



*Dedicated to the Health  
Of the Whole Community*

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**DRAFT**

**Section D.4..... Tenant Selection Plan**

**ENCLOSURES:** Santa Clara County Income Limits  
MHSa Housing Program Eligibility Form  
MHSa Housing Program Tenant Certification Form  
Consent to Release Confidential Health Information Form

**REFERENCE:** *California Welfare and Institutions Code*  
*MHD Policies and Procedures, #222 (“Client Problem Resolution Process”)*

**PROCEDURES:**

<b>Responsible Party</b>	<b>Action</b>
Qualified Tenants	<p><b>Tenant Eligibility Factors:</b></p> <p>1. Qualified tenants must meet the requirements established by the Mental Health Services Act Housing Program. Individuals must be:</p> <p>a) “Seriously mentally ill”:</p> <ul style="list-style-type: none"> <li>• Low income adults or older adults with serious mental illness as defined in <i>California Welfare and Institutions Code</i> 5600.3(b)(1); and</li> <li>• Children with severe emotional disorders as defined in <i>California Welfare and Institutions Code</i> 5600.3(a)(1), and their families</li> <li>• Who, at the time of assessment for housing services, meet the criteria for MHSa services in their county of residence.</li> </ul> <p>b) “Homeless,” which means living on the streets, or lacking a fixed, regular, and adequate nighttime residence. (This includes shelters, motels and living situations in which the individual has no tenant rights.)</p> <p>c) Or “at risk of homelessness,” which includes:</p> <ul style="list-style-type: none"> <li>• Transition-age youth (as defined in <i>Welfare and Institutions Code</i> Section 5487(c), and in Title 9, <i>California Code of Regulations</i>, Section 3200.80) exiting the child welfare or juvenile justice systems.</li> <li>• Individuals discharged from institutional settings including:               <ul style="list-style-type: none"> <li>- Hospitals, including acute psychiatric hospitals, psychiatric health facilities (PHF), skilled nursing facilities (SNF) with a certified special treatment program for the mentally disordered (STP), and mental health rehabilitation centers (MHRC)</li> <li>- Crisis and transitional residential settings</li> </ul> </li> </ul>

Tenants	<ul style="list-style-type: none"> <li>• Individuals released from local city or county jails</li> <li>• Individuals temporarily placed in residential care facilities upon discharge from one of the institutional settings cited above</li> <li>• Individuals who have been assessed and are receiving services at the county mental health department and who have been deemed to be at imminent risk of homelessness, as certified by the county mental health director.</li> </ul>
Service Providers	<p>2. Qualified tenants must have a household income below 30% of the current Area Median Income (AMI) for a given household size (See Attachment A). Once the tenant has taken possession of the unit, their income may increase and become subject to tax credit and other regulatory limitations and their rent may also be raised to the maximum allowable rent. When an MHSA household income exceeds 30% of AMI, the household will be placed on the internal transfer list for the applicable new income level (40% or 50% AMI). Once that transfer takes place, the next available unit at 30% AMI will be allocated to MHSA. Until the transfer takes place, the household is considered MHSA even if their income exceeds 30%.</p> <p>3. In addition, to be qualified, tenants must meet one of the following two Santa Clara County requirements (with it being understood that if they are approved for tenancy in an MHSA housing unit, their participation in services is voluntary):</p> <p>a) Be “mid-level users” of services at clinics/contract agencies, that is, seriously mentally ill clients who do not currently need 24-hour, institutional care and are able to live independently with supportive services. These are consumers who are homeless or at risk of homelessness (according to MHSA Housing Program Application) and who:</p> <ul style="list-style-type: none"> <li>• are connected to outpatient services and are usually dependent on such;</li> <li>• are able, with support, to manage their Activities of Daily Living and medications in an independent living situation; and</li> <li>• have severely limited income or are assumed to have a continuing income deficiency for the next 12 months;</li> </ul> <p>(This includes new consumers who have previously been unserved.)</p> <p>b) Have left a 24-hour care setting and have demonstrated success or have completed their stay in a transitional or residential care facility and can move to permanent supportive housing as a next step in their recovery;</p>
Housing Development Consultant	<p>4, Finally, qualified tenants must be certified as eligible for MHSA housing and be approved by the MHD staff according to the criteria established by the MHD.</p> <p>Note: Staff at the clinic or contract agency will determine which consumers fulfill these criteria and refer the candidate to the MHD according to the Tenant Selection Process that is defined below.</p>

