Guidelines for 504 Disability and Developmental Disability (DD) Units

VHDA’s 2015-2016 Low-Income Housing Tax Credit (LIHTC) Qualified Allocation Plan (QAP) awarded 50 points for properties: (i) containing the greater of 5 units or 10% of the units assisted by certain project-based assistance; whereby (ii) the greater of 5 units or 10% of the units meet the fully accessible Uniform Federal Accessibility Standards and are actively marketed to persons documented as having a disability as defined in the Fair Housing Act. In addition, properties that met the foregoing requirements could receive an additional 25 points for providing a first preference on their waiting list for persons with an intellectual or developmental disability (ID/DD) for the greater of 5 units or 10% of the units. If awarded the additional 25 points owners had to get a HUD waiver allowing preference for project-based vouchers to be designated for the DD population.

VHDA’s 2017-2018 QAP awards 60 points for properties: (i) containing the greater of 5 units or 10% of the units assisted by certain project-based assistance; whereby (ii) the greater of 5 units or 10% of the units meet the fully accessible Uniform Federal Accessibility Standards (UFAS) and are actively marketed to persons documented as having a disability as defined in the Fair Housing Act. Properties meeting the 60-point requirements may receive an additional 25 points for providing a first preference on their waiting list for persons with a developmental disability, for the greater of 5 units or 10% of the units. If awarded the additional 25 points owners must get a HUD waiver allowing preference for project-based vouchers to be designated for the DD population.

VHDA’s 2017-2018 QAP also awards 30 points for any development in which the greater of 5 units or 10% of the units (i) have rents within HUD’s Housing Choice Voucher (“HCV”) payment standard; (ii) conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act; and (iii) are actively marketed to persons with disabilities as defined in the Fair Housing Act. Properties meeting the 30-point requirements may receive an additional 25 points for providing a first preference on their waiting list for persons with a developmental disability, for the greater of 5 units or 10% of the units.

Individuals meeting the definition of person with a disability and/or DD are defined herein as the “Target Population.”

Properties receiving points under the following categories must follow these guidelines.

The following are the 2017-2018 point categories, each of which will be monitored by VHDA for compliance:
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| Federal Project-Based Rental Subsidy and Units for Persons with Disabilities – Unit Accessibility | 0 or 60| Any development in which the greater of 5 units or 10% of the units will be assisted by HUD project-based vouchers. Every unit must include a roll-in shower, roll under sink and front control range, unless a waiver is granted by VHDA prior to the application submission. Locality project-based rental subsidy must meet the definition of state project-based rental subsidy. In addition, units must conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act and be actively marketed to persons with disabilities as defined in the Fair Housing Act. Documentation:
  1. Proof of Vouchers = a binding, awarded RFP
  2. The selection for this 60-point category is made in both the Reservation Application and the VHDA Architect’s Certification
  3. Submit with the Reservation Application a marketing plan – see Marketing Plan Instructions above.
  4. Accessible units will be confirmed by VHDA during construction.
  5. Rental subsidy documentation is required with the 8609 application. |
| HUD 504 Accessibility - 5 or 10% of Units                               | 0 or 30| Any development in which the greater of 5 units or 10% of the units (i) have rents within HUD’s Housing Choice Voucher (“HCV”) payment standard; (ii) conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act; and (iii) are actively marketed to persons with disabilities as defined in the Fair Housing Act. Documentation:
  1. The selection for this 30-point category is made in both the Reservation Application and the VHDA Architect’s Certification
  2. Submit with the Reservation Application a marketing plