision, e.g. is not providing adequate services to their client; or, making the required home visits to support their client/tenant; or, not providing appropriate eviction prevention support, the Local Lead Agency has the authority to put that support service agency on probationary status or remove that agency from the approved referral agency list.

Ongoing Communication Needed with the Applicant during the SAHP Housing Application Process

It is important that the Support Service Agency and Local Lead Agency help the SAHP/SN applicant understand the processes and potential waiting time to secure a SAHP [Section 811 PRA, as applicable] housing unit or apartment and that the application process and acquiring housing may take from a few weeks to several months.

Assisting and supporting applicants during the housing application process extends beyond making the referral to the LLA and may play a central role in whether the referral results in tenancy for the applicant.

Applicants should receive an informational orientation about the SAHP [Section 811 PRA, as applicable] program before the application process is completed. This would include assisting applicants understand their rights and responsibilities as a tenant to uphold the lease requirements and property rules; budgeting to pay rent and utilities; agreeing to a monthly home visit to the apartment by the support services worker; and the responsibilities of maintaining an apartment.

The elements of the SAHP [Section 811 PRA, as applicable] application and certification process that the applicant should be briefed on by the referring Support Service Provider include: a) meeting the program eligibility criteria; b) understanding there is a two phase tenant application process; c) understanding and monitoring the LLA's SAHP wait list for vacancies; d) income qualification for a LIHTC property; and if applicable, e) the timing of the availability of an apartment in an LIHTC property that is under construction. These items are discussed below and the Support Service Provider is expected to brief the applicant on each of these.

Program Eligibility Criteria:

The SAHP/SN applicant must meet all three eligibility criteria below:

- Must have a household income at or below 60% of area median income for the County; meets the

income requirements for the specific housing unit vacancy; and can demonstrate they can pay their portion of the rent:

- Must meet the set aside/special needs household definition in which a head of household or dependent household member has a substantial, long term disability which includes any one of the following:
 - (1) Serious Mental Illness; (2) Addictive Disorder (i.e., individuals in treatment and demonstrated recovery from substance abuse disorder); (3) Developmental Disability (i.e., mental retardation, autism, or other disability acquired before the age of 22); (4) Physical, sensory, or cognitive disability occurring after the age of 22; (5) Disability caused by chronic illness (i.e., people with HIV/AIDS who are no longer able to work); (6) Age-related Disability (i.e., frail elderly, or, young adults with other special needs who have been in the foster care or juvenile services system), or, (7) households/ individuals who are homeless. [Section 811 Project Rental Assistance Program, as applicable, criteria and specific details about eligibility below in [Chapter 8](#).
- Have a designated Support Service Provider that has signed the Commitment of Services Provision, will support the new tenant and provide needed services, make monthly home visits and prevent tenant eviction.

Two-Phase Tenant Application Process

The applicant will go through a two phase tenant application and screening process in which:

Phase I: The Support Service Provider assists the applicant to submit the *Special Needs Housing Program Referral and Pre-Application* ([Appendix A](#)); the Local Lead agency reviews the Application for completeness and determines whether the applicant meets the eligibility criteria. Then eligible applicants are referred to the Property Manager with a *Special Needs Proof of Applicant Eligibility* form, [Appendix A](#);

Phase II: The Property Manager requests the Applicant (with assistance from the referring Support Service Provider) complete the Property Lease Application; will determine the applicant's final eligibility for a vacant SAHP/SN [Section 811 PRA, as applicable] unit by conducting a criminal background check, credit check, previous rental history; and verifies income sources for all household members.

Please Note: If the LIHTC Property is currently under construction, the time between submittal of a Special Needs Housing Program Referral and Pre-Application and being able to submit a lease application for consideration by the LIHTC Property Manager will depend upon the completion of construction.

During initial lease up and ongoing lease up, after notification from the LLA that a LIHTC Housing unit is available, the applicant shall have 3 business days maximum to go in person to the LIHTC property with the vacant SAHP/SN housing unit to begin the property's lease application process.

Local Lead Agency SAHP/SN Wait List Procedures

If the LIHTC property is in the initial lease up phase, all screened and eligible SAHP/SN applicant's names will be put into a lottery that will be held before the LIHTC property is available for occupancy. An applicant wait list will be created based upon the order that applicant names are drawn during a public lottery conducted at a time/date designated by the LLA and Property Manager.

If the LIHTC property is currently leased up and there are no vacancies, then the Applicant will be placed

on the LLA Wait List waiting for a vacancy at the LIHTC property.

Both the applicant and the referring Support Service Provider are responsible for contacting the LLA to update their contact information, email, phone, and mailing address. Failure to do so may result in the applicant being removed from the LLA Wait List.

SAHP/SN Applicant's Income Qualification and Rent for SAHP Housing

The SAHP apartment and rents are awarded to SAHP/SN applicants based upon their household income compared to the AMI (Area Median Income) for that county. Therefore, per the table below for the Sample LIHTC Project, if the household applying for a 1 bedroom (noted as 'bdrm' below) apartment is categorized in the 30% AMI range, the household would pay \$197 a month for rent; whereas if a different household applying for a 1 bedroom apartment is categorized in the 50% AMI range, the household would pay \$462 a month for rent. Please note:

- Unless a SAHP/SN Applicant has already been awarded a Public Housing Authority Section 8 or Housing Choice Voucher, rent is typically not subsidized in LIHTC properties.
- Apartments with particular rent/income qualifications become available only as existing tenants move out, and an apartment becomes vacant and available.
- [Refer to [Chapter 8](#) for information about Section 811 Project Rental Assistance, as applicable to specific LLAs]

Table 4.1
Sample Income and Rent Targets for LIHTC Project

	Total	L-I	% L-I	30%	40%	50%	60%		0	1	2	3	4	# Set Aside
Project Name	Units	Units	Units	AMI	AMI	AMI	AMI	Mkt	Bdrm	Bdrm	Bdrm	Bdrm	Bdrm	Units
ABC Apartment	88	87	99%	11	20	54	2	0	0	24	23	40		18

	30% of AMI Rent Levels				40% of AMI Rent Levels				50% of AMI Rent Levels			
Project Name	1 Bdrm	2 Bdrm	3 Bdrm		1 Bdrm	2 Bdrm	3 Bdrm		1 Bdrm	2 Bdrm	3 Bdrm	
ABC Apartment	\$197	\$229	\$248		na	na	na		\$462	\$553	\$640	

Availability of SAHP Housing in New LIHTC Property Construction

If the Applicant is applying for an apartment in a new or soon to be constructed LIHTC property, they should be made aware that construction completion dates are estimates until confirmed with the Developer. Thus, the Applicant should be aware that they might not be able to receive an apartment by a specific date, and, should therefore be advised to not give a vacancy notice to their current landlord because construction completion dates may change or be extended. The LLA will keep the Support Services Agency and the Applicant informed as to any changes or updates in the construction schedule, and availability of the housing units at the property.

Chapter 5: Property Lease Up Processes between the Property Manager, Local Lead Agency, and Support Service Provider

Planning for Initial Lease Up of a New LIHTC Property

A minimum of 3 (three) and preferably 4 (four) months prior to the anticipated completion of a new LIHTC project, the Housing Developer, the Property Management Company (Regional Manager and Onsite Manager), and the designated Local Lead Agency (LLA) will need to meet via conference call, or, in person to:

Have the local SAHP partners -- Developer, Property Manager, and LLA -- introduce themselves; exchange primary contact information; and ensure ongoing and effective communication.

Clarify the roles of the LLA and Property Manager (per the *LLA/Developer Set Aside Agreement, Appendix A*); review the LLA pre-screening criteria and referral processes; the general time frames required for SAHP/SN applicant screening, conducting the lottery, and referral of applicants to the Property Manager.

Share copies of the LIHTC property's tenant screening/selection criteria (for example the minimum tenant income requirements that may include whether the tenant monthly income must be one and one half or perhaps two times the apartment's rent; a criminal background review policy that may include a requirement that the applicant have no criminal background issues within the previous 5 or perhaps 10 years, etc.); and copies of the property lease application and property rules and apartment floor plans if available.

Discuss the LIHTC Property's Rent and Income Targets for each housing unit size (1 bedroom, 2 bedroom, 3 bedroom) for each AMI level (see Chapter 4 – section entitled SAHP/SN Applicant's Income Qualification and Rent for SAHP/SN Housing). Also discuss with the Developer any possible accommodations for offering the lowest rents available to SAHP/SN tenants as they are typically low to very low income; the Developer and Property Manager have a legal commitment to meet the number of leased SAHP/SN units per the LLA/Developer Agreement.

Discuss the project construction progress thus far; the projected date for issuance of certificate of occupancy for tenant move in; the required LIHTC property lease up date to meet MFA requirements; and determine the target date by which the SAHP/SN applicant referrals are needed in relation to the time frame for regular market rate tenant application processing. Property Managers who are under tight deadlines to meet their LIHTC lease up deadlines can negotiate with Local Lead Agencies to increase the number and timeliness of referrals and applications as soon as housing units are available.

Jointly develop a calendar of target dates [see '*Sample LIHTC Property Lease Up Calendar*'] for the initial LIHTC housing project lease up phase including: date for placement of Sunday/Weekly newspaper ad by the LLA announcing the availability of SAHP/SN units; date for the Community Stakeholder meeting; first date for receipt of SAHP/SN applications; deadline for submittal of SAHP/SN applications to the LLA; date/time frame for review of applications to determine applicant eligibility; the Lottery date for eligible applicants; the date for beginning SAHP/SN referrals to the LIHTC property manager and the final target date for SAHP/SN tenant lease up and move in.

Sample LIHTC Property Lease Up Calendar
for SAHP Marketing, Application Submittal and Referral to LIHTC Property

Activity	Target Date
Marketing and Community Awareness Begins <ul style="list-style-type: none"> Email blast sent to all local service providers & advocacy groups announcing Community Stakeholders meeting on May 18, and other social media notifications or announcements Public Notice Display Advertisement in Sunday Paper Property Brochure Developed Post SAHP Property Brochure and SAHP Application on LLA web site 	<p>April 27, 2016</p> <p>May 7, 2016</p> <p>May 14, 2016</p> <p>May 18, 2016</p>
'Cortez' County Community Stakeholder Meeting City Hall Annex Building, 200 E. Broadway	<p>May 18, 2016</p> <p>1:00 – 3:00 pm</p>
First Day of Receipt of SAHP Pre-Applications Application Period May 18 – June 15, 2016 (typically 30 day time frame until deadline)	May 18, 2016
Deadline for SAHP Pre-Applications to be received by Local Lead Agency for County	<p>June 15, 2016</p> <p>5:00 pm</p>
LLA Staff Review Period of Applications for SAHP Eligibility and Eligible Applicants Names Put into Lottery (unless ongoing application reviews are conducted by LLA as applications are submitted)	June 20 - 24, 2016
Date Lottery held by LLA, and, Applicants placed on SAHP Wait List by number drawn	June 27, 2016
Date to Begin Contacting and Referring Lottery-Determined SAHP Applicants to LIHTC Property Management	June 28, 2016
Target Date for LIHTC Property Lease Up of SAHP units	July 15, 2016

Marketing and Community Awareness

The LLA and the Property Manager are jointly responsible for marketing and community awareness of available Special Needs units and the LIHTC Property itself. This will include five elements:

- 1) The LLA shall place a *Public Notice Display Advertisement* in the local community newspaper a minimum of 7 days prior to the date of the Community Stakeholder Meeting.;

- 2) The LLA and Property Manager shall develop a *Special Needs Housing Program and property description brochure* that describes the SAHP program; eligibility criteria, income levels; and specifics (property location, bedroom sizes, amenities, etc.) of the LIHTC property to be leased.
- 3) The LLA in conjunction with the Property Manager shall conduct a local *Supportive Housing Community Stakeholders Meeting* to explain the SAHP program.
- 4) Notify local Support Service Providers via email networks in the county that serve the Special Needs target population, disability advocacy groups, and consumers regarding the Set Aside/Special Needs Housing Program and information regarding each LIHTC Property; and,
- 5) The LLA shall post SAHP program information, the LIHTC property brochure, and the entire SAHP/SN Application on the LLA agency web site.

