

Dedicated to the Health  
Of the Whole Community



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## Section D.6..... Tenant Selection Plan

**ENCLOSURES:** Santa Clara County Income Limits  
MHSA Housing Program Application Form  
MHSA Housing Program Tenant Certification Form  
Consent to Release Confidential Health Information Form  
Verification of Homelessness Form  
Verification of Disability Form

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

### PROCEDURES:

Responsible Party	Action
Qualified Tenants	<p><b>Tenant Eligibility Factors:</b></p> <ol style="list-style-type: none"> <li>1. Qualified tenants must meet the requirements established by the Mental Health Services Act Housing Program. Individuals must be:               <ol style="list-style-type: none"> <li>a) “Seriously mentally ill”:                   <ul style="list-style-type: none"> <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> </li> <li>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.)</li> <li>c) Or “at risk of homelessness,” which includes:                   <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> </li> </ol> </li> </ol>

<p>Tenants</p>	<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> <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 <u>one of the following two</u> 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 users of services at clinics/contract agencies, that is, seriously emotionally disturbed transition-age youth 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 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>
<p>BHD staff</p>	<p>4. Qualified tenants have filled out a Health Vulnerability Index, are registered in the Housing 1,000 Campaign and are in the top 25% of the most vulnerable homeless.</p> <p>5. 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: BHD staff will determine which consumers fulfill these criteria and</p>

BHD staff	<p>refer the candidate to the Care Coordination Project Case Managers according to the Tenant Selection Process that is defined below.</p> <p><b>Tenant Selection Assumptions:</b></p> <ol style="list-style-type: none"> <li>1. BHD 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, the time constraints associated with them, the eligibility criteria and the Care Coordination Project’s process so they will know if they have individuals who are potentially qualified.</li> <li>2. BHD staff maintains the <del>Housing 1000 Registry of homeless individuals</del> <b>MHSA applicant list of those</b> who are potentially qualified for this housing.</li> <li>3. After engaging their respective consumer applicants, the Care Coordination Project Case Managers fill out the <i>MHSA Housing Program Application Form</i> and the <i>Consent to Release Confidential Health Information Form</i>, the <i>Verification of Homelessness Form</i>, and the <i>Verification of Disability Form</i>.</li> <li>4. Once these forms are turned in, the BHD staff will verify that the information presented in the enclosed forms is accurate—thereby certifying that the individuals are indeed qualified for this housing—and 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.</li> <li>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 will to work with BHD service providers to provide reasonable accommodations to individuals with poor tenant histories given the intention of the MHSA Housing Program. If this is necessary, the Housing Support Liaison will work with the tenant’s Case Manager and the tenant to handle this request and follow through on any implementation that is carried out.</li> </ol>
Housing Support Liaison	
BHD staff	<ol style="list-style-type: none"> <li>6. A vacancy exists among the MHSA designated units.</li> <li>7. The BHD will track the tenants to be housed in all MHSA designated units. For reporting purposes, <del>BHD staff will maintain the list of all MHSA tenants housed in the MHSA housing units.</del> BHD staff will maintain copies of all completed <i>Consent to Release Confidential Health Information Forms</i>, <i>MHSA Housing Program Application Forms</i>, and a list of all certified applicants in the order according to the date applications were received. This approach will ensure that there will be enough applicants to fill MHSA unit vacancies in a timely fashion.</li> <li>8. For a household member (spouse, significant other, friend or acquaintance)</li> </ol>

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<p>BHD staff</p> <p>Homeless Concerns</p>	<p>of the consumer being considered for housing, an agreement could 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 any of these 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 will be informed in writing 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> <p>9. 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 orientation, marital status, families with children, medical condition, source of income, and physical or mental disability.</p> <p>10. 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, et seq., and the HIPAA, 45 C.F.R. parts 160 and 164.</p> <p><b>Tenant Selection Process:</b></p> <p>1. The BHD Homeless Concerns Coordinator will inform the service providers in the BHD System of Care of the eligibility criteria and the Care</p>
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Coordinator	Coordination Project’s process so they will know if they have individuals who are potentially qualified.
BHD staff	<ol style="list-style-type: none"> <li>2. BHD staff <u>will receive</u> candidates from the <u>Department of Family and Children’s Services</u>, confirms qualified status, and designates a Case Manager to work with all the candidates.</li> <li>3. Once a consumer is certified, the BHD 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.</li> <li>4. When a vacancy exists among the MHSA designated units, the BHD staff contacts the Case Manager of the next available applicant from the Registry. That Case Manager will meet with the applicant and any other behavioral health staff associated with the applicant’s care in order 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 and his/her Case Manager 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.</li> </ol>
Service Providers	
Property Manager	
BHD staff	<p><b>Compliance with Fair Housing Law:</b></p> <ol style="list-style-type: none"> <li>1. All BHD 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</li> </ol>

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All staff	<p>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.</p> <p>4. Each and every BHD 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.</p> <p>5. All involved personnel will be willing to take the time to explain to the applicants the requirements and benefits of this housing program. 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 BHD 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.

**EAH, Inc., 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.**