



## About the Ohio 811 Program

The Ohio 811 Project Rental Assistance (PRA) Program (hereinafter Ohio 811 Program) is a project-based rental subsidy program designed to expand the supply of housing for extremely low-income, non-elderly individuals with disabilities. This program is administered by the Ohio Housing Finance Agency (OHFA) in coordination with the Ohio Department of Medicaid (ODM), the Ohio Department of Developmental Disabilities (DODD) and the Ohio Department of Behavioral Health (ODBH). OHFA secures program units through new and existing multifamily housing properties that receive any form of OHFA funding, while ODM, DODD and (ODBH) work with their stakeholders to ensure qualifying individuals are available to be referred to the program units.

## Purpose

[§ PRA.403\(a\)](#) of the HUD Program Guidelines requires owners to determine tenant eligibility using a Tenant Selection Plan (hereinafter TSP) approved by OHFA.

*“The Owner must accept referrals of Eligible Applicants from the Grantee [OHFA] or their designee for determining eligibility with the Owner’s Grantee-approved Tenant Selection Plan.”*

This document is not intended to be a complete list of the requirements contained in the property TSP. However, this Tenant Selection Plan Addendum (hereinafter TSP Addendum) is the primary reference setting forth OHFA’s expectations related to the processing of Ohio 811 Program referrals. It is the responsibility of the Owner or their agent (hereinafter Participating Property) to ensure that all provisions of this Addendum are enforced. Whenever there is a conflict between the property TSP and the TSP Addendum, the TSP Addendum will supersede the property TSP.

## Tenant Referrals

All prospective tenants for the Ohio 811 Program will be referred to the property by OHFA in accordance with [§ PRA.402\(a\)](#). The Participating Property accepts referrals in accordance with [§ PRA.403](#). The Participating Property must process applications for Assisted Units in the order that the applicants were referred by the Ohio 811 Program Waitlist Manager (hereinafter Waitlist Manager). Participating properties may not process prospective tenants referred through any source other than the Waitlist Manager. The Participating Property must fill available Assisted Units with Eligible Tenants until the number of Assisted Units designated under the Rental Assistance Contract (RAC) is met.

## Tenant Eligibility

The Ohio 811 Program requires Participating Properties to verify each household’s eligibility for the program. To qualify, households must meet all criteria set forth below:

- Complies with HUD’s definition of an “extremely low-income family” as defined in [24 C.F.R. § 5.603](#).
- Income qualifies in accordance with [24 C.F.R. §§ 5.609-5.617](#) using Enterprise Income Verification (EIV) as detailed in [24 C.F.R. § 5.233](#) and [HUD Handbook 4350.3 REV-1, chapter 3-30](#).
- Discloses and submits documentation to verify the Social Security Numbers of all household members in accordance with [24 C.F.R. §§ 5.210-5.218](#) and [HUD Handbook 4350.3 REV-1, chapters 3-3 B and C, 3-9, 3-11, and 3-31](#).

OHFA, its state agency partners, and Referral Agents will verify that at least one member of the household meets the following criteria:

- At least 18 years of age, but no older than 61 at admission into the property; and
- Meets the definition of a “person with disabilities” as outlined in [42 U.S.C. § 8013\(k\)\(2\)](#) and [24 C.F.R. § 891.305](#); and
- Eligibility for community-based, long-term care services as provided through Medicaid waivers, Medicaid state plan options and other appropriate services related to the disability type(s) targeted under the Memorandum of Understanding.



## Disqualifying Criteria

In light of the federal assistance provided by the Ohio 811 Program, Participating Properties are required to screen applicants pursuant to HUD disqualifying criteria. Refer to [24 C.F.R. § 5.854-5.857](#) and [HUD Handbook 4350.3 Chapter 4-27 Section E](#) for further guidance.

## Use of Mitigating Circumstances to Reduce Barriers

The Ohio 811 Program was developed to address the housing needs of an underserved population, specifically, people with disabilities. These individuals also belong to a protected class as identified in the Fair Housing Act, 2 U.S.C. §§ 3601 et seq. (U.S. Code, Title 42, Chapter 45), originally enacted as Title VIII of the Civil Rights Act of 1968). In consideration of the population served and the objectives of the program, this TSP Addendum was created with the intention of reducing barriers for referred individuals by providing greater latitude to Participating Properties to admit tenants whose backgrounds and experiences may have contributed to a flawed criminal, credit and/or rental history. Therefore, Participating Properties are encouraged to consider mitigating circumstances and facts before rejecting an applicant. Examples of mitigating circumstances may be found in the sections located below.

### Criminal History

1. Arrests. Arrests are distinguishable from convictions. An arrest, absent a conviction, should not be used to deny a prospective tenant.
2. Convictions. While a conviction can be evidence of criminal conduct, Participating Properties are encouraged to distinguish between convictions for criminal conduct that indicate a demonstrable risk to resident safety and/or property and criminal conduct that does not. In addition, Participating Properties are encouraged to develop tenant screening policies that consider the nature and severity of a conviction; and the amount of time that has passed since the criminal conduct occurred.

Mitigating Factors for Criminal Convictions: Participating Properties are encouraged to consider the factors surrounding and/or related to a specific criminal conviction, including but not limited to, the following:

1. The facts or circumstances surrounding the criminal conviction;
2. The age of the individual at the time of the conviction;
3. Evidence that the individual has not recently engaged in criminal activity since the conviction;
4. Evidence of rehabilitation efforts;
5. The extent to which supportive services have helped to alleviate the identified negative factors;
6. Any other mitigating factor.