Examples and discussion of items 1, 2, and 3 above, are provided below:

Sample content for the *Public Notice Display Advertisement* in the local newspaper:

PUBLIC NOTICE

New Mexico Special Needs Housing Initiative

A Public Hearing and Presentation will be held on

Wednesday, May 11, 2015 at 2:00pm

LLA Agency Name

5101 High St. NE, Albuquerque, New Mexico.

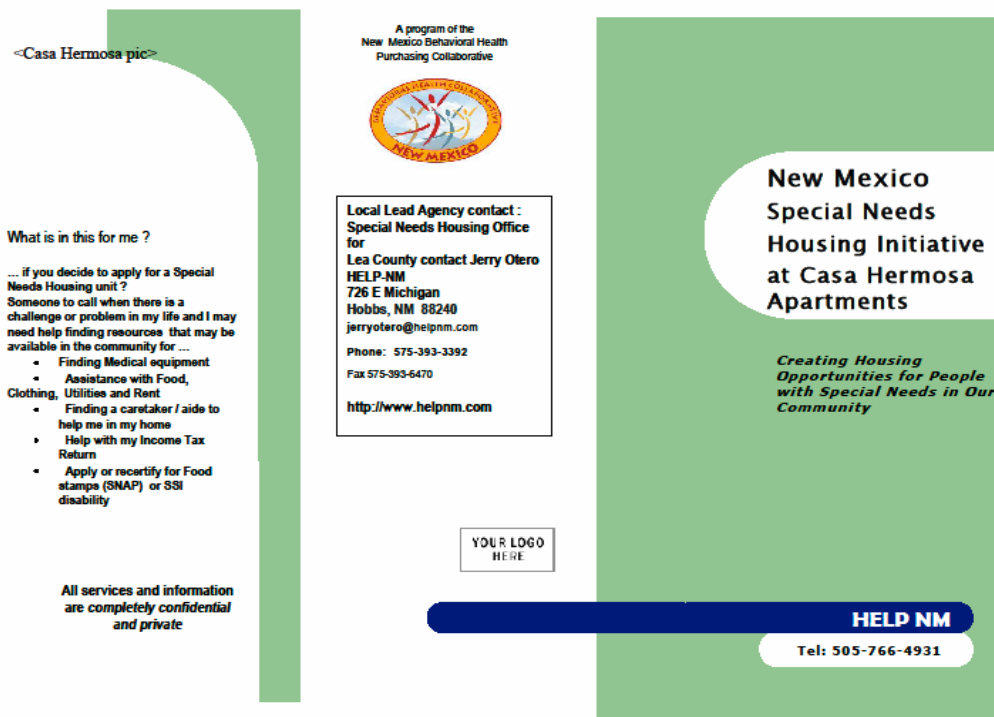
To discuss the New Mexico Special Needs Housing Program
in Cortez County for Special Needs Units at Plaza Resolana Apartments

Sixteen (16) Low Income Housing Tax Credit (LIHTC) housing units are available.
Applications will be accepted from May 11, 2011 through, June 13, 2014 at 5:00 p.m.

For additional information call 'LLA Agency', 505-766-4931; Applications and
supporting documentation will be accepted via mail to: ABCD LLA Agency,
P.O Box 1234, Albuquerque, NM 87101, or via Fax. (FAX 505-349-2303:
Attention: LLA Contact Staff Name and email address

Sample content for the *Special Needs Housing Program Brochure*.

This 8 ½ x 11, two-sided Microsoft Word template (a sample of page 1 is copied below) is available from the Local Lead Agency technical assistance agency or the NM Supportive Housing Coordinator with BHSD. After specific content is added for the LIHTC property being leased up, it is easily printed from any computer and printer.



Supportive Housing Community Stakeholders Meeting

Each Local Lead Agency (LLA) is responsible for planning and convening in their local community the supportive housing-related meetings as necessary to ensure ongoing referrals and continued lease up of the SAHP/SN units.

The Supportive Housing Community Stakeholders Meeting is a public community meeting to introduce the Special Needs /Set Aside Housing Program (SAHP) and the new LIHTC Property. The Supportive Housing Community Stakeholders Meeting is held any time a **new** LIHTC property with SAHP/SN (Set Aside/Special Needs) units is built. The planning for SAHP/SN lease up activities that include planning the Stakeholders meeting should begin 4 months prior to the date the LIHTC property will begin receiving any lease applications; and, the actual date for the Stakeholders meeting should be at least 2 months prior to that lease up application date.

Invitees to the meeting include all Support Service Providers, advocacy groups, and peers who serve persons with one of the qualifying disabilities or are certified homeless that are eligible for the SAHP. These supportive housing meetings are always open public meetings held either at a community facility or the LIHTC property. The meetings provide an important face-to-face opportunity for in person communication between the community stakeholders involved in the SAHP including the Local Lead Agency, Housing Developer, Property Manager, Support Service Agencies, advocacy groups, and consumers regarding the SAHP program.

The purpose of the Stakeholders meeting is to provide an overview of the Special Needs /Set Aside Housing Program (SAHP) and applicant referral process, as well as explain the income eligibility and target population criteria, referral, and tenant selection processes; describe the LIHTC Property tenant selection criteria; orient attendees about the respective roles in the lease up process of the LLA, Property Manager, and Support Service Providers; and announce the deadlines and closing date for SAHP/SN applications to be received by the LLA.

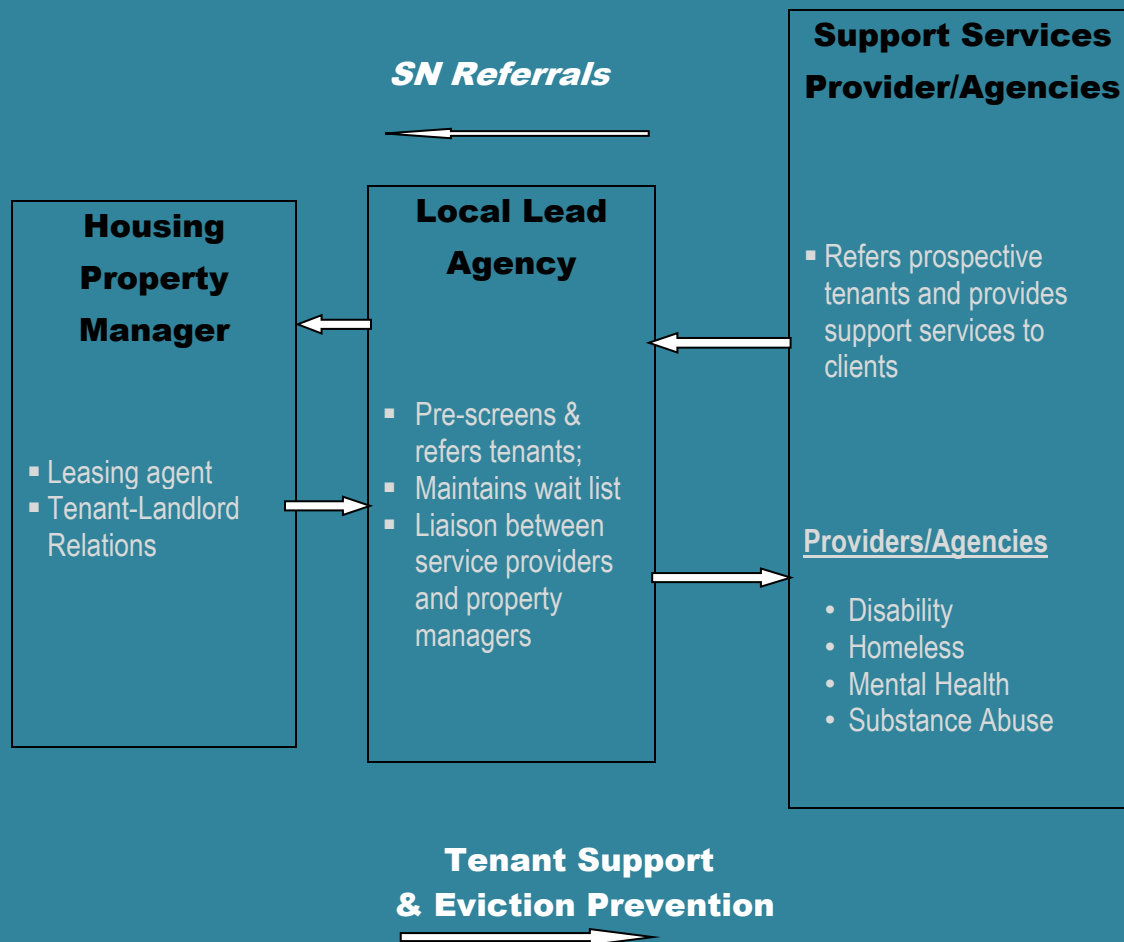
The Property Manager for the new LIHTC property should attend the meeting to discuss the LIHTC Property amenities and tenant screening/selection criteria and be available for questions from prospective SAHP/SN applicants and the referring Support Service Providers.

Suggested Agenda for the Community Stakeholders Meeting

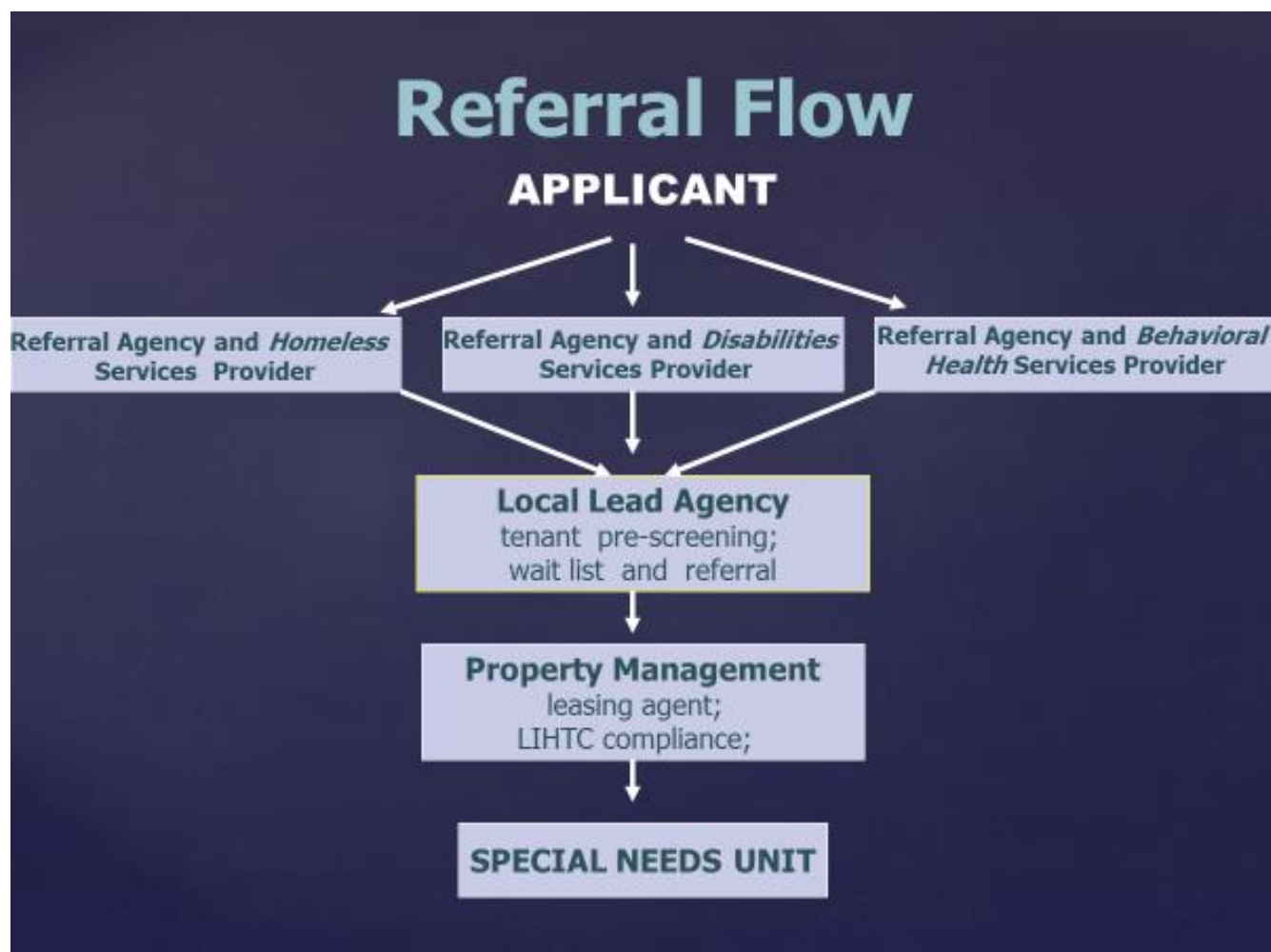
The agenda with content notes for the meeting is provided below with the Agenda topics bolded.

