

*Dedicated to the Health
Of the Whole Community*



Mental Health Department
828 South Bascom Avenue, Suite 200
San José, California 95128
Tel (408) 885-5770
Fax (408) 885-5788
Fax (408) 885-5789

Section D.5..... Tenant Eligibility Certification

ENCLOSURES: MHSA Housing Program Eligibility Form
MHSA Housing Program Tenant Certification Form
Consent to Release Confidential Health Information Form

Referral Process

1. Any service provider that participates in the MHD's Adult System of Care and that serves the adult population can refer a consumer to this housing program. Taking into consideration the qualifying criteria established by the State (as stated in the MHSA application) and the additional criteria specified by the MHD (as stated in D.6, Tenant Selection Plan), the consumer's Case Manager will make an initial determination that he/she is potentially qualified for the housing that is identified in this application. Also, that Case Manager will fill out the required documentation (as specified in D.6) and submit it to the MHD's designated staff person, the Homeless Concerns Coordinator, who will continue the tenant selection process (as noted in D.6).
2. The MHD Homeless Concerns Coordinator will inform the service providers in the MHD System of Care of the eligibility criteria, and they will determine if they have individuals who are potentially qualified.
3. Service providers will submit to the MHD the names of individuals who are potentially qualified and ready for housing, and the MHD will decide which individuals are qualified. To do this, the applicant will fill out the *MHSA Housing Program Eligibility Form* and the individual's *Consent to Release Confidential Health Information Form*.

Certification Process

1. Once these forms are turned in, the MHD will verify that the information presented in the enclosed forms is accurate—thereby certifying that the individuals are indeed qualified for this housing, fill out and sign the *MHSA Housing Program Tenant Certification Form*, and inform (in writing, within seven (7) business days of the closing date of the application process) the appropriate service provider of the certification of its respective applicants. If any applicants are not certified, the MHD will inform the service provider of the reason(s). Only applicants that have been certified as eligible for MHSA housing may obtain tenancy in MHSA Housing Program-funded units.
2. MHSA certification does not take into consideration factors such as credit history, eviction history, or criminal history. The housing provider (landlord) may collect this background information after a certified applicant is referred for a particular unit. MHSA housing providers are expected to work with MHD service providers to provide

reasonable accommodations to individuals with poor tenant histories given the intention of the MHSA Housing Program.

Maintenance of Waitlist

1. The MHD will track the tenants to be housed in all MHSA designated units. For reporting purposes, MHD staff will maintain the waitlist by project site and the list of all MHSA tenants housed in the MHSA housing units. MHD staff will maintain copies of all completed *Consent to Release Confidential Health Information Forms*, *MHSA Housing Program Eligibility Forms* and a list of all certified applicants in chronological order according to the date applications were received. This list will contain enough applicants to fill MHSA unit vacancies in a timely fashion.
2. The MHD staff person establishes the waitlist by project site and maintains it as follows:
 - a) The waitlist will be comprised of all certified qualified MHSA tenants in the chronological order in which they were certified.
 - b) On an as-needed basis, the MHD staff person reviews the updated waitlist in order to select the next applicant when a unit becomes available.
 - c) When the MHD staff person sees that an appropriate unit will become available, he/she contacts in writing the Case Manager of the next prospective tenant on the waitlist in order to take the necessary steps to get that person ready to move into his/her unit. If that person does not want to be considered for that unit, he/she may maintain his/her place on the waitlist and be notified of the next available unit.
 - d) The qualified tenant has already signed the *Consent to Release Confidential Health Information Form*, granting the Mental Health Department Housing administrative staff and the Property Management Company access to the specified information. After the applicant is certified as a qualified tenant, the Homeless Concerns Coordinator or his designee sends a letter to the tenant and a separate letter to the property management staff indicating that the tenant is a qualified applicant for the MHSA-designated units at the housing complex.
 - e) The Housing Support Liaison and/or the qualified tenant's Case Manager will guide the qualified tenant in filling out the lease documentation required for the respective housing site.
 - f) After the tenant moves into his/her unit, the MHD staff person updates the waitlist appropriately.
 - g) If a prospective tenant is not certified for tenancy in a specific unit, the MHD will notify the individual in writing and provide a basis for non-selection; and the MHD also will notify the individual of his/her right to appeal the decision.
 - h) Since the waitlist is established and maintained for each MHSA Housing Program project site, certified tenant applicants can be on more than one waitlist at a time.
3. The certification waitlist will be reviewed and updated on an ongoing basis. To remain on the list, an applicant must remain eligible for the MHSA Housing Program, i.e., they must continue to meet all of the aforementioned eligibility criteria. If the applicant no longer meets one or more of the eligibility criteria, the referring agency will notify the MHD and the individual will be removed from the list. The referring agency will notify the applicant in writing about any pending removal from the list and will give him/her an opportunity to appeal this decision within fourteen (14) business days. The referring agency will submit the appeal request to the MHD within one (1) business day of receipt

of the previously-mentioned letter. The MHD will respond to the referring agency within the appeal decision notification period with the final decision. The referring agency may resubmit an applicant that is removed from the list when the list reopens and the applicant meets all eligibility criteria.

4. The MHD will monitor and promote fair representation from different age and ethnic populations for housing through this program.

Compliance with Fair Housing Law

1. All MHD staff and contractors shall adhere to this policy, whose governing laws shall include the provisions of Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 USC 3601 et seq.), and the provisions of the Rumford Act and Unruh Act in California Law.
2. All advertising shall conform to Section 804 (c) of Title VIII of the Civil Rights Act of 1968 (42 USC 3604 (c)), as amended, which makes it unlawful to make, print or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling, that indicates any preference, limitation, or discrimination based on race, color, religion, ancestry, sex, national origin, age, sexual orientation, gender identity, marital status, families with children, medical condition, source of income, and physical or mental disability, or an intention to make such preference, limitation or discrimination.
3. All radio, TV, or newspaper advertising, pamphlets, or brochures used will identify the project's handicapped accessibility and contain the appropriate fair housing logotype or the equal housing opportunity slogan. In all space advertising, the equal housing opportunity logotype statement or slogan shall be of a size which conforms to the standards of Fair Housing Advertising. Any human models used in photographs, drawings or other graphic techniques shall portray persons in an equal social setting and shall indicate that the housing is open to all without regard to race, color, religion, ancestry, sex, national origin, age, sexual orientation, gender identity, marital status, families with children, medical condition, source of income, and physical or mental disability (must possess capacity to enter into legal contract) and is not for exclusive use of one such group.
4. Each and every MHD and contractor staff person must take the time to ensure that this policy is carried out when dealing with persons who inquire or apply for housing.
5. It should be noted that persons applying as a result of special outreach may be ill at ease and may appear unwilling to cooperate with staff in the application process. All personnel must be willing to take the time to explain the housing program, the requirements and the benefits. It is the responsibility of the staff person to refer the client to the appropriate person if they do not have the information. Staff shall make a positive effort to provide all applicants with all the assistance and information they need. Periodically, the MHD will arrange for training on fair housing issues for all those involved in this project.

Appeals Process

If a consumer has any problem with the tenant selection or certification processes, he/she can follow the established appeals process, delineated in the *MHD Policies and Procedures*, #222 (“Client Problem Resolution Process”).