



**INDIANA HOUSING AND COMMUNITY DEVELOPMENT AUTHORITY (“IHCDA”)  
SECTION 811 PROJECT RENTAL ASSISTANCE (“811 PRA”)  
SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES**

**TENANT SELECTION AND OCCUPANCY STANDARDS POLICY**

The purpose of the 811 PRA program is to increase access to affordable housing with appropriate supportive services for extremely low-income persons with disabilities. IHCDA was awarded 811 PRA through HUD’s 2019 and 2023 Notices of Funding Availability.

All projects receiving an award of 811 PRA from IHCDA are subject to the compliance requirements of Section 811 of the Cranston-Gonzalez National Affordable Housing Act as amended by the Frank Melville Supportive Housing Act of 2010, the 2019 or 2023 HUD Notice of Funding Availability for 811 PRA, the terms of the 811 PRA HUD Model Lease, the terms of the Rental Assistance Contract and Use Agreement, applicable HUD guidance and FAQs, and all IHCDA policies and written guidance on the 811 PRA program, including this “Tenant Selection and Occupancy Standards” Policy.

**PROJECT REQUIREMENTS AND LIMITATIONS**

An eligible multifamily property is any new or existing property owned by a non-profit or private entity with at least five housing units. This may include five or more units that are noncontiguous if under a single ownership entity. The property may not already have an existing use restriction or contractual obligation to serve persons with disabilities and may not have a 62+ age-restriction. 811 PRA may not duplicate or supplant other project-based rental assistance sources tied to the property.

No more than 25% of the total units in an 811 PRA project may be used for supportive housing for persons with disabilities under 811 PRA or any other federal or state program, nor have any occupancy preference for persons with disabilities. However, owner agents may not prohibit persons with disabilities from applying for residency in non-811 PRA units.

811 PRA units must be dispersed throughout the property and may not be segregated into one area such as a particular floor, building, or wing. 811 PRA units are considered floating units and are not pre-designated or tied to certain unit numbers. The owner agent will designate unit types that will be considered 811 PRA units (i.e., the number of units of each bedroom size that will be dedicated as 811 PRA units). Households must be given maximum choice and flexibility in selecting their unit.

**ELIGIBLE HOUSEHOLDS FOR 811 PRA- FEDERAL REQUIREMENTS**

An 811 PRA eligible household is an extremely low-income household where at least one person must be an individual with a disability, 18 years of age or older and less than 62 years of age at time of admission into the property. The person with the disability must be eligible for

community-based, long-term services as provided through Medicaid waivers, Medicaid state plan options, state funded services, or other appropriate services related to the target population.

In addition, the household must meet the HUD Handbook 4350.3 requirements for the “Eligibility of Students for Other Assistance Programs.” Owner agents must determine a student’s eligibility for assistance at move-in, initial or annual recertification, and at the time of an interim recertification if one of the changes reported is that a household member is enrolled as a student at an institution of higher education. A student must meet all of the following criteria to be eligible:

- Be of legal contract age under state law; and
- Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the U.S. Department of Education’s definition of an independent student; and
- Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations.
- The owner agent must obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

HUD’s noncitizen rule does not apply to 811 PRA and owner agents may not impose a citizenship requirement as an additional eligibility requirement.

Owner agents must obtain Social Security Numbers for all household members, with the following exceptions:

- Individuals who do not contend eligible immigration status; or
- A child under the age of 6 who does not yet have a Social Security Number assigned and who was added to the applicant household six months or less from the move-in date. The owner agent must give the household 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An additional 90-day period may be granted by the owner agent if failure to provide documentation of a SSN is due to circumstances that are outside the control of the household, such as delayed processing by the Social Security Administration, natural disaster, fire, death in the family, etc. During this time period, the child is to be included as part of the household. The penalty associated with the failure to disclose and provide verification of a household member’s SSN is termination of tenancy. The owner must terminate if the SSN disclosure and verification requirements are not met in the specified timeframe.

Social Security Numbers must be verified in a manner consistent with HUD Handbook 4350.3, Parts 3-9, 3-11, and 3-31.

## DEFINITIONS

**Disability:** A person with a disability is defined as a person who has at least one of the following:

- A physical, mental, or emotional impairment which (A) is expected to be long-continued and of indefinite duration, (B) substantially impedes the ability to live independently, and (C) is of such a nature that such ability could be improved by more suitable housing conditions. Per 42 USC 9013(k)(2); or
- A developmental disability as defined in section 102 of the Development Disabilities Assistance and Bill of Rights Act, if the disability is a severe chronic disability which (A) is attributable to a mental or physical impairment or combination of mental and physical impairments, (B) is manifested before the person attains age 22, (C) is likely to continue indefinitely, and (D) results in a substantial functional limitation in three or more areas of major life activity; or
- A chronic mental illness, i.e., a severe a persistent mental or emotional impairment that seriously limits the ability to live independently, and which impairment could be improved by more suitable housing conditions.

**Extremely Low-income:** A household whose annual income does not exceed [30% of the median income for the area](#). Income must be determined in a manner consistent with 24 CFR 5.609 and HUD Handbook 4350.3. Eligibility is based on gross household income.

**Independent Student:** To be classified as an independent student, the student must meet the Independent Student definition for Title IV aid. The student must meet one or more of the following criteria:

- Be at least 24 years old by December 31 of the award year for which aid is sought;
- Be an orphan or a ward of the court through the age of 18;
- Be a veteran of the U.S. Armed Forces;
- Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent);
- Be a graduate or professional student; or
- Be married.

## ELIGIBLE HOUSEHOLDS FOR 811 PRA- IHEDA TARGET POPULATIONS & REFERRALS

In addition to meeting the federal requirements listed above, households must also meet one of IHEDA's 811 PRA target populations. Each 811 PRA project will identify one target population, as approved by IHEDA.

- Persons experiencing homelessness, as referred to the project through the local Coordinated Entry System.
- Persons with intellectual or developmental disabilities ("I/DD"). The owner agent must enter into a Memorandum of Understanding with at least one I/DD service provider who will agree to provide referrals to the 811 PRA units. IHEDA must approve the selected provider and the referral process to be used.

- Persons living in institutional settings who with access to affordable housing and supportive services could exit the institutional setting and live independently. The owner agent must enter into a Memorandum of Understanding with at least one service provider or agency who will agree to provide referrals to the 811 PRA units. IHEDA must approve the selected provider and the referral process to be used.

## **DETERMINING HOUSEHOLD SIZE AND INCOME**

The owner agent must determine household size, gross household income, and adjusted household income in a manner consistent with 24 CFR 5.609 and HUD Handbook 4350.3.

## **ANNUAL RECERTIFICATIONS**

Because household income and composition can change over time, program requirements establish procedures for addressing these changes. Such changes are examined and implemented through the recertification process. Under program requirements, tenants have responsibilities for providing timely information about these changes. Similarly, owner agents have responsibilities for promptly reviewing and verifying this information and for making changes in assistance payments or tenant rent consistent with program requirements.

Owners must conduct a recertification of household income and composition at least annually. Owners must then re-calculate the tenants' rents and assistance payments, if applicable, based on the information gathered. Owners do not have to perform annual recertifications for individual tenants who are paying market rent. Additionally, owners must conduct interim recertifications as described in HUD Handbook 4350.3 REV-1, Chapter 7.

## **HUD's Enterprise Income Verification System (EIV)**

811 PRA owner agents must use the Enterprise Income Verification (EIV) system to check and monitor tenant income. The EIV Access and Reports Binder Set-up Sheet can be found on the 811 website.

Prior to each individual 811 PRA move in, the owner agent must run the EIV Existing Tenant Search for each household member (including live-in aides, if applicable). If the Search shows that the applicant is being assisted elsewhere, contact the applicable HUD Multi-Family assisted property or the Public Housing Authority to coordinate the move out from their current assistance with the move in to the 811 PRA property.

Within 90 days of the transmission of the Move in Certification to TRACS the owner agent must run the EIV Income Reports (Summary Report, Income Report, and Income Discrepancy Report) to obtain a Summary Report with a status of verified for each household member and to compare the income information on the Income Report to the information on the 50059 and review and resolve any discrepancy that may show on the Income Discrepancy Report.

**Monthly EIV Required Reports:** The owner agent must run the EIV Identity Verification Reports (Failed Pre-Screening Report and Failed Verification Report) each month. Use these Verification Reports monthly to see if any 811 PRA residents have discrepant personal identifiers or do not pass the Social Security Administration identity verification test. Correct discrepant information on the Certification and transmit to TRACS. Notate the Failed Verification Report Summary with action taken to resolve discrepant information.

**Quarterly EIV Required Reports:** The owner agent must run the Deceased Tenant Report, The New Hires Report, and Multiple Subsidy Report on a quarterly basis and make notes on the Report Summaries of action taken. If a resident shows up on:

- The Deceased Tenant Report: Confirm in writing with the Head of Household, next of kin, or contact person/entity provided by the resident whether or not the person is deceased. If the resident is or is not deceased, follow instructions in the HUD Handbook 4350.3 Rev 1 Chg 4 Section 9-12 D.
- The New Hires Report: Contact the resident regarding the New Hire information and resolve as instructed in the Handbook Section 9-11 D c.
- Multiple Subsidy Report: Follow instructions in the Handbook Section 9-12 B.

Run and use the EIV Income Report and Income Discrepancy Report for all Annual Recertifications and for Interim Certifications that are the result of a change in household composition or income.

Keep a separate folder inside the resident file with all the EIV Reports as EIV is not to be shared with governmental entities not involved in the recertification process used for HUD's assisted housing programs. For example, IHCD staff monitoring a property for Low Income Housing Tax Credit or HOME program compliance are not permitted to see EIV reports.

## **OCCUPANCY STANDARDS**

Single person households will be allocated one bedroom/sleeping space. A single person household must not be permitted to occupy a unit with two or more bedrooms, unless the second bedroom is required as a reasonable accommodation.

For households with two or more household members, IHCD will assign one bedroom/HUD approved sleeping space for the Head of Household and their spouse or domestic partner, and one additional bedroom for each two persons within the household, with the following exceptions:

- Adults of the opposite sex (other than spouses or domestic partners) will be allocated separate bedrooms/sleeping spaces.
- Children age 5 and older of the opposite sex will be allocated separate bedrooms/sleeping spaces.
- Live-in aides will only be allocated one separate bedroom/sleeping space and must not exceed overcrowding standards.
- Pregnant women with no other dependents will be allocated two bedrooms/sleeping spaces.
- Where families are approved foster parents for foster adults or foster children but where the child or adult would not be in the home without the placement from a state or local placement authority, an extra bedroom/sleeping space cannot be authorized.

IHCDA will reference the following chart in determining the appropriate unit size for a family:

<b>Unit Size</b>	<b># Persons in Household (Minimum/Maximum)</b>
Studio	1-2
1 Bedroom/Sleeping Space	1-2
2 Bedroom/Sleeping Space	2-4
3 Bedroom/Sleeping Space	3-6
4 Bedroom/Sleeping Space	4-8
5 Bedroom/Sleeping Space	5-10

HUD defines an approved sleeping space as an area that has two electrical outlets and sufficient natural or artificial light to permit normal indoor activities and that is not used for cooking or bathing.

In some instances, the family may be eligible for an extra bedroom as a reasonable accommodation. In these cases, the referral agency/caseworker will notify the owner agent of the appropriate sized unit for the household. The owner agent must document the need for a reasonable accommodation in accordance with Fair Housing requirements. The request for an additional bedroom must have a direct correlation to the person's disability. The owner agent may not inquire into the nature of the disability or request documentation of medical history.

**ASSIGNING A SMALLER UNIT THAN REQUIRED AT INITIAL OCCUPANCY**

The owner agent may not assign a household to a smaller unit size than suggested by the occupancy standards stated above at initial occupancy.

**ASSIGNING A LARGER UNIT THAN REQUIRED AT INITIAL OCCUPANCY**

The owner agent may assign a household to a larger unit than suggested by the occupancy standards stated above only if the household needs the larger unit as a reasonable accommodation for a household member who is a person with a disability.

The owner agent must notify IHCDA and receive written approval for the assignment of a larger unit.

**CHANGES IN HOUSEHOLD SIZE AFTER INITIAL OCCUPANCY**

After a household moves into a unit, the unit may become overcrowded or under-utilized due to a change in family size. The owner agent must require the household to transfer to a unit of appropriate size when one becomes available. If a unit of appropriate size is not available, the owner agent must not evict or otherwise terminate the household and must not increase rent. Payment will not be adjusted until the household is transferred to an appropriately sized unit.

If a household refuses to transfer to an available unit of the correct size, the household may stay in the current unit, but Section 811 PRA rental assistance is terminated. The owner agent may not evict or otherwise terminate the household for refusing to transfer.