- **Introductions** [of the LLA, Developer, Property Manager, and self-introductions of all attendees] & **Meeting Overview**
- **What is Special Needs Housing?** [Discuss the concepts of supportive housing and the SAHP program]
- **Who is Involved in Special Needs Housing and What Do They Do?** [discuss the Roles of the Local Partners, i.e. 'who does what' in the SAHP lease up process for the LLA, Property Manager, and Support Service Providers] see Roles of the Local Partners diagram below;
- **What is the Screening & Selection Process?** [explain SAHP income eligibility, target population criteria; the two phase application process in which: 1) the LLA reviews the SAHP/SN application and confirms/denies/requests needed additional information; places Application into Lottery or on LLA wait list, and 2) the qualified SAHP/SN applicant is referred to Property Manager to submit a standard lease application at the property;]
- **How Does a Provider Refer an Applicant?** [Explain the SAHP/SN application form and backup documents (identification, all sources of income, government benefits, etc.) required; provider discusses with applicant the LIHTC property and whether it meets their needs; provider assesses whether applicant meets income and target population guidelines; provider commits to provide long term services, monthly home visits and eviction prevention; provider assists consumer/applicant to complete the application and submit to LLA for review and eligibility determination] see Referral Flow diagram below;
- **What LIHTC Properties are available and What Date will the Units be available?** [Property Manager provides an overview of the LIHTC property amenities; tenant selection/screening criteria e.g. criminal and credit checks, rental history and the property rules; Property Manager provides a date by which SAHP housing units will be available for occupancy].

Roles of the Local Partners



SAHP Referral Flow Diagram



Initial Lease Up Processes between the Property Manager and Local Lead Agency

In the initial lease up phase, all screened and eligible SAHP/SN applicant's names will be put into a lottery conducted by the LLA at a public time/date designated by the LLA. An LLA applicant wait list will be created by the LLA based upon the order that applicant names are drawn during that public lottery.

When the first housing units become available at the newly constructed or rehabilitated property, the Property Manager shall notify the LLA by sending a time and date stamped communication form '*Notice of Vacancy and Referral of Special Needs Consumer*' ([Appendix A](#)). Then the LLA will refer SAHP/SN applicants from their lottery wait list according to the housing unit size and income requirements of the available LIHTC housing units that are available to receive SAHP/SN applicants.

The LLA will respond by completing the '*Response from the LLA*' portion of the '*Notice of Vacancy and Referral of SN Consumer*' form, include the name of the person being referred, and submit a '*Special Needs Applicant Proof of Eligibility and Letter of Referral to Property Manager*' ([Appendix](#)

A) for each qualified applicant to the Property Manager.

Per the *LLA/Developer Agreement*, **Appendix A**, the SAHP lease up time frames and holding periods for marketing and filling vacancies are:

- Set-aside units shall not be rented to other households unless the unit has been marketed for 30 days from the date that the Vacancy notice is received by the LLA – for initial lease up
 - For developments with a set aside of 4 units or fewer referrals must be made within business days after receipt of written or email notice from the Property Manager.
 - For developments with a set aside of 5 or more units referrals must be made within business days after receipt of written or email notice from the Property Manager.
 -

The Property Manager must accept a *qualified* Household with Special Needs referred within 30 days of date that notice of unit availability was delivered to the Local Lead Agency, prior to accepting any other applicant for such unit. Property Managers who are under tight deadlines to meet their tax credit deadlines can negotiate with Local Lead Agencies to increase the timeliness of referrals.

A copy of all *Notice(s) of Vacancy and Referral of Special Needs Consumer* and *Special Needs Applicant Proof of Eligibility and Letter(s) of Referral*, **Appendix A**, shall be kept in both the Property Manager's and LLA files. This information will be reviewed during site monitoring visits by both the New Mexico Mortgage Finance Authority (MFA) and the Behavioral Health Services Division (BHSD) to validate SAHP vacancy notices and referrals.

Ongoing Lease Up Processes between the Property Manager and Local Lead Agency

After the initial lease up period, when a vacancy occurs at the property in which the Special Needs/Set Aside Housing unit quota has not been met, the Property Manager shall promptly notify the LLA by sending a time and date stamped communication form '*Notice of Vacancy and Referral of Special Needs Consumer*' (**Appendix A**). *Note:* The quota is the number of floating special needs units designated and agreed to by the property developer.

The LLA will respond to the vacancy notice and refer SAHP/SN applicants from their (the LLA's) wait list of previously qualified and eligible SAHP/SN applicants that matches the available/vacant LIHTC housing unit size (number of bedrooms) and income requirements. In the case of not having a qualified applicant on the LLA wait list, the LLA shall immediately market this vacancy and information about the property to local Support Service Providers via email address networks in the county.

The LLA will respond to the *Notice of Vacancy* by completing the *Response to the Property Manager* portion of that form, include the name of the person being referred, and send both the completed *Notice of Vacancy* form and the *Special Needs Applicant Proof of Eligibility and Letter of Referral* (**Appendix A**) form to the Property Manager. LLA will also send the eligible SAHP/SN applicant(s) with a copy of their *Special Needs Applicant Proof of Eligibility and Letter of Referral* (**Appendix A**) to the Property Manager.

If available from the wait list, the LLA may respond to the *Notice of Vacancy* with up to three referrals and each sent on a separate copy of the form sent by the Property Manager so that the information for each response is specific to the individual referral. The LLA will identify for the

Property Manager which referral takes precedence and only send the eligible applicant at the top of the wait list with their *Special Needs Applicant Proof of Eligibility and Letter of Referral* (Appendix A) to the Property Manager.

The Property Manager will return the *Notice of Vacancy* form to the LLA with an approval/denial indicated on the *Response from Property Manager* portion of the form. If the initial referral is denied, the Property Manager will notify the LLA also by phone of the denial and proceed to review the subsequent referral. The LLA will notify the next eligible applicant and their Support Service Provider and send the applicant's *Special Needs Applicant Proof of Eligibility and Letter of Referral* (Appendix A) to the Property Manager. LLA will also send the eligible SAHP/SN applicant(s) with a copy of their *Special Needs Applicant Proof of Eligibility and Letter of Referral* (Appendix A) to the Property Manager. The approval/denial *Response from the Property Manager* on the *Notice of Vacancy* that is returned to the LLA will let the LLA know which applicants to remove or keep on the wait list.

Per the *Agreement Between the LLA and Property Owner/Developer* (Appendix A), the SAHP lease up holding periods for marketing and filling vacancies are outlined:

--After the Initial Lease Up period, when a unit reserved for Households with Special Needs becomes available, if the Local Lead Agency refers one or more Household with Special Needs within a reasonable period not to exceed 7 days after receipt of written notice from the Property Manager of notice of unit availability, the Property Manager must accept or decline such Household with Special Needs referrals prior to considering any other applicant(s) for such unit.

--SN Set-aside units shall not be rented to other households unless the unit has been marketed by the LLA.

--LLAs should refer to the *Special Needs Housing Set Aside Agreement between LLA with Property Owner/Developer* and/or the established practice for holding periods from the date that the Vacancy Notice is given to the LLA, as some properties allow for longer holding periods.

During the process to fill vacancies, if after a good faith effort by the LLA, an eligible SAHP/SN applicant cannot be identified and referred to the Property Manager; the LLA may respond to the Notice of Vacancy by releasing the housing unit earlier than the holding period by checking the box at the bottom of the '*Notice of Vacancy and Referral of Special Needs Consumer*,' see Appendix A, form and then dating, signing, and returning to the Property Manager. See sample response below:

☐ **Based upon a good faith effort by the LLA to recruit and screen Special Needs Applicants, there are no eligible Special Needs Applicants to refer for this housing unit identified above.**

A copy of all *Notice(s) of Vacancy and Referral of Special Needs Consumer*, and, *Special Needs Applicant Proof of Eligibility and Letter(s) of Referral* shall be kept in both the Property Manager's and LLA files. This information will be reviewed during site monitoring visits by both the New Mexico Mortgage Finance Authority (MFA) and the Behavioral Health Services Division (BHSD) to validate SAHP vacancy notices and referrals.

Lease Up Processes and LLA SAHP/SN Wait List for the Local Lead Agency and the Referring Support Services Agency

Upon the notification from the Property Manager of a LIHTC vacancy, the LLA shall contact the next qualified SAHP/SN applicant on the LLA SAHP/SN wait list and their referring Support Services Provider case manager by both phone and email.

Once contact is established by the LLA with the applicant and their Support Service Provider, the applicant shall have 3 business days maximum time period to go in person to the LIHTC property with the vacant housing unit to begin the lease application process.

After notification by the LLA via both phone and email to the SAHP/SN applicant and their Support Service Provider, if the applicant or referring support service agency does not respond to the LLA within 7 business days from the date of initial contact via phone and/or email; the applicant shall not be considered a priority referral for the current vacant unit. The LLA will move on to the next eligible SAHP/SN applicant on the LLA wait list referred to the Property Manager.

The LLA will notify the Property Manager to proceed to the subsequent applicant referral, contact the applicant and their Support Service Provider and email, and send the eligible SAHP/SN applicant(s) with their *Special Needs Applicant Proof of Eligibility and Letter of Referral* (Appendix A) to the Property Manager.

Ongoing Lease Up Activities and Supportive Housing Learning Community Meetings

To support ongoing lease up activities, each LLA must hold a minimum of two (2) Supportive Housing Learning Community Meetings (SHLC) a year [one of which may be an initial lease up Supportive Housing Community Stakeholder meeting] in which all LIHTC properties in the county with SAHP/SN units are discussed to educate the public and provide equal access to the SAHP/SN units for prospective SAHP applicants. Invitees include all Support Service Providers, advocacy groups, and peers who serve persons with the types of qualifying disabilities or are certified homeless that are eligible for the SAHP.

There are circumstances that may serve as justification for a LLA to request of the BHSD Supportive Housing Coordinator an approval to have one SHLC meeting per year rather than two. The basis allowing for an approval by the BHSD Supportive Housing Coordinator include but are not limited to the following: the amount of filled SN units within that year, the outreach conducted by the LLA besides SHLC meetings and/or the LLA's presentation(s) during other various community meetings; meetings facilitated by the LLA with supportive housing topics relevant to SN and the specific community location; and/or the location of an LLA being rural and limited with which agencies to pursue outreach. Approval to decrease the minimum frequency of two meetings per year will be limited to a LLAs with a valid basis of justification and requested of the BHSD Supportive Housing Coordinator before the last quarter of the fiscal year.

