

## PHA Guidance on Partnering to Access Support Services

For FY2010 NOFA: *Rental Assistance for Non-Elderly Persons with Disabilities*

### **NOFA Overview**

On April 7, 2010 the U.S. Department of Housing and Urban Development (HUD) announced the availability of \$40 million in funding for approximately 5,300 Housing Choice Vouchers (HCV) for non-elderly disabled households. HUD's federal partner in this initiative, the U.S. Department of Health and Human Services (HHS), will use its network of state Medicaid agencies and local human service organizations to link eligible households to Public Housing Agencies (PHAs) who will administer these vouchers

This special NOFA represents one of the first collaborations between HUD and HHS as part of President Obama's *Year of Community Living* initiative. The *Year of Community Living* is an outgrowth of the 1999 Supreme Court decision *Olmstead v. L.C.*, in which the Supreme Court ruled that under the Americans with Disabilities Act (ADA), placing a person with a disability in a restrictive setting such as a nursing home or state hospital can amount to discrimination, if that person can, with proper support, live in an integrated community setting. Through this NOFA, HUD is making available rental vouchers to non-elderly disabled households, including those disabled households participating in HHS's Money Follows the Person (MFP) Demonstration Program. The MFP Demonstration Program is an initiative to assist states in their efforts to reduce their reliance on institutional health care (e.g. nursing homes), while developing community-based long-term care opportunities. This Guidance provides PHAs with additional guidance regarding the Supportive Service requirements of the NOFA. Additional information about the NOFA including a link the complete NOFA can be found on TAC's NOFA web page [www.tacinc.org/Program\\_Policy/NonElderlyPWDNOFA.html](http://www.tacinc.org/Program_Policy/NonElderlyPWDNOFA.html).

### **Supportive Services Requirements**

One of the seven threshold requirements described in Section III(C)(2) of the NOFA is *"the PHA must demonstrate experience and resources for supportive services."* While the NOFA provides information about these supportive services, much is left for the individual PHAs to determine locally. This guidance seeks to assist PHAs to consider which services might be most appropriate to their program, how to identify agencies that can provide these services and how to describe or demonstrate their availability in the application to HUD.

### **Supportive Services for Category 1 Voucher Applications**

For Category 1 voucher applications, *"to demonstrate that the applicant PHA has resources for supportive services for non-elderly disabled families, the applicant PHA must describe those resources in full detail..."*

#### ***What resources is the PHA expected to "have" or make available?***

The NOFA provides no additional detail about the services that the PHA is expected to demonstrate as part of the application for Category 1 vouchers. However, PHAs should consider that the NOFA indicates Category 1 vouchers are targeted to non-elderly disabled families. Disability is defined at 24 CFR 5.403 and can include: persons with serious mental illness, intellectual or developmental disabilities, chronic health conditions, and visual, hearing, physical and other disabilities. As a result, voucher participants could potentially be persons with

a broad range of disabilities and support service needs. Some participants may need significant supports to live independently in the community while others may need very few support services. To better ensure a successful program, the PHA may want to have support services available to meet this broad range of needs.

***Is the PHA expected to provide support services directly to participants under this program?***

Most PHAs do not administer supportive services programs and are not in a position to provide support services directly to voucher holders. PHAs generally have neither the funding nor the staff qualified to provide such services. However, PHAs can – and often already do – assist program participants to access support services through human services agencies in their community. PHA assistance accessing community based support services can range from simply providing the name of the contact person at a local human services agency to providing some case coordination services.

Some PHAs already have relationships in place with service agencies and can draw or expand upon these relationships for this NOFA. Other PHAs will want to consider building new relationships with community agencies that provide services to people with disabilities. Examples of local organizations likely to offer relevant services include visiting nurse programs, providers of services for people with mental illness, intellectual or developmental disabilities, or physical disabilities, an independent living center and others.

***What kinds of support services should be made available for Category 1 Voucher Holders?***

As described above, PHAs should anticipate persons with a broad range of disabilities and support services needs are on their HCV waiting list and may be eligible to receive a Category 1 voucher. There are a variety of agencies including but not limited to those with experience providing supports to persons with intellectual or developmental disabilities, psychiatric disabilities, substance abuse, adult-onset disabilities, chronic health conditions and physical disabilities who could make arrangements for and provide support services such as health care, personal care assistance, transportation, educational, vocational, equipment and home modification, communication, advocacy and social/recreational services. One or more agencies in the PHA's community could make these types of services available.

***What is meant by describing the resources in "full detail"?***

The NOFA does not provide any additional explanation of how PHAs should describe the available services. PHAs may want to provide as much information as possible. PHAs may want to:

- Name specific agencies and the specific services they will provide in the application narrative.
- Indicate in the narrative description how the PHA will meet the supportive services needs of persons with a broad range and type of disabilities.
- Secure letters of support from agencies agreeing to provide support services and reference these letters in the application with as much specific information about the agency, what services it intends to provide and past experience providing these services.
- Develop a Memorandum of Understanding (MOU) or Agreement (MOA) signed by local agencies agreeing to provide services. Such an MOU might list the specific services that will be provided. In its application, the PHA can reference the MOU, the agencies included and the services committed.