## **CHANGES IN HOUSEHOLD COMPOSITION**

If the household member that made the household eligible for an 811 PRA unit passes away, the remaining household members are eligible to remain in the 811 PRA unit and to continue receiving rental assistance based on household income.

If the household member that made the household eligible for an 811 PRA unit leaves the unit for any other reason other than death, the remaining household members are eligible to continue receiving rental assistance if at least one remaining household member meets the definition of persons with disabilities. If at least one remaining household member does not meet the definition of persons with disabilities, the remaining household members can remain in the unit but will no longer receive 811 PRA rental assistance. When 811 PRA rental assistance is terminated, the household will be required to pay the lesser of the HUD approved Contract Rent or the maximum allowable rent under the Low Income Housing Tax Credit and/or HOME Investment Partnerships Program, as applicable.

## **LEASING ACCESSIBLE UNITS**

The owner agent must lease accessible units in the following order:

- First, offer accessible units to existing households that require the accessibility features but that are currently occupying a unit that does not offer such features.
- Next, offer accessible units to qualified applicants on the waiting list that require an accessible unit.

## **TRANSFERRING HOUSEHOLDS IN ACCESSIBLE UNITS WHO DO NOT NEED ACCESSIBLE FEATURES**

If a household moves into an accessible unit and does not need the accessibility features of the unit, they may later be asked to transfer to a comparable, but non-accessible unit in the property if their accessible unit is needed by a person with a disability. The household must transfer if a comparable, non-accessible unit is available. The owner agent must not evict or otherwise terminate tenancy to make room for a household in need of the accessible features.

## **NONDISCRIMINATION REQUIREMENTS**

811 PRA projects are subject to all applicable federal and state nondiscrimination requirements, including but not limited to, the federal Fair Housing Act, state Fair Housing law, Section 504 of the Rehabilitation Act of 1973, the Violence Against Women Act, and HUD's Equal Access Rule.

The owner agent may not discriminate on the basis of race, color, national origin, religion, sex, disability, familial status, ancestry, veteran status, gender identity, sexual orientation, marital status, or status as a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

The owner agent, in conjunction with IHCD, must create an Affirmative Fair Housing Marketing Plan using HUD Form 92443-PRA and must comply with the outreach and marketing efforts identified in the plan. Identified outreach activities must be conducted prior

to accepting applications. Once approved, the owner agent must make the AFHMP available for public inspection in all offices/locations in which rental activity takes place. The owner agent must also prominently display the Fair Housing Poster in the same locations.

**HUD REQUIRED CRIMINAL SCREENING (HUD Handbook 4350.3 Parts 4-27C and 4-27E and Section 811 PRA Rental Assistance Contract Exhibit 7: Program Guidelines Part 4.03(b)(4))**

HUD requires that owners develop Tenant Selection Plans that contain prohibitions against the admission of applicants who are engaging in or have engaged in certain criminal activity.

Owners must require every adult member of an applicant household to sign a consent form allowing all relevant criminal information to be released.

Owner agents must establish standards that prohibit admission of:

- Any household containing a member(s) who was evicted in the last three years from federally assisted housing for drug-related criminal activity. However, the owner agent must consider two exceptions to this provision: (1) if the evicted household member has successfully completed an approved, supervised drug rehabilitation program; or (2) if the circumstances leading to the eviction no longer exist (e.g., the household member no longer resides with the applicant household).
- Any household containing a member(s) who is subject to a State sex offender lifetime registration requirement;
- Any household in which there is reasonable cause to believe that a household member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents;
- Any household in which there is reasonable cause to believe a household member's behavior from abuse or pattern of abuse of alcohol may interfere with the health, safety, and right to peaceful enjoyment by other residents. The screening standards must be based on behavior, not the condition of alcoholism or alcohol abuse.

Owner agents may deny admission to an applicant if the criminal background check indicates the applicant provided false information on their application. The owner must deny admission if the State sex offender registration record indicates the applicant provided false information on their application.