There are two goals of the Supportive Housing Learning Community meetings:

- 1) Educating the Public (local Support Service Providers and advocacy groups) about the SAHP program, application process, and available properties: (Note: this is discussed above in the prior Initial Lease Up Activities section – 'Suggested Agenda for the Community Stakeholders Meeting') topics include providing an overview of the SAHP program; SAHP/SN eligibility; the LIHTC Property tenant screening processes unique to each LIHTC property; discuss the applicant referral process

and respective roles in the lease up process of the LLA, Property Manager, and the referring Support Service Providers. If possible, the Property Managers for each LIHTC property should also attend the meetings to discuss their LIHTC Property's amenities and tenant selection/screening criteria and to be available for questions from prospective SAHP/SN applicants and Support Service Providers, and,

- 2) Support Services and Resources Needed by SAHP Tenants: jointly discuss with attendees the support services and resources needed by special needs tenants to successfully move in and attain long term tenancy (see below Suggested Topics for SHLC Meetings). The Local Lead Agency (LLA) will guide discussion regarding: a) evidenced-based best practices and lessons learned in supportive housing; b) fair housing, eviction prevention, and reasonable accommodations/modifications rules and regulations; and, c) invite attendees to share information about local community resources available for move in expenses, household goods, or emergency utility or rental assistance.

Suggested Topics for SHLC Meetings Re: Support Services and Resources Needed by SAHP/SN Tenants

The Local Lead Agency (LLA) will set the meeting date and time and send out email invitations to Support Services Providers and advocacy groups three (3) weeks in advance for two Supportive Housing Learning Community Meetings (SHLC) a year. The LLA will plan and develop the agenda topics and invite attendees or speakers to discuss information regarding the services and resources needed by SAHP/SN tenants to maintain long term tenancy. Some topics and content options are offered below:

- a) Evidenced-based best practices and lessons learned in supportive housing [e.g. discussion topics could include the importance of flexible in vivo support services; how to do monthly home visits, importance of regularly updating service plans and housing plans (discussed in Chapter 8); teaching and modeling good tenant skills; negotiating tenancy issues with property managers]
- b) Fair housing, eviction prevention, and reasonable accommodations/modifications rules and regulations; [e.g. discussion topics could include responding quickly to property manager requests for assistance with tenant; discuss fair housing law and rules related to persons with disabilities; discuss how to request reasonable accommodations and modifications from the LIHTC property manager; how to prevent eviction by developing a good crisis plan]
- c) Local community resources available for move in expenses, household goods or emergency utility or rental assistance. [e.g. discussion topics could include identifying local churches and non-profits that provide emergency rental or utility assistance or household furniture to donate for move in and share their contact information and location; or discuss the BHSD Move In Assistance and Eviction Prevention fund for behavioral health consumers.]

We Are All In This Together: The Importance of a Strong Partnership

A smooth working relationship based upon the mutual support of each partner's role is essential to successful SAHP operations. The goals of the partnership between Property Management, the Local Lead Agency, and the Support Service Agencies are to:

- ensure there is a supply of Special Needs (SN) applicants from the community;

- keep each other informed of the status (or release of) housing/apartment vacancies;
- ongoing communication and early notification regarding tenant issues to prevent eviction;
- working together on suitable requests for Reasonable Accommodations/Modifications.

The success of the SAHP depends on all partners – property management, the Local Lead Agency, the Support Service Agency -- to keep each other informed and aware about any and all issues that may threaten the SAHP/SN tenant's success. The support service agency typically sees the tenant during the monthly home visit; however, the property manager will perhaps see the tenant more frequently going about their day to day activities or interacting with their neighbors. Thus, there may be occasions when the on-site property manager will identify tenant issues before the tenant's support service agency is aware of any problems. The property manager communicating with and notifying the support service provider about their observations may avert problems, and possible eviction.

Success depends on all partners working together, communicating frequently, and keeping each other informed.



The resource documents for the SAHP/SN applicant referral processes for initial property lease up and ongoing lease up of vacancies are listed below and available in [Appendix A, Required Forms and Agreements for New Mexico's Special Needs/ Set Aside Housing Program](#):

- Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer
- Sample LIHTC Property Lease Up Calendar
- New Mexico Special Needs Housing Program Pre-Application Form
- Special Needs Applicant Proof of Eligibility and Letter of Referral to Property Manager
- Notice of Vacancy and Referral of Special Needs Consumer

Chapter 6: Tenancy Issues and Eviction Prevention Processes

Successfully resolving tenancy issues and ensuring eviction prevention requires the cooperation of all partners including the Local Lead Agency, Support Service Provider, Property Manager, and the SAHP/SN tenant. In many cases, Local Lead Agencies can provide the technical assistance to support service agencies and Property Managers in assisting tenants experiencing difficulty. On other occasions, Local Lead Agencies may become more directly involved in working collaboratively with the support services agency and property management in figuring out how to best address the challenge faced by the tenant.

The prevention of eviction begins with understanding the top issues that could lead to an eviction for any tenant whether they are a participant in the SAHP program or not. These issues include, but are not limited to: rent payment delays or non-payment; non-payment of utilities (electric, gas, etc.); persons moving into the apartment who are not listed on the lease; problems or conflicts with neighbors; hoarding and conflicts with health and safety standards; problems maintaining the physical condition of the apartment; frequent and unwarranted visitors and guests; suspected criminal activity; and, frequent 911 calls by the tenant and/or complaints by neighbors.

Leases and Property Rules

The Property Manager and the property management company have the legal authority to write the property lease and establish rules for the property that all tenants must follow. The lease outlines the tenant's and the Property Manager's rights and responsibilities and is for the protection of both parties of the legal tenancy relationship. The New Mexico Uniform Ownership Resident Relations Act [Uniform Owner-Resident Relations Act (UORRA) 47-8-1 *et seq.* NMSA 1978] is the New Mexico law that covers property management-tenant responsibilities and relations.

The lease outlines the various terms and conditions of the tenancy contract or lease provisions including, for example, who can legally live in the apartment; the length of time the tenant is agreeing to rent (6 months; 12 months, etc.); the amount of rent and due date; and where/how/to whom is rent to be paid. Additionally, it will outline the late fees that can be charged for late payment of rent and which utilities (if any) are included in the rent. Typically, the lease will also state the maximum number of days that guests can stay in the apartment and that the tenant is responsible for any and all actions and behaviors of their guests. The lease will also determine whether pets are allowed and the rules that govern them.

Eviction Prevention Planning

Prevention plans are put in place with a completed, signed, and regularly updated *Crisis Response Plan and Contact Numbers* form ([Appendix A](#)) for each SAHP/SN tenant. The Crisis Response Plan is a personalized emergency contact list with both office and cell phone numbers for each SAHP/SN tenant's Support Service Provider and case manager; a designated personal or family member; and, the Local Lead Agency staff contact person. The Support Service Provider is responsible for developing the Crisis Response Plan document, which is submitted with the initial application. It should be updated each time home visits are made to the tenant's apartment as emergency contact persons and their contact information may change over time. This plan provides contact information for emergency interventions

with tenants before an unexpected problem might escalate into a crisis for the tenant, their neighbors, and/or the Property Manager. A copy (as well as updates) of the Crisis Response Plan and contact numbers should be given to the Property Manager (in addition to the tenant, Support Service Provider, and LLA) so that they may be able to contact the appropriate persons in the event of a crisis.

Scheduling regular, monthly home visits to the SAHP/SN tenant by the Support Service Provider staff are the key to prevention of a crisis and possible eviction. The home visit allows the Support Service Provider staff to: see the tenant in their own home environment; check on the tenant's wellbeing; see the apartment's physical condition; ask whether (and confirming with receipts that) the rent and utilities are being paid on time; and, discuss any tenancy-related issues. This in person meeting with the tenant and assessment by the staff helps to uncover whether there are any substantial changes or challenges for the tenant in the last month that could possibly lead to an eviction. Note: In the event that it is determined that the Support Service Provider is not making home visits and providing needed services, the LLA is bound through the LLA/Developer Agreement to provide support services and home visits on an interim basis until the LLA helps the SN tenant find a new Support Service Provider.

In addition to communicating with the SAHP/SN tenant, the Support Service Provider should also establish a solid working relationship with the on-site Property Manager. The Property Manager's office is typically located at the apartment complex which allows them to observe the tenant on a daily basis. Thus, they can alert the case manager about issues and problems that they may see that the case manager might not uncover during the monthly visit.

Eviction Prevention Action Steps

The ability to effectively respond to an emergency or tenant issue depends upon the processes that have been previously agreed to and put in place by the local partners. The following eviction prevention procedures should be instituted:

- Ensure that the Property Manager, LLA, and Support Service Provider all have the up to date Crisis Response Plan with current contact phone numbers for the designated personal or family member, Support Service Provider, and the LLA.
- Ensure there is an ongoing and supportive working relationship between the Property Manager, Support Service Provider, and LLA so the Property Manager can alert the Support Service Provider and LLA as soon as possible regarding any developing SAHP/SN tenancy issues.
- If a potentially serious issue with a SAHP/SN tenant develops, e.g. problems with other tenants, not paying rent, suspected condition of the apartment, etc., the Property Manager should contact both the SAHP/SN tenant's Support Service Provider and the LLA via phone and email documenting the communication.
- If an eviction notice has been issued, the Property Manager should complete and send to the LLA the *Notification that Resident Was Served Notice of Eviction (3, 7 or 10 day)* form (**Appendix A**) or send a copy of the eviction notice and/or both. The Support Service Provider staff and/or the LLA shall respond within 24 hours via email that the communication or notice has been received and the next steps proposed. If the designated Support Service Provider fails to respond and provide eviction prevention services, the LLA will respond to the Notice of Eviction and assist the tenant and subsequently assist the tenant to secure and designate another Support Service Provider organization to meet the needs of the SAHP/SN tenant, if necessary.
- A maximum of two (2) attempts in one month will be made to connect with the SAHP/SN tenant to conduct a home visit. Each attempt will be announced and documented by a notice taped to the tenant's apartment door, and the Property Manager will be kept informed about these attempts.
- If no contact or response from the SAHP/SN Tenant is received after the second unsuccessful

attempt by the Support Service Provider or LLA is made, the Property Manager shall notify the tenant that a 24 Hour Notice of Entry has been issued. Then the LLA, Support Service Provider, and the Property Manager will coordinate with the tenant the time and date of the next home visit and a property inspection will be conducted to determine the well-being of the tenant and the physical condition of the apartment.

- Until the SAHP/SN tenant issue(s) are resolved, the LLA and/or Support Service Provider should keep the Property Manager informed via ongoing weekly (or more frequent) communication and informal reports as to actions taken, responses and updates on the wellbeing of the tenant, and the condition of the apartment.
- If the tenant and/or Support Service Provider elect to pursue requesting a Reasonable Accommodations or Modifications with the Property Manager, the LLA will assist the applicants and their Support Service Provider in formulating a request for Reasonable Accommodations and Modifications, as well as attend meetings and hearings in conjunction with the SAHP/SN applicant or tenant.
- In the event that an issue is not resolved at the local level via coordination efforts with the Support Service Provider and LLA, and the SAHP/SN tenant refuses to engage in the eviction prevention processes, the Property Manager has the option to contact the BHSD Supportive Housing Coordinator directly via phone and email to arrange a meeting with the BHSD Supportive Housing Coordinator, LLA, Support Service Provider, and Property Manager to develop a coordinated response and plan of action for eviction prevention.
- For Albuquerque area only: In the event the issues are urgent and unmanageable or after hours 8 am – 5 pm, the Property Manager also may contact the ABQ Crisis Intervention Team at 505-242-COPS.

Unique Role of the Local Lead Agency (LLA) in the Eviction Prevention Process

The LLA should provide the needed assurance to the Property Manager that crisis intervention procedures and eviction prevention processes jointly developed by all local partners can address and mitigate any impacts of the SAHP/SN tenant behaviors on other tenants or the physical condition of the apartment complex.

During the process to resolve a tenancy issue, the LLA:

- should be the objective liaison between with the Tenant, Property Owner/Developer, Property Manager, and Support Service Provider; and,
- must ultimately act in the best interest of all concerned to protect the LIHTC property and the rights of other tenants to the peaceful enjoyment of their apartment.