Service Providers	<p><b>Tenant Selection Assumptions:</b></p> <p>1. MHD staff will notify the service providers that are a part of the MHD-funded System of Care of the number of units that that are available to be filled and the time constraints associated with them.</p> <p>2. MHD staff maintains a waitlist of consumers who are qualified for this housing.</p> <p>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 service providers will fill out the <i>MHSA Housing Program Eligibility Form</i> and the individual’s <i>Consent to Release Confidential Health Information Form</i>.</p>
MHD staff	<p>4. 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—will fill out and sign the <i>MHSA Housing Program Tenant Certification Form</i>, and will inform (in writing within seven (7) business days of the receipt of the names) 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.</p> <p>5. MHSA certification does not take into consideration factors such as credit history, eviction history, or criminal history. The housing provider 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.</p>
HDC	<p>6. A vacancy exists among the MHSA designated units.</p> <p>7. The MHD will track the tenants to be housed in all MHSA designated units. For reporting purposes, MHD staff will maintain the waitlist and the list of all MHSA tenants housed in the MHSA housing units. MHD staff will maintain copies of all completed <i>Consent to Release Confidential Health Information Forms</i>, <i>MHSA Housing Program Eligibility Forms</i>, 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.</p>
Referring Agency	<p>8. 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 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 twenty (20) business days. The referring agency will submit the appeal request to MHD within fourteen (14)</p>
MHD staff	<p>business days.</p>

Service Provider	<p>business day of receipt. The MHD will respond to the referring agency within the appeal decision notification period with the final decision. If the referring agency does not submit the appeal within the above-stated time period, MHD will understand that the decision to remove the application from the waitlist is acceptable. The referring agency may resubmit an applicant that is removed from the list when the list reopens and the applicant meets all eligibility criteria.</p> <p>9. The MHD will monitor and promote fair representation from different age and ethnic populations that are housed through this program.</p> <p>10. For a household member (spouse, significant other, friend or acquaintance) of the consumer being considered for housing, an agreement may be established between the consumer and the service provider indicating what will be asked of the other person. The consumer can ask for something like this in order to protect his tenancy when there are other household members involved. The consumer’s Case Manager would help him/her with this and would periodically ask the consumer if the agreed upon terms of the agreement were being followed. This Case Manager will also ensure the consumer that the household member is appropriately qualified to carry out the required tasks. This could take the form of a simple letter and could include some of the following stipulations:</p> <ul style="list-style-type: none"> <li>a) proof of being family member or significant other;</li> <li>b) an income equal to SSI or a letter from a medical doctor stating why that is not possible or stating the need for an accommodation or indicating the person’s willingness to participate in services that will help him/her obtain income;</li> <li>c) an agreement by the family member to be responsible for an agreed-upon portion of the rent (the family member’s name will be on the lease);</li> <li>d) involvement in the consumer’s recovery or help to facilitate it and/or a willingness to participate in instruction or guidance about the consumer’s mental illness;</li> <li>e) volunteering in the community or is employed;</li> <li>f) assuming responsibilities within the housing community: e.g., monitor other children, lead community meetings, etc.; and</li> <li>g) having the willingness to learn basic housekeeping skills.</li> </ul> <p><u>Note:</u> If a family member or significant other is housed with a consumer, he/she must be aware of the fact that if the consumer loses unit or leaves the program for whatever reason, the family member or significant other will have to vacate the unit within 60 to 90 days.</p>
All parties	<p>11. According to 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, <u>there will be no discrimination</u> based on race, color, religion, ancestry, sex, gender identity, national origin, age, sexual</p>