When denying an applicant based on criminal screening, the owner agent must:

- Notify the applicant of the proposed denial of admission
- Provide the subject of the record and the applicant with a copy of the information the action is based upon
- Provide the applicant with an opportunity to dispute the accuracy and relevance of the information obtained from any law enforcement agency

## **ADDITIONAL OWNER-IMPOSED CRIMINAL SCREENING (HUD Handbook 4350.3 Parts 4-27C and 4-27E)**

The owner agent may, but is not required to, establish additional screening standards to deny admission based on felony convictions within the past three-years related to (1) drug-related criminal activity, (2) violent criminal activity, or (3) other criminal activity that threatens the health, safety, and right to peaceful enjoyment of the property by other residents or the health and safety of the owner, employees, contractors, subcontractors, or agents of the owners. Such screening criteria must be approved by IHEDA and clearly defined in the written Tenant Selection Plan. The owner agent must be as specific as possible when creating their screening policy and must use appropriate terminology derived from the Indiana Criminal Code when defining types of convictions that will be screened.

Criminal screening may not consider arrests, pending charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, sealed juvenile records, probation status, or parole status.

All criminal records must be reviewed on a case-by-case basis for approval, except for convictions that violate the HUD programmatic criteria which must result in automatic denial. Potential denials must be reviewed by a designated screening committee made up of housing management and supportive services staff.

If an applicant has a conviction which could exclude them from renting, the screening committee must conduct an individualized assessment of their criminal history to determine whether the applicant will be able to fulfill their tenancy obligations without posing a risk to the property. The individualized assessment must consider the following:

- 1) The circumstances surrounding the crime.
- 2) Whether the nature of the criminal offense was violent against a person or property or adversely affected the health, safety, and welfare of other people.
- 3) Whether a re-offense would impact the safety of other residents or the property
- 4) The amount of time that has passed since the criminal offense.
- 5) The age of the individual at the time the crime was committed.
- 6) The amount of time that has lapsed since exit from incarceration.
- 7) The amount and nature of convictions, if any, since the criminal record in question.
- 8) Evidence of satisfactory tenant history or references since the commission of the crime, if applicable.
- 9) Evidence of constructive community involvement, if applicable.
- 10) Evidence of rehabilitation efforts (including during incarceration) and/or agency support to maintain stability, if applicable.
- 11) Recommendation from a veteran's court program, if applicable.
- 12) Whether the criminal conduct arose from the applicant's status as a survivor of domestic violence, sexual assault, stalking or dating violence, or from the applicant's disability, including mental illness.

## TENANT SELECTION PLAN

The owner agent must create and implement a written Tenant Selection Plan (“TSP”) for each project assisted with 811 PRA using the [IHCDA-provided template](#). IHCDA provides two template TSPs for 811 PRA: one for use by projects in which 811 PRA units serve people with I/DD and one for use by projects in which 811 PRA units serve people experiencing homelessness as referred to the project through the local Coordinated Entry System. The owner agent must utilize the correct TSP template.

The Tenant Selection Plan must include all requirements outlined in this policy (including 811 eligibility requirements, student eligibility for assistance, Social Security Number disclosure requirements, and HUD required criminal screening), as well as the following information:

- Eligibility requirements imposed by other funding programs tied to the project, such as Low Income Housing Tax Credits, HOME Investment Partnerships Program, National Housing Trust Fund, etc.
- Any additional screening criteria implemented by the owner agent.
  - The owner agent may not impose minimum income or credit screening on 811 PRA units.
  - The owner agent may impose additional criminal screening standards beyond the HUD required criminal screening. Such screening must be approved by IHCDA and must meet the requirements outlined above.
  - All owner-imposed screening criteria must utilize an individualized assessment approach.
- Description of the EIV Existing Tenant Search and that it will be used prior to move-in.
- Outline of application process, including the process for denial and appeals;
- Any transfer policies implemented by the owner agent;
- Policies and procedures to abide by Fair Housing Act and the Violence Against Women Act (VAWA) protections.

The TSP may not impose a citizenship requirement.

The owner agent may not restrict occupancy for 811 PRA units to other subpopulations, such as veterans. However, the property may be allowed to implement a preference if such preference (1) does not violate any fair housing or nondiscrimination laws, (2) is pre-approved by IHCDA, and (3) is documented in the written TSP.

The TSP must be reviewed and approved by IHCDA prior to initial lease-up. The final, IHCDA-approved version will be considered an attachment to the 811 PRA Rental Assistance Contract (“RAC”). Any future amendments to the TSP must be approved by IHCDA prior to implementation.

In the event of any conflict between this IHCDA Tenant Selection and Occupancy Standards Policy and a project-specific TSP, the requirements of this policy shall prevail.

**ACCEPTANCE OF SUPPORTIVE SERVICES**

A tenant's participation in supportive services is voluntary and cannot be required as a condition of admission or continued occupancy.