Debriefing after a Crisis

If a crisis situation does develop, it is recommended that an 'after action' examination process by all local partners be instituted using the following questions:

- Was the Property Manager, Support Service Provider, and the Local Lead Agency staff notified as soon as possible and what were the responses?
- Was there ongoing and timely communication between the LLA, Support Service Provider, and Property Manager to keep all parties informed?
- What specific event(s) or incidences happened?

- Were opportunities for intervention missed?
- Were there breakdowns in communication?
- What can be done differently in the future?
- What processes need to be put in place to prevent similar issues or problems?

Consequences of Eviction

The consequences of eviction are multi-faceted and far ranging for all parties involved. For the SAHP/SN individual tenant, being evicted creates instability and can significantly impact their rental history for securing future apartments. For the designated Support Service Provider, an eviction can reflect on the provider or agency's future applicant's housing referrals and placements through the SAHP. For the Property Manager, the lengthy eviction documentation processes and court hearings mean both lost revenue and the necessity of new tenant recruitment. Legal eviction should hopefully be the last resort.

Reasonable Accommodations and Modifications

In some instances, the pursuit of requesting Reasonable Accommodation (RA) or Reasonable Modification (RM) may be the appropriate course of action to prevent tenant eviction. A Reasonable Accommodation is a change in the rules (e.g. property rules or lease elements) that govern the housing property. A Reasonable Modification is a physical change (e.g. widening doors, building a ramp, etc.) to the property. Both a Reasonable Accommodation and Modification will afford the tenant (or prospective tenant who is being considered for a new apartment) an equal opportunity to use and enjoy the housing and affirmatively ameliorate the effects of their disability. There must however be an identifiable relationship or nexus between the requested accommodation and the person's specific disability. Fair housing and disability rights laws make reasonable accommodations available to individuals with disabilities; however, the laws do not eliminate normal tenancy obligations. The expectation for a RA or RM is that the Property Manager and tenant will share information in an interactive conversation to develop an accommodation that is reasonable for both.

For a more detailed discussion about RA and RM and how it is used to assist persons with disabilities to secure appropriate housing, please refer to [Appendix B, Fair Housing for Tenants with Disabilities: Understanding Reasonable Accommodations and Reasonable Modifications](#).

Termination of Special Needs Status

The LLA will assess and determine if circumstances exist to terminate the Special Needs status of a client and discharge from programming as successful or unsuccessful. LLA with the Support Service Provider will review the client's programming needs and progress to include the length of time of active participation. The LLA will also communicate with the Property Manager and consider their input regarding the client's tenancy status. The determination of termination of Special Needs status should be a consensus decision between the LLA, Support Service Provider, and Property Manager. If the decision to terminate is not agreed upon by the LLA, Support Service Provider, and Property Manager; the LLA will seek the guidance of the LLA TA and/or the BHSD Supportive Housing Program Manager.

The following include but are not limited to the circumstances that the LLA will consider discharge of a

client's SAHP/SN status:

--If a SAHP/SN client refuses further engagement in monthly home visits by a Support Service provider and/or support services and has not made substantial progress towards the goals of their treatment plan, the LLA will discharge SAHP/SN client unsuccessfully.

--If a SAHP/SN client refuses monthly home visits by a Support Service Provider and/or support services but has met their treatment goals and consistently participated in the monthly home visit for at least one year, the LLA has the discretion to discharge the SAHP/SN client successfully.

--If after 90 days, SAHP/SN client's whereabouts are unknown following due diligence to locate said SAHP/SN client and SAHP/SN client has not met their treatment goals, LLA will discharge SAHP/SN client unsuccessfully.

--If SAHP/SN client no longer meets the income eligibility criteria, the LLA will assess if the SAHP/SN client has met their treatment goals for at least one year to determine if the SAHP/SN client is a successful or unsuccessful discharge.

--If SAHP/SN client is unable to participate in monthly home visits and or support services due to incarceration, hospitalization, or other circumstances of the like; the LLA will assess and determine whether the SAHP/SN client will remain a SAHP/SN client with inactive status pending their return. Inactive status must not exceed 90 days. If more time is requested and/or needed, the LLA will discuss with the TA LLA and/or BHSD.

If a SAHP/SN client after at least one year of consistent participation in programming functions at a level that no longer requires support services, does not need eviction prevention support, and/or identification as a Special Needs client is unnecessary; the LLA has the discretion to discharge successfully and/or incrementally decrease the frequency of home visits to quarterly and/or every six months until said SAHP/SN client is ready for a successful discharge. After decreased house visits for at least 6 months, the LLA will assess and determine if successful termination from programming is the most viable option. The LLA must consider the length of time that a SAHP/SN client has engaged in services and the level of functioning prior to determination that the client is able to function independent of support.

If a SAHP/SN client expresses the desire to remain in services, the LLA and Support Service Provider will continue provision of services. Support Services are voluntary to be a SAHP/SN client; however, the monthly home visit must occur for a client to be identified as a SAHP/SN client. The LLA will offer explanation to the SAHP/SN client about their client status, options for changed status, and if their SAHP/SN status is terminated. LLA will provide a letter to the client after the determination to discharge and keep a copy in client's file.

If a SAHP/SN client refuses participation and seems to be a risk to self and/or others, the LLA will report the concern to the appropriate agencies, such as but not limited to Adult Protective Services, and as necessary.

Final discharge of a SAHP/SN client can only occur after the LLA meets with the LIHTC Property Manager and Support Service Provider to discuss and assess the tenant's particular circumstance, the basis for the discharge. The LLA will receive input from the Property Manager about the tenant and develop a plan for how to address if there are future tenancy issues. The Property Manager, Support

Service Provider, and LLA should be in agreement about a client discharge. Client status should be documented in case files and reflect any and all changes.

The LLA may request support and guidance about such terminations from BHSD and/or the LLA contracted by BHSD to provide Technical Assistance support to all LLAs, as necessary. For all LLA determinations of successful or unsuccessful discharges, the LLA will notify the property manager of the determination without providing clinical details.

Chapter 7: Providing Services for Supportive Housing

The Supportive Housing Service Model

A growing body of research demonstrates that supportive housing can improve health and lower service delivery system costs for vulnerable persons with disabilities or the formerly homeless. Their vulnerability can result from developmental problems, personal and physical incapacities, inadequacy of interpersonal networks and supports, limited if nonexistent health care, lack of financial resources, as well as the complex interactions of these factors over the course of their lives. By providing stable affordable housing, tenancy supports, and housing case management services that connect tenants to a network of comprehensive primary and behavioral health services; supportive housing can improve health, foster mental health recovery, and reduce alcohol and drug use among persons with disabilities and formerly homeless individuals.

The purpose of supportive services is to assist vulnerable and special needs households to maintain or improve their quality of life and successfully remain in their housing or LIHTC apartment. Services related to housing are focused on helping individuals get and keep housing and are integrated into rather than separated from other supports and services the tenant may require, e.g. vocational and occupational assistance, home health, rehabilitation, counseling and psychiatric care, medication management, etc. Housing related assistance includes: help completing the required housing forms and documentation; identifying which housing is appropriate; assistance to execute a lease and move into the unit; providing guidance in being a successful tenant; abiding by the lease and property rules and eviction prevention.

Supportive housing is comprised of two basic and inter-connected parts:

- Access to Housing, in which a private rental Property Manager/Landlord or Housing Authority determines the applicant's eligibility, and enters into a legal contract or lease; and,
- Provision of Support Services, supportive services which are voluntary and flexible are provided by an organization, social services agency, or managed care organization to teach life skills and provide a liaison for tenant landlord relations;

Special Note regarding required Monthly Home Visits: While tenant selected support services are voluntary, regular monthly home visits by the support worker with the tenant are mandatory for New Mexico's (State funded) supportive housing programs – for the Set Aside/Special Needs Housing Program (SAHP). Establishing routine contact and making home visits to SAHP/SN tenants ensures early detection of any tenancy-related issues and identification of any repair or maintenance issues. The tenant's chosen support services agency is expected to conduct regular home visits to provide ongoing support to their client/tenant to ensure long term success and stability in housing.

The Substance Abuse Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services has established Permanent Supportive Housing (PSH) as an Evidence-Based Practice (EBP). SAMHSA has developed an EBP KIT (Knowledge Informing Transformation) in 2010 which provides guidance for program development and staff training, as well as evaluation and fidelity tools for the use of PSH. The commonly accepted basic principles of supportive housing are:

- Support services are tenant-driven, individually tailored, and flexible; primarily provided in vivo, in the tenant's home.
- Support services are offered to promote independent living and help tenants find, get, and keep housing.
- Neither support service compliance nor following treatment plans are conditions of accessing housing or maintaining tenancy.
- Supportive housing tenants have all the rights and responsibilities of tenancy.
- Housing is not subject to time limitations only the lease requirements.
- Leases are renewable if compliance with standard lease terms and property rules are maintained.
- Ongoing and regular communication must occur between Support Service Providers, Property Managers, and tenants; communication will ensure that tenants remain successfully housed to resolve any difficulties and prevent eviction.

New Mexico Adaptation of the SAMHSA PSH Fidelity Tool

This SAMHSA Permanent Supportive Housing (PSH) EBP Fidelity Tool was reviewed and revised in 2012 by a Permanent Supportive Housing Work Group associated with the SAMHSA-funded Healthy Homes Program grant in New Mexico. This revised fidelity tool better meets the needs of supportive housing tenants in New Mexico and is the accepted PSH Fidelity Tool that the State of New Mexico HSD/BHSD staff use to monitor and measure impact of the State's PSH programs. Some examples of changes in the tool include:

- The recognition that multi-generational families may occupy a housing unit [Indicator 1.2.a];
- Property management should not have access to confidential information regarding the tenant's clinical status or services [Indicator 2.1.c];
- Broadening the target population to tenants who are disabled or homeless [Indicator 4.1.a];
- The importance of tenants choosing the type of services they want and modifying their service plan [Indicators 7.1.a, 7.1.b.]; and,
- Regular home visits are mandatory – "participation in Housing supports (home visits) is required", [Indicator 7.2.a].

The work group also recommended the addition of a new PSH Service Dimension 8: Housing Stability. Housing Stability measures the degree to which the tenant achieves housing stability, i.e. maintains the housing unit according to the terms of the lease and property rules [includes paying rent on time, maintaining health and safety of unit, and keeping respectful relationships with the property manager and their neighbors]. This new dimension recognizes the length of housing tenure and is related to the provision of services and supports, e.g. "housing tenants maintain housing stability longer than 1 year as a result of the provision of ongoing Agency services, intervention and supports". See [Appendix C](#) for the adapted New Mexico Permanent Supportive Housing Fidelity Tool.

The Practice of Services for Permanent Supportive Housing

The role of the case manager, community support worker, certified peer, (herein referred to as the support worker) is to support the tenant and teach them to develop key relationships with the Property Manager and neighbors; proactively resolve problems or crises that may threaten housing stability; and ensure tenants connect to natural support networks (friends, neighbors and relatives) all with the goal to reinforce housing stability and eventually self-reliance. The support worker is a 'life coach' who helps

tenants to achieve their own life goals and stability in housing through teaching, modeling, and feedback. The support worker assists tenants to: develop their own strategies to avoid and manage crises; become self-sufficient and successful as a tenant; but, when appropriate -- allows natural consequences for the tenant to occur based upon the tenant's own choices.

Housing Plan

The support worker begins the process of housing their tenant (finding safe, affordable, and appropriate housing) by assisting them to develop their own Housing Plan. The housing plan is a living document that develops short term and longer term personal goals for each stage of Find, Get, and Keep housing. To develop a viable and effective housing plan that the tenant owns and supports, the support worker listens to the tenant's perception of past successes and struggles in housing; discusses their experiences and strengths; positively reinforces all achievements along the path toward reaching goals and objectives.