### Tenant Background/Credit Reports

Many housing providers use consumer reports, such as tenant background or credit reports, as part of the application process. The Federal Trade Commission (FTC) provides [guidance for housing providers](#) who use such reports. The FTC notes that when a housing provider takes an adverse action based on information in a consumer report, the housing provider must provide a notice to the applicant that includes:

1. The name, address and telephone number of the Credit Reporting Agency (CRA) that supplied the consumer report, including a toll-free telephone number for CRAs that maintain files nationwide; and
2. A statement that the CRA that supplied the report did not make the decision to take the adverse action and cannot give the specific reasons for it; and
3. A notice of the applicant's right to dispute the accuracy or completeness of any information the CRA furnished, and the applicant's right to a free report from the CRA upon request within 60 days.



Mitigating Factors for Background/Credit Reports: Participating Properties are encouraged to consider the factors surrounding and/or related to the unfavorable background/credit history, including but not limited to the following:

1. The facts and circumstances surrounding the negative factor;
2. Poor credit or outstanding debt may not be a reliable indicator if related to a previous lack of affordable housing, services, and/or supports, or unrelated to housing, such as medical debt;
3. Whether the information is inaccurate or misleading as explained by the prospective tenant;
4. Whether the information reported is supported by a judgment from a court with jurisdiction over the matter;
5. Consumer statements added to the report or offered as an explanation to the report;
6. Whether the information in the report can be cured (e.g., payment of a debt);
7. The extent to which supportive services have helped to alleviate the identified negative factors (e.g., appointment of a payee to manage money);
8. Any other mitigating factor.

## Previous Rental History

When previous rental history is screened, the reference request must include the applicant and all household members age 18 or older. Tenancy may be denied if unfavorable references are received regarding tenancy history for any of the following:

1. A “for cause” judgment of eviction within the last three (3) years. In cases of non-payment of rent, consideration should be given to the applicant’s current financial ability to pay the rent considering the Ohio 811 Program subsidy;
2. Failure to cooperate with the requirements of a subsidized housing program, including the re-certification process;
3. Repeated lease violations;
4. History of disruptive or violent behavior;
5. History of creating an unsafe or unhealthy environment including, but not limited to damage to property, excess accumulation of trash, vermin infestation, or posing a health hazard to other residents;
6. Criminal activities that threaten the health and safety of the residents or staff.

Mitigating Factors for Unfavorable Rental History: Participating Properties are encouraged to consider the factors surrounding and/or related to the unfavorable rental history, including but not limited to the following:

1. The facts or circumstances surrounding any negative factor;
2. A poor rental history may be due to previous unaffordability or other relevant circumstances, such as medical debt;
3. An Eviction that is dismissed or settled is likely not, without more evidence, a reliable indicator of tenancy performance;
4. The extent to which supportive services will help alleviate the identified negative factors;
5. Any other mitigating factor.



## Appeal Process

All applicants referred pursuant to the Ohio 811 Program have the right to appeal when the Participating Property denies their application for tenancy. When denying an applicant, the Participating Property must notify the applicant in writing and e-mail a copy of the notice to the Waitlist Manager within seven (7) days at [811Program@ohiohome.org](mailto:811Program@ohiohome.org). The Participating Property must use the [Ohio 811 Program Denial of Tenancy Template Letter](#) located on the OHFA website to deny an applicant. The letter must include the following information:

- The specific reason(s) for denying tenancy and reference to the leasing criteria upon which the denial was based;
- Case number(s) when the denial is based on an eviction or conviction;
- The contact information for any third parties that provided the information on which the denial was based;
- The applicant's right to request a meeting within 14 calendar days to discuss the decision with someone other than the staff who made the initial determination;
- The applicant's right to request a reasonable accommodation in response to the denial.

The appeal will be determined either by an independent review of the application for housing and other documentation in the application file and/or by an informal hearing. The applicant may present documents or testimony as evidence to support the appeal. A decision must be made promptly, and the Participating Property must notify the applicant and the Waitlist Manager in writing within seven (7) calendar days.

### Violence Against Women Act

The Ohio 811 Program is covered by the Violence Against Women Act (VAWA) as amended in [42 U.S.C. § 13925](#) and [42 U.S.C. § 14043e](#) with implementing regulations found in [24 C.F.R. § 5.2001-5.2011](#). As such, the following requirements apply:

- Admission shall not be denied on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualified for assistance or admission.
- At the time the applicant is admitted, the Participating Property must provide notice of the rights afforded to tenants under VAWA through [HUD Form 5380](#).

## Compliance with Federal Laws

Participating Properties must comply with all applicable federal laws, including, but not limited to, the following:

- Title VII of the Civil Rights Act of 1968 (Fair Housing Act) as amended in [42 U.S.C. §§ 3601-3631](#) with implementing regulations found in [24 C.F.R. §§ 100.1-100.600](#).
- Frank Melville Supportive Housing Investment Act of 2008 as amended in [42 U.S.C. § 8013](#) with implementing regulations found in [24 C.F.R. §§ 891.300-891.325](#).
- Americans with Disabilities Act of 1990 as amended in [42 U.S.C. §§ 12101-12213](#) with implementing regulations found in [28 C.F.R. §§ 36.301-36.311](#).
- Section 504 of the Rehabilitation Act of 1973 as amended in [42 U.S.C. § 794](#) with implementing regulations found in [24 C.F.R. §§ 8.20-8.33](#).

## Contact Us

For more information, please visit the [Ohio 811 Program website](#) or e-mail the Ohio 811 Program Mailbox at [811Program@ohiohome.org](mailto:811Program@ohiohome.org).