Although good practice, MOUs and/or letters of support are not required components of the Category 1 application and should not be included in the application submission. For more information regarding required application components see Instructions for Completing Application Components available online at [www.tacinc.org/Program\\_Policy/NonElderlyPWDNOFA.html](http://www.tacinc.org/Program_Policy/NonElderlyPWDNOFA.html).

***Do the Supportive Services need to be in place at the time the application is submitted to HUD?***

No, the supportive services do not to be available before the HCV are awarded. However, the PHA's application will be stronger if there is clear evidence of the commitment to provide such services already in place.

***Does it matter for Category 1 if the State is an MFP state or not?***

No it does not matter for Category 1.

**Supportive Services for Category 2 Voucher Applications**

Like Category 1 applications, Category 2 applications must “*demonstrate that the applicant PHA has resources for supportive services for non-elderly disabled families*” and “*the applicant PHA must describe those resources in full detail...*” However, the NOFA includes more prescriptive requirements for Category 2 vouchers including:

- Support services for Category 2 vouchers must include the provision of care/case management, in addition to the needed health and social services;
- Category 2 applications must also identify the partnering resources agency; and
- Category 2 applications must also describe the provision of supportive services for a transitioned person (i.e., once the individual is in the community).

How an application demonstrates these supportive services requirements will depend on whether the applicant PHA is located in a State participating in the federal MF) Demonstration Program including: Arkansas, California, Connecticut, Delaware, District of Columbia, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Virginia, Washington and Wisconsin.

***If a PHA is applying for Category 2 vouchers, and is in an MFP state, how does the PHA demonstrate the availability of the services described above?***

According to the NOFA, all persons that are transitioning as MFP participants are guaranteed to receive needed health and social services. Therefore the only resource documentation that is needed is evidence of MFP participation by the partnering resource agency and a description of how individual referrals will be made to the PHA. The partnering resource agency is the MFP Program within the State Medicaid program. Additional information regarding Category 2 applications in MFP states is available at [www.taformfp.com/grantees.aspx?id=1892](http://www.taformfp.com/grantees.aspx?id=1892). The partner resource agency must also provide an estimate of the number of people that could be transitioned in a 12-month period and description of how this estimate was calculated.

***If a PHA is applying for Category 2 vouchers, and is NOT in an MFP state, what services are required?***

According to the NOFA, in those states and territories not participating in the MFP Demonstration Program, the PHA must partner with the relevant state health and human service and/or Medicaid agency responsible for carrying out a state-sponsored institutional transitional program comparable to MFP that includes dedicated supportive services funded through the State Medicaid program and/or state appropriations. The application must identify the state partnering agency and describe how individual referrals will be made to the PHA and the supportive services resources that will be made available to the transitioning individual by the partnering resource agency. The partner resource agency must also provide an estimate of the number of people that could be transitioned in a 12-month period and description of how this estimate was calculated.

***How can a PHA identify the appropriate State agency for making a Category 2 application in a non-MFP state?***

HUD's web page [www.hud.gov/offices/pih/programs/hcv/pwd/ned.cfm](http://www.hud.gov/offices/pih/programs/hcv/pwd/ned.cfm) for this NOFA has a list of state contacts for services for persons with mental illness, developmental/intellectual disabilities, physical impairments and other disabilities.

***If a PHA identifies a local agency that is administering a program for young adults transitioning out of a nursing facility, is this local agency eligible to be the partnering agency?***

No, the NOFA is clear that the partnering agency must be a state agency. The NOFA does not seem to preclude local agencies from participating (e.g. making referrals, providing supportive services) but the PHA's partner must be a state agency, specifically, the "the relevant state health and human service and/or Medicaid agency responsible for carrying out a state-sponsored institutional transitional program comparable to MFP that includes dedicated supportive services funded through the State Medicaid program and/or state appropriations."

**Other Questions that Apply to Both Category 1 and 2 Vouchers**

***If a PHA is applying for Category 2 vouchers – whether in an MFP state or not – can the PHA provide vouchers for persons leaving an institution or nursing facility even if they are not participating in or eligible for MFP?***

One reason HUD has linked the MFP Program with these vouchers is that "all persons that are transitioning as an MFP participant are guaranteed to receive the needed health and social services". In some states, however, the MFP program may exclude persons with certain disabilities, such as persons with mental illness, because Medicaid does not fund public psychiatric institutions. According to the NOFA, psychiatric hospitals are included in Category 2 but the PHA is able to accept a person transitioned from a psychiatric hospital only if the funding is available to provide the needed services and support for the transitioned person.

***Does the NOFA require a service match?***

No, this NOFA does not require a service match per se. However, as described above, PHAs must demonstrate to HUD that supportive services will be available to program participants.

***Can the program participants be required to participate in services?***

No, program participants cannot be required to accept services.

***Can a PHA ask a local service provider to be the “Lead Agency”?***

Yes, it is reasonable for a PHA to ask that the human services agencies in its community identify one agency to act as the “lead” for the program. The PHA may not have the staff capacity to work with multiple agencies. It is also reasonable to ask the human services agencies to work together to provide the documentation necessary to demonstrate that appropriate services are available in the community. For Category 2 vouchers, however, the partnering agency must still be the state agency, even if a Local Lead Agency participates in program implementation.