Below are some suggested questions for developing the Housing Plan with the tenant:

- What rent can I (the tenant) afford today? What rent can I afford in the coming months?
- What information do I need to qualify for housing? Getting IDs, government benefits, employment records, or financial documents.
- What are the different housing options available? [Section 8 housing voucher, Public Housing, Low-income Housing Tax Credit Housing, etc.]
- Where and how can I find information about these housing options in my community?
- How do I become eligible for housing?
- Where do I/ the tenant want to live [what neighborhood, area of town]?
- What neighborhood resources do I need close by my home? (e.g., grocery store, bus stop, family members, etc.)
- Who do I want to live with? [family member, girl/boyfriend/partner, personal caregiver, etc.]
- What type of housing do I prefer [apartment complex, casita, duplex/fourplex or individual home], and what type of housing is most supportive of me at this stage of my life?
- What new resources will I need? [funds for a utility deposit, furniture, etc.]
- Where would I like to live? [e.g. neighborhoods/area of town; shopping needs; proximity to employment, near family or community supports]
- Where do I need to avoid? [e.g., a particular neighborhood or area of town]
- Whom do I need to avoid? [a person or former partner who may not have a good influence or be detrimental to me, my recovery or my future plans?]
- What budgeting skills do I need to have to regularly pay rent, utilities and other bills?

As a result of exploring these questions, the tenant's goals in a housing plan may range from acquiring and sustaining regular income (employment or government benefits) to pay rent; obtaining furniture; gaining budgeting and money management skills; understanding the lease and property rules; how to foster good relationships with neighbors and the Property Manager; or, how to request maintenance for broken appliances. The housing plan's goals typically change over time to address the needs of the tenant at each stage of finding, getting and keeping housing. Optimally the housing plan is reviewed and discussed in all meetings with the tenant and progress notes should document achievement, or reflect new or revised objectives determined through conversations with the tenant.

Crisis Plan

Developing a Crisis Plan is an important step for the tenant and a mandatory document for any tenant in SAHP program. The Crisis Plan is a plan of action for preparedness to prevent and/or ameliorate crisis situations that may arise in the tenant's life. It is developed after discussions between the tenant and their Support Service Provider and provides guidance for the tenant, family members, and Support Service Provider in the event of a crisis. This detailed crisis plan includes identification of internal or external triggers that may initiate a crisis, e.g. feeling disrespected, when someone says "no," not taking meds, lack of sleep, anniversary of a loved one's death; and, coping strategies jointly developed by the tenant/tenant and their support worker. These coping strategies are used as the first level of defense for harmful behavior to self or others that could also threaten tenancy. This document is **only** kept in the Support Service Provider's files and a copy with the tenant/tenant.

The SAHP additionally requires a one page *Crisis Response Plan and Contact Numbers* (see [Appendix A](#)), document that is submitted to the LLA when the person applies for the SAHP. This crisis response plan lists contact names, as well as office and cell phone numbers for the support worker at the designated support services agency; a personal friend or family member; and the Local Lead Agency staff person. This document should be kept up to date by the tenant and their Support Service Provider and amended as needed during home visits with the tenant. A copy (as well as updates) of the Crisis Response Plan and Contact Numbers should be given to the Property Manager (in addition to the tenant, Support Service Provider, and LLA) so that they may be able to contact the appropriate persons in the event of a crisis. Also see discussion in [Chapter 6](#), Tenancy Issues and Eviction Prevention Processes.

Provision of comprehensive and ongoing support services can be divided into three general categories or stages:

- Finding Housing/Pre-Tenancy: exploring housing options and housing application support,
- Getting Housing/ Move-In: signing a lease, acquiring and moving in household goods,
- Keeping Housing/Post-Tenancy Support: learning the skills to be a successful tenant.

Finding Housing: Pre-Tenancy and Application Process Support

Referring and designated, support service provider is responsible for providing support in the pre-tenancy and application process stage. Note: Support Services agency staff will also remain the primary point of contact and be responsible for tenant throughout the time they are in supportive housing, including making home visits and resolving tenancy issues. These support tasks include:

- Assist tenant in compiling housing information such as credit reports, landlord references, income and asset documentation.
- Educate tenant about the available housing developments; rent levels; amenities, etc.
- Assist tenants in obtaining, completing, and submitting housing applications and leases.
- Explain the two-phase housing application process:
 - Phase I: The Support Service Provider assists the applicant to submit the Special Needs Housing Application; the Local Lead Agency reviews the Application for completeness and determines whether the applicant meets the eligibility criteria. Eligible applicants are then referred to the Property Manager with a *Proof of Applicant Eligibility* form;
 - Phase II: The Property Manager requests that the Applicant (with assistance from the referring, support service provider) complete the property lease application and determines the applicant's final eligibility for a vacant apartment by conducting a criminal background check, credit check, previous rental history, and verifies income

sources for all household members.

- Orient the tenant about their rights and responsibilities as a tenant.
- Discuss and sign the supportive housing program's *Tenant Responsibility and Program Participation Agreement*, [Appendix A](#).
- Assist tenants in filing requests and appeals for reasonable accommodation or reasonable modification under Fair Housing Law.
- Help tenants understand the potential waiting time for an available apartment.
- Tracking the housing application progress and keeping the applicant informed.

Getting Housing: Moving In

After the tenant is approved for an apartment, the referring and designated, support service agency staff shall provide the necessary support to enable the tenant to move-in their unit. This support may include:

- Assist tenant to finalize and submit all paperwork for the property lease.
- Assist tenant to understand basics lease requirements and property rules regarding pets, guests, garbage day, upkeep of common areas.
- Assist tenant with making security deposits and utility deposits, securing furniture and other household items.
- Conduct a housing orientation (below) and life skills training, including budgeting to pay rent and utilities.
- Assist tenants with determining what they need to move into their new home, e.g. reviewing the *Moving into the Apartment Checklist* as to which items may be needed, including bedroom and kitchen furniture, sheets, towels, and kitchen items.
- Assist tenants to establish utilities (if not included in rent) and physically move into the apartment.
- Assist tenants to explore the new apartment complex, surrounding neighborhood, how to find or access transportation.
- Develop and use the tenant's natural support systems (friends, relatives, peers, etc) to help them move in, fix up their new home, and be available as needed.
- Identify any housing or community living related skills training needed including apartment upkeep and general maintenance, cleaning, shopping, or cooking.
- Assure the tenant that a support worker will visit them in their new home a minimum of one time a month (perhaps more often during the first three months) to be sure their apartment is safe and secure, that they have a good relationship with their landlord and neighbors, and they are making progress on their road to self-sufficiency.

The stress of moving into a new apartment may be further compounded by the heightened level of scrutiny that a new resident can sometimes experience when interacting with a landlord who is interested in determining whether the tenant will be a "good" tenant who abides by the house rules, gets along with neighbors, and fits in with the community. Support workers could engage their tenant in role playing exercises to enhance successful interactions and minimize stress during this critical period.

Tenant Housing Orientation

Keeping or maintaining housing within the terms of the lease is the most difficult part of the journey for some new tenants. New tenants sometimes do not understand that the lease is a legal document and that they must maintain their apartment according to all the lease requirements. Preparing the tenant for a home of their own involves not only ensuring that the tenant understands and abides by the SAHP

Tenant Responsibility Agreement but also assisting the tenant as a new tenant to understand: that they are legally agreeing to sign a lease and abide by the property rules, understand the terms and length of time for the rent contract (6 months, 12 months); that they must pay rent by the 1st of the month and there are late fees and charges for late payment of rent; which utilities (if any) are included in the rent; that they are legally bound to pay monthly utilities. In addition, the support worker should emphasize:

- Friends and visitors are welcome in the new apartment, but a steady stream of visitors throughout the day and night is not advised. The tenant is legally responsible for any damages (other than normal wear and tear) that guests may cause.
- The tenant understands that they have agreed to maintain safety and health standards in their apartment, as well as cleanliness and general maintenance. If repairs are needed, the tenant must notify the landlord so that repairs can be made in a timely fashion.
- Being a good neighbor allows other tenants at the complex to have the peaceful enjoyment of their apartment residence also. Remind the tenant that being a good tenant means developing trust and respect for other's rights –between the tenant, their neighbors and their landlord. This includes keeping noise down, such as music or loud disturbances; keeping the common areas clean, e.g. not leaving newspapers, junk mail, or litter for others to endure; and being friendly with neighbors to help the tenant feel a stronger tie to new community.
- If a lease violation occurs, the consequences may be cancellation of the lease agreement via legal eviction.
- Finally, the tenant agrees to a monthly face to face visit by their support worker in their apartment to ensure that the apartment is safe and secure, there are no lease violations, and the relationships with the landlord and neighbors are good.

Many new tenants can become overwhelmed with all the changes and challenges that happen with moving into a new residence. They need to be reassured that change happens to everyone. Change can be good -- but it can also be scary. Encourage the new tenant to take these changes one day at a time and not to be overwhelmed with the thought of things going bad – or being afraid of things going well.

Keeping Housing: Maintaining Successful Tenancy

While tenant support services are voluntary, the tenant should understand that regular home visits with the tenant are mandatory. Support services agencies are expected to conduct regular, monthly home visits to provide on-going support to tenants to ensure their long term success and stability in housing. Voluntary support services include services that address any disability, physical and/or behavioral/mental health. Establishing routine contact and making home visits to tenants ensures early detection of any housing issues and identification of any repair or maintenance issues. The support worker should use the *Monthly Supportive Housing Checklist* form in [Appendix A](#) to guide the home visit activities and conversation with the tenant each time they visit. The topics include:

- Observing if the apartment is in a reasonably clean state and if appliances or apartment fixtures are in working order.
- Assuring the monthly rent and utility payments are being made via receipts, money order stubs etc.
- Identify if there are any tenancy related issues (lease violations, issues with neighbors or landlords) that may become a problem.
- Observe if there are any changes or challenges since the previous home visit with transportation,

accessing food, family relations, unusual events, or law enforcement visits, etc. and determine if any of the challenges warrant an update to the tenant's service or treatment plan.

- Review the Crisis Plan that includes how to handle housing crises and personal crises, in addition review emergency contact information to ensure that the contact names and phone numbers are up to date for both personal and housing crises.
- Assist the tenant with self-advocacy and conflict resolution strategies to solve problems with other tenants or handle repairs with the landlord.
- Help the tenant to understand that successfully keeping housing is directly tied to their (the tenant's) behaviors and actions.
- Use the written expectations of the Lease and Property Rules to provide objective feedback to the tenant to reinforce the importance of paying rent and utilities on time, maintaining the apartment, and being respectful of their neighbor's right to quiet enjoyment of their apartment.
- Assist the tenant 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.
- Revise the Housing Plan to address any issues that have arisen during the home visit.
- Attend move-out inspections with the tenant; review the Property Manager's list of damages; and assist tenant to mediate disputes with landlords.

Home visits that are face to face with the tenant are the key to identifying subtle changes that might otherwise go unnoticed, including observations in behavior changes; differences in person's house or appearance; significant changes in time schedules or behavior; relationships with neighbors, family members, or others; whether services or Property Managers report a change(s); unnecessary and out of character money expenditures. These can be important indications of stressors, unhealthy relationships, or behavior patterns that need to be discussed with the tenant and addressed in the service plan, housing plan, or crisis plan.

Other valuable community resources to maintain successful tenancy include certified peer outreach programs, AA/NA or other recovery support groups, wellness and other community-based organizations, such as wellness or drop-in centers, etc. These ongoing supports are essential to ensuring that individuals living in integrated community settings have support within their community, as well as options for how they spend leisure time.

After the SAHP/SN tenant has successfully lived in their housing unit for one year without any tenancy issues, the frequency of home visits may be revisited and determined by the level of care and unique needs of the SAHP/SN tenant. Some SAHP tenants, according to their level of self-sufficiency and independence, may require only quarterly home visits with phone calls in between home visits to check in on the tenant. This lesser frequency of visits will afford the ability of the Support Service Provider to re-direct staff resources and services toward higher needs SAHP/SN tenants, e.g. those who have perhaps a severe mental illness diagnosis with reoccurring symptoms vs. a SAHP/SN tenant with proven self-sufficiency skills. An example of a capable, self-sufficient tenant could be a tenant who was born with a physical disability and has successfully adjusted to over a period of years and therefore does not have the need for intensive services and case management on a monthly basis. Decisions about stepping down the frequency of home visits should be based on joint and ongoing communication and discussions that incorporate the input of the tenant, the Support Service Provider, the LLA, the Property Manager, and the expertise and support of the BHSD Supportive Housing Coordinator, as necessary. (Refer to [Chapter 6](#) Termination of SN status for further information.)

Lessons Learned for Successful Tenancy

The framework for successful tenancy is: a) stable housing: tenants abiding by the lease and property rules; and, b) ongoing supports: support workers and tenants having regular face to face home visits to address tenancy and service needs. Practical experiences in working with tenants in supportive housing have yielded these lessons learned for successful tenancy:

- Provide the prospective tenant an orientation to the responsibilities of tenancy and the supportive housing program;
- Conduct monthly (or more frequently at first) home visits and phone calls in between home visits;
- Ensure that the support services agency staff is at all times aware of the tenant-landlord and neighbor relationships, available on an 'on call' basis, and skilled in conflict resolution;
- Check in with Property Manager frequently – they see the tenant more often than the support worker;
- Exercise effective tenant engagement strategies to keep tenants housed, i.e. use housing as incentive for engagement and crisis planning.

Medicaid and State General Fund Service Standards, Definitions, and Reimbursement

Medicaid and State general fund program regulations regarding service standards, definitions, and reimbursement for community-based support services that support tenancy are determined by the respective State Agency that provides services for that disability (Department of Health, Aging and Long Term Services, etc.). Service providers should consult the appropriate State Agency for guidance for each eligible SAHP disability (developmental disability; physical, sensory, or cognitive disability; disability caused by effects of chronic illness; and age-related disability).

Chapter 8: Section 811 Project Rental Assistance Program

As mentioned in Chapter 2, Section 811 Project Rental Assistance (PRA) Program is a project-based rental assistance program created by the U.S. Department of Housing and Urban Development (HUD), which provides rental assistance via multi-year grants to State Housing Finance authorities for housing units integrated in multifamily properties that are set-aside for extremely low-income persons with disabilities and who are eligible for community-based long term care services and supports provided under a State Medicaid Program. Section 811 PRA is not applicable to all existing Local Lead Agencies that are actively implementing the SAHP/SN programming. As of 2019, there are three LIHTC properties that participate in Section 811 PRA; two properties are located in Albuquerque, Bernalillo county, and the third property in Hobbs, Lea County.

The Department of Housing and Urban Development (HUD) awarded the New Mexico Mortgage Finance Authority (MFA) \$2.3 million for the Section 811 Project Rental Assistance (PRA) program. To develop and implement the Section 811 PRA for NM, the New Mexico Behavioral Health Services Division (BHSD)/Human Services Department (HSD) and MFA entered a Memorandum of Understanding to serve as the Interagency Partnership Agreement. NMBHSD/HSD manages the Local Lead Agencies, and the NM MFA awards the Low Income Housing Tax Credit (LIHTC) and Section 811 PRA funds. The Interagency Partnership Agreement allows for policy development to guide the processes of the existing LIHTC Special Needs/Set Aside Housing Program (SAHP) and the new Section 811 PRA program.

The purpose of the Section 811 Project Rental Assist Program is to expand supportive housing units in New Mexico and provide project based rental assistance to qualified extremely low-income persons with disabilities for designated, eligible properties of the LIHTC program.

Section 811 PRA Target Population

Households eligible for 811 PRA include single adults and families with Special Needs (SN) whereby households must meet each of the following criteria:

- Household must include one adult with a disability who is **at least 18 but less than 62 years of age** at the time of screening. Note: Households with a disabled minor child do not qualify for the Section 811 PRA program.
- The household must include at least one adult **with an eligible Special Needs/Set Aside disability**, as listed below ^{/1}.
- The **household income must not exceed the Extremely Low Income limits**, per HUD.
- The applicant **must have a current, active support service provider** that will commit to conducting at least one house visit per month and provide eviction prevention as needed.

Special Needs/Set Aside Disability Screening ^{/1}:

The identified Special Needs applicant is a household member that has one or more of the substantial, long term disabilities listed below. The adult household member does not need to be the primary household member to be eligible for Section 811 PRA. The Local Lead Agency (LLA) will screen applicants for the following Special Needs eligibility criteria:

- Serious Mental Illness
- Addictive Disorder
- Developmental Disability acquired before the age of 22
- Physical, sensory, or cognitive disability occurring after the age of 22
- Disability caused by effects of chronic illness
- Age-related disability

A distinction between the existing Set Aside Housing (SAHP)/Low Income Tax Credit Housing program (LIHTC) and the Section 811 PRA eligibility criteria is that an individual who is homeless or precariously housed is only eligible for 811 PRA subsidy if: 1) an adult household member is at least 18 but less than 62 years of age and has an eligible Special Needs/Set Aside diagnosis, as listed above ^{/1}, and 2) has a household income that not exceed the Extremely Low Income limits, per HUD; and, 3) the household has an active, designated support service provider.

Applicant Referral Process

LLAs will refer the screened and eligible SN/Section 811 PRA applicants to property management to be processed for tenancy. Set Aside Housing Program/LLA guidelines provide further detail about the screening and referral process, which will be consistent with how the LLA currently processes applicants.

LLAs will continue to screen to identify eligible Special Needs clients to fill other vacant units that are *not* Section 811 PRA eligible. As such, the 'homeless or precariously housed' criterion remains a qualifying eligibility criterion for the Special Needs/Set Aside SAHP program only, but not for the Section 811 PRA rental assistance in which a disability is required.

Reverse Referrals

A reverse referral means the referral of an existing tenant by the property manager and/or service coordinator of a SAHP/LIHTC property to the LLA to be screened for Special Needs and Section 811 PRA eligibility criteria.

If the property manager and/or social coordinator of an eligible LIHTC/SAHP property identify a current, existing tenant as a possible, eligible applicant of the target population who meets Special Needs eligibility criteria; the property manager and/or social coordinator will refer the current, existing tenant to the LLA to be screened. The applicant must be at risk of eviction, received an eviction notice. The referred individual must meet all of the following criteria:

- Household must **include one adult with a disability who is at least 18 but less than 62 years of age** at the time of screening. Note: Households with a disabled minor child do not qualify for the Section 811 PRA program.
- The household must **include at least one adult with an eligible Special Needs/Set Aside disability**, as listed above ^{/1}.
- The **household income must not exceed the Extremely Low Income limits**, per HUD.
- The applicant **must have a current, active support service provider** that will commit to conducting at least one house visit per month and provide eviction prevention as needed.
 - The **applicant will not meet eligibility criteria if lacking a support service provider** willing to commit to conducting the monthly house visit and/or work in collaboration with the LLA.
- The applicant **must be willing to voluntarily participate** in 811 PRA programming and to engage with a support service provider that includes but is not limited to a **monthly house visit**.

- **Household must be at risk of eviction** to include having received an eviction notice.

For each individual reverse referral, the property manager or service coordinator will provide the LLA with all demographic information for the client; any relevant, qualifying income and financial information; the designated support service agency name, case manager name, and their contact information.

Please note that there will be no preference status for existing tenants *after the first available Section 811 PRA units are initially filled*. All Special Needs and Section 811 PRA applicants thereafter will be placed on the LLAs wait list without any preference. The purpose of the initial preference is to prevent homelessness of existing qualified tenants.

Each SAHP/LIHTC property involved with 811 PRA programming has a certain amount of Special Needs (SN) units available. (The amount of SN units may differ from the amount of 811 SN units available.)

Reverse Referrals of existing tenants already identified as Special Needs

Each SAHP/LIHTC program property may have Special Needs units filled by tenants that the LLA has already screened and identified as Special Needs. To refer these individuals, the referred individuals must have the following:

- Household must **include one adult with a disability who is at least 18 but less than 62 years of age** at the time of screening. Note: Households with a disabled minor child do not qualify for the Section 811 PRA program.
- The household must include at least one adult **with an eligible Special Needs/Set Aside disability**, as listed above ¹.
- The **household income must not exceed the Extremely Low Income limits**, per HUD.
- The applicant **must have a current, active support service provider** that will commit to conducting at least one house visit per month and provide eviction prevention as needed.
- The **applicant must be willing to voluntary participate** in Section 811 PRA programming and continue to engage in support services that include but are not limited to a **monthly house visit**.
- **Household must be at risk of eviction** to include having received an eviction notice.

Please note that there will be no preference status for existing Special Needs tenants *after the first available Section 811 PRA units are initially filled*. All Special Needs and Section 811 PRA applicants thereafter will be placed on the LLAs wait list without any preference. The purpose of the initial preference is to prevent homelessness of existing qualified tenants.

Each SAHP/LIHTC property involved with 811 PRA programming has a certain amount of Special Needs (SN) units available. (The amount of SN units may differ from the amount of 811 SN units available.)

Chapter 9: Program Monitoring

The two state level partners, the New Mexico Mortgage Finance Authority (MFA) and the New Mexico Behavioral Services Division (BHSD)/Human Services Department (HSD), oversee the program operations and effectiveness of the Set Aside Housing Program (SAHP) and the Section 811 Project Rental Assistance (PRA) programs. The Asset Management Department of MFA; and, the Behavioral Health Services Division (BHSD) of HSD take the lead in program monitoring the Property/Owner and Property Management; and, the Local Lead Agencies, respectively.

If possible, MFA and BHSD/HSD will coordinate the timing of site monitoring visits so that both the Property Management and Local Lead Agencies will be monitored within the same general time frame for the same LIHTC properties. MFA and BHSD/HSD will keep each other informed about the outcome or issues discovered at site visits and any necessary corrective actions so that both state level parties (MFA and BHSD/HSD) and the local level partners (Developer/Owner, Property Manager, and Local Lead Agency) can work together to resolve issues.

Property Management Compliance Reviews

Asset Management Department of MFA oversees the LIHTC properties after they are built and conducts compliance audits that includes physical site inspections to monitor occupancy levels; applicant screening processes; reviews affirmative fair housing practices; analyzes property financial statements; verifies the income qualification of households; program documentation and preventative maintenance plans. Relative to the SAHP, Asset Management staff use the Set Aside Agreement and the LURA as policy guidance and to determine monitoring expectations when conducting project site visits.

Reviews consists of: a) individual tenant file reviews to determine if residents are income qualified and if documentation is sufficient to support eligibility; and, b) a property inspection to establish that the property is suitable for occupancy. MFA may combine the property inspection and file review or complete the reviews separately. Tenant files are reviewed to verify that each qualified SAHP/SN household has a standard *Special Needs Applicant Proof of Eligibility and Letter of Referral* and that regular *Notices of Vacancy & Referral of Special Needs/ SAHP Applicant for LIHTC Housing Unit* are issued to the Local Lead Agency in the event of vacancies.

The guiding resource documents for site monitoring of the SAHP and Section 811 PRA properties are:

- *Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*, and,
- New Mexico Set Aside/Special Needs Housing Program Manual and Operations Manual and Forms, [Appendix A](#).

Local Lead Agency Site Monitoring Reviews

The Behavioral Health Services Division of HSD through its Supportive Housing Coordinator will be responsible for oversight, performance and site monitoring of Local Lead Agencies for all SAHP [and Section 811 PRA, as applicable] properties. This site monitoring review will ensure that each Local Lead Agency (LLA) maintains the required records for the SAHP [and Section 811 PRA Program, as applicable] including a continuously updated Local Lead Agency Client Data Base for each LIHTC property, the issuance of *Special Needs Applicant Proof of Eligibility and Letter of Referral* and that the LLA is responding to all *Notices of Vacancy & Referral of Special Needs/ SAHP Applicant for LIHTC Housing Unit* received from the Property Manager, as well as other requested program specific records in accordance with the LLA Scope of Work and performance expectations therein. Site monitoring visits also provide technical assistance, as needed and warranted to assure that a Local Lead Agency understands the expectations of program performance. If the site monitoring visit uncovers any issues, a corrective action plan will be developed with specific time frames in which to make the needed corrections.

The guiding documents for the site monitoring review of the Local Lead Agency relative to the SAHP and Section 811 PRA are:

- *Local Lead Agency Scope of Work* executed between the Local Lead Agency and the NM Behavioral Services Division (BHSD)/Human Services Department (HSD), see [Appendix A](#), Agreements.
- *Special Needs Housing Set-Aside Agreement Between Local Lead Agency and Project Owner /Developer*, see [Appendix A](#), Agreements.
- New Mexico Set Aside/Special Needs Housing Program Manual and Operations Manual and Forms for the NM Set Aside Housing Program.

See [Appendix D](#) for the documents that will be used in Local Lead Agency Site Monitoring process:

- LIHTC Property File Review Form
- Special Needs Applicant File Review Form

Chapter 9: Comprehensive Community Support Services: The Service Platform for Behavioral Health Tenants in Supportive Housing

Please Note: Comprehensive Community Support Services (CCSS) is the Medicaid reimbursable services standard for behavioral health (serious mental illness and addictive disorders) consumers only. There are State of New Mexico Medicaid service standards and service definitions for the other eligible SAHP disabilities (developmental disability; physical, sensory, or cognitive disability; disability caused by effects of chronic illness; and age-related disability) who do not have a behavioral health diagnoses. Support workers and their service agencies that serve persons with non-behavioral health disabilities should consult the appropriate State Agencies (Department of Health, Aging and Long Term Services, etc.) for information regarding the community-based services that provide assistance for support housing activities and that can be reimbursed under State general fund program regulations as well as federal Medicaid funding for each type of disability.

Comprehensive Community Support Services (CCSS) is the accepted federal Medicaid service standard for use with behavioral health tenants. Medicaid reimbursement in New Mexico for behavioral health providers working with behavioral health tenants is predicated on the use of the CCSS model or platform for delivering and documenting services. The New Mexico Behavioral Health Collaborative's definition for Comprehensive Community Support Services (CCSS) - provides services to a recipient and their family that are necessary to promote recovery, rehabilitation, and resiliency in order to support successful independent living. CCSS requires a minimum of 60% face to face or *in vivo* services that addresses barriers that may impede the development of skills necessary for independent functioning in the community. *In vivo* means services provided in community settings, including a person's home or work environment, by professionals and certified peers with a focus on recovery-based illness management, crisis support, coordination and management and skill-building services necessary for everyday living.

Support workers address the functional limitations created by the behavioral health illness that interfere with the person reaching their recovery and resiliency goals by focusing on individual strengths that will help them overcome the limitations.

Community support activities should address goals in the following areas: independent living; learning; working; socializing and recreation; assistance with coordinating services and supports identified in an individual's service plan; supporting an individual and family in crisis situations; and providing individual interventions to develop or enhance an individual's ability to make informed and independent choices.

Behavioral health diagnoses that are eligible for CCSS include:

- Children at risk of/or experiencing Serious Emotional/Neurobiological/Behavior Disorders
- Adults with Severe Mental Illness (SMI)
- Tenants with Chronic Substance Abuse; or
- Tenants with Co-occurring Substance Abuse and a primary diagnosis of Mental illness

The CCSS Philosophy

CCSS incorporates a philosophy of building resiliency in the tenant by the support worker 'doing with vs. doing for' the tenant. Strategies should be employed to build independence and self-reliance; help tenants to develop strategies to avoid and manage crises; help tenants to generalize skills to other settings; helping the tenant to learn to do things for themselves by the support worker teaching, coaching and modeling behaviors and when appropriate -- allowing natural consequences for tenant to occur. Examples to differentiate between 'doing with vs. doing for' activities include:

'Doing With' Behaviors include: Teaching, Coaching, Sharing, Modeling, Developing, Designing, Coordinating, Linking, Promoting, Evaluating, Crisis Planning, Safety Planning

'Doing For' Behaviors include: Telling people what to do, making appointments for them, calling on their behalf, shopping for, etc.

Typical CCSS activities include:

- Assistance to the tenant in the development and coordination of the service plan including a recovery or resiliency management plan, a crisis management plan, and, when requested, advanced directives;
- Assessment support and intervention in crisis situations, including the development and use of crisis plans that recognize the early signs of crisis or relapse, use of natural supports, use of alternatives to emergency departments and inpatient services;
- Individualized interventions, with the following objectives:
 - a) services and resources coordination to assist the tenant in gaining access to necessary rehabilitative, medical, and other services;
 - (b) assistance in the development of interpersonal, community coping, and functional skills (e.g., adaptation to home, school, and work environments), including:
 - socialization skills;
 - developmental issues;
 - daily living skills;
 - school and work readiness activities; and
 - education on co-occurring illness;
 - (c) encouraging the development of natural supports in workplace and school environments;
 - (d) assisting in learning symptom monitoring and illness self-management skills (e.g. symptom management, relapse prevention skills, knowledge of medication and side effects, and motivational/skill development in taking medication as prescribed) in order to identify and minimize the negative effects of symptoms that interfere with daily living, maintaining employment and school tenure;
 - (e) assisting the tenant in **obtaining and maintaining stable housing**.

Unique Contributions of Using Certified Peer Specialists with Behavioral Health and Housing Expertise

New Mexico has a long history in the use of Certified Peer Specialists to engage and support behavioral health consumers and tenants. Peers can offer deep understanding and empathy for the behavioral health consumers they serve. Peer specialists know the system and have 'been there' themselves. Peers are uniquely suited to assist consumers with skill acquisition, decision-making, relapse prevention, and crisis prevention. They know how to link people to Medicaid services, behavioral health service

systems, work with and coordinate Service Providers, and develop good relationships with landlords and property managers.

When the support services are provided by a Certified Peer Specialist, the above functions/interventions should be performed with a special emphasis on recovery values and processes such as:

- Empowering the individual to have hope for and participate in his or her own recovery;
- Helping the individual identify strengths and needs related to attainment of independence in terms of skills, resources, and supports, and to use available strengths, resources and supports to achieve independence;
- Helping the individual to identify and achieve their personalized recovery goals
- Promoting an individual's responsibility related to illness self-management in these life domains: independent and community living, work, learn, socializing, recreation.

Using CCSS With Supportive Housing Tenants

The following chart and discussion provides several examples of how each of the CCSS tasks (service planning, crisis prevention/intervention, resource coordination, skill building, symptom management, and building natural supports) can be used in any of the stages of housing for Find/Pre-Tenancy, Get/Move in, and Keep/ Sustaining Housing.

Support staff are encouraged to assist the tenant to assess and determine what skills they have and what they need to learn or relearn to be successful maintaining their housing. Examples of skill building include assisting a tenant to learn what is important in getting along with neighbors and landlords, building housekeeping skills, and paying rent and utility bills on time, etc.

Crisis prevention/intervention in supportive housing includes the development and use of crisis plans, which recognize the early signs of crisis/relapse, symptom monitoring, and the use of natural supports that result in the use of alternatives to calling 911 or going to emergency departments and inpatient services.

The Housing Plan, as discussed previously, is continuously updated to meet each of the tenant's new activities or challenges in each of the phases of supportive housing.

Using Comprehensive Community Support Services/ CCSS

(in Behavioral Health services) with Supportive Housing

CCSS Tasks

- Service Planning
- Crisis Prevention/ Intervention
- Resource Coordination
- Skill Building
- Symptom Mgmt./ Monitoring
- Building Natural Supports

Supportive Housing Tasks

- Pre-Tenancy / **FIND**
 1. becoming interested in housing
 2. setting housing plan goals
 3. becoming eligible for housing
 4. choosing appropriate housing
- Move-In / **GET**
 1. acquiring household resources and making the move
 2. setting new goals for housing success using natural supports
- Sustaining housing / **KEEP**
 1. meeting obligations as tenant
 2. developing negotiating skills to prevent eviction
 3. keeping Crisis Plan updated

For some new tenants, just the process of moving into their new apartment or home can increase stress, which can result in their behavioral health symptoms interfering with obtaining (Get) and maintaining (Keep) housing. Frequent contact and assisting tenants to self-identify triggers and symptoms and then seek appropriate help in symptom management is essential. Assist the tenant to build relationships with natural supports such as neighbors, friends, and family who can ensure the tenant maintains their tenancy.

CCSS Tenant File Documentation for Supportive Housing

Typical elements that should be documented in a supportive housing tenant/tenant's file, service plan, and progress notes include:

- Did the tenant actively participate in developing the service plan and housing plan? Does the tenant's service plan include a goal of moving into their own rental unit with supports?
- Does the tenant's crisis plan include specific reference to and examples of crisis prevention/ intervention to avoid a housing crisis that may lead to the tenant's eviction?
- Do progress notes written reflect a recovery orientation that the drives decision making and is 'assisted with' rather than staff 'doing for' i.e. how tenant, themselves, is managing their progress and how the caseworker is assisting tenant to develop skills related to continued recovery and natural community supports?

Success in providing services to tenants in supportive housing is 'working yourself (the support worker) out of a job', e.g. Through the teaching, coaching, and modeling of the support worker; the tenant will become a good, stable tenant and able to negotiate crises on their own.

Program Manual for New Mexico's Special Needs/Set Aside Housing Program

Bibliographic Resources

Chapter 1 A Brief Overview of Supportive Housing in New Mexico

Chapter 2 New Mexico's Low Income Housing Tax Credit Program

State of New Mexico Housing Tax Credit, Qualified Allocation Plan, effective January 2017, draft, http://www.housingnm.org/assets/content/Draft_QAP_for_publication.pdf

Primer on Qualified Allocation Plans Linking Public Health & Affordable Housing, Change Lab Solutions, Raymond Leung, Kresge Foundation, 2015.

Analysis of State Qualified Allocation Plans for the Low-Income Housing Tax Credit Program, May 2002, Jeremy Gustafson, J. Christopher Walker, The Urban Institute Metropolitan Housing and Communities Policy Center, for U.S. Department of Housing and Urban Development, Contract No. GS 23F 8198:SIN #874-1, UI No. 07112-001-00

Chapter 6 Tenancy Issues and the Eviction Prevention Process

Fair Housing for Tenants with Disabilities: Understanding Reasonable Accommodations and Reasonable Modifications, U. S. Housing and Urban Development, Albuquerque Field Office, 2010.

Chapter 7 Providing Supportive Services for Housing

New Mexico Adaptation of SAMHSA Permanent Supportive Housing Fidelity Tool, working draft, October 2012.

Developing the "Support" in Supportive Housing, A Guide to Providing Services in Housing, Tony Hannigan and Suzanne Wagner, Center for Urban Community Services, 50 Broadway, 17th Floor, New York, NY 10004, June 2003

New Mexico Medicaid Supportive Housing Crosswalk, Corporation for Supportive Housing, 61 Broadway, Suite 2300, New York, NY 10006, working paper draft report, 2016.

Using Medicaid to Finance and Deliver Services in Supportive Housing: Challenges and Opportunities for Community Behavioral Health Agencies and Behavioral Health Authorities, Technical Assistance Collaborative, Issue brief published by National Council for Behavioral Health, April 2016.

Medicaid and Permanent Supportive Housing for Chronically Homeless Individuals: Literature Synthesis and Environmental Scan, Martha R. Burt, Carol Wilkins and Danna Mauch, U.S. Department of Health and Human Services, Office of Disability, Aging and Long-Term Care Policy, Office of the Assistant Secretary for Planning and Evaluation, January 6, 2011

Chapter 8 Comprehensive Community Support Services: The Service Platform for Behavioral Health Tenants in Supportive Housing

Comprehensive Community Support Services, Service Definition HCPCS, H2015, New Mexico Interagency Behavioral Health, Service Requirements and Utilization Guidelines for Behavioral Health