	<p>orientation, marital status, families with children, medical condition, source of income, and physical or mental disability.</p> <p>12. All involved parties will comply with all applicable state and federal law governing confidentiality of medical and health information including, but not limited to, <i>California Welfare &amp; Institutions Code</i> section 5328, <i>et seq.</i>, and the HIPAA, 45 C.F.R. parts 160 and 164.</p>
HDC	<p><b>Tenant Selection Process:</b></p> <p>1. MHD will communicate the availability of this housing among the Mental Health System of Care and the service partners of the County Collaborative on Housing and Homelessness Issues.</p> <p>2. Service providers submit potential candidates to the MHD.</p> <p>3. MHD staff receives candidates, confirms qualified status, and places the candidates on the waitlist.</p> <p>4. Once a consumer is certified, the MHD staff notifies his/her case manager, provides him/her with a copy of the certification and sends a letter to the property manager of the MHSA Housing Program site, indicating that the consumer is an approved, qualified applicant for one of the designated MHSA units at the site.</p> <p>5. When a vacancy exists among the MHSA designated units, the MHD staff contacts the Case Manager of the next available applicant on the waitlist. He also informs the Housing Support Liaison, who will meet with the applicant and his/her Case Manager to review all potential issues related to making an application for the unit. This will help to clarify if any reasonable accommodation request will have to be made during the application and if any appeal of a potential denial will have to be prepared. Also, this will help to ensure that the applicant is indeed “ready” to apply. If there are issues with the applicant’s background, rental history, or income, the Property Manager meets with applicant, his/her Case Manager and the Housing Support Liaison to address the issues in a way that facilitates the applicant’s smooth transition into tenancy. Once approved by property management, either the applicant or his/her representative—which could be his/her Case Manager—pays the initial deposit and first month’s rent directly to the Property Manager.</p> <p>6. The MHD staff person establishes the waitlist and maintains it as follows:</p> <p>a) The waitlist will be comprised of all certified qualified MHSA tenants in the chronological order in which they were certified;</p> <p>b) On an as-needed basis, the MHD staff person reviews the waitlist in order to select the next applicant when a unit becomes available;</p> <p>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 wait list 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.</p> <p>d) The Case Manager will guide the qualified tenant in the filling out of the</p>
Service Providers	
HDC	
HDC	
HDC	
Housing Support Liaison	
Property Manager	
HDC	

Service Provider	lease documentation required at the respective housing site.
Housing Provider	<p>e) After the qualified tenant moves into his/her unit, the MHD updates the waitlist appropriately.</p> <p>f) If a qualified tenant is not selected for tenancy in a specific unit, the housing provider will notify the individual in writing and provide a basis for non-selection. The housing provider also will notify the individual of his/her right to appeal the decision.</p> <p>g) If during the course of his/her tenancy an MHSA tenant is diagnosed as no longer meeting medical necessity due to dementia or another illness, he/she will be discharged by his/her Case Manager. If this happens, the client is no longer considered an MHSA tenant and when another similar unit becomes available, a new MHSA tenant will be selected according to the process stated above.</p>
All staff	<p><b>Compliance with Fair Housing Law:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. All radio, TV, or newspaper advertising, pamphlets, or brochures used will identify the project's handicap 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 that 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.</li> <li>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.</li> <li>5. It should be noted that persons applying as a result of special outreach may</li> </ol>

Applicant	<p>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, MHD will arrange for training on fair housing issues for all those involved in this project.</p> <p><b>Appeals Process:</b> If a consumer has any problem with the selection process, he/she can follow the established appeals process, delineated in the <i>MHD Policies and Procedures</i>, #222 (“Client Problem Resolution Process”).</p>
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Tenant eligibility and selection criteria are entirely consistent with both the Santa Clara County MHSA CSS Plan and the MHSA Housing Program target population. Tenants will meet the primary MHSA service requirements that include being seriously mentally ill, low-income and homeless or at risk of homelessness. Consistent with the MHSA Housing Program, clients’ eligibility will be determined based on an evaluation of their level of functioning and the likelihood that their needs can best be met in a supportive housing environment.

**Charities Housing Development Corporation, the developer of this housing project, will implement the property management Tenant Screening and Tenant Selection Process for the applicants for the non-MHSA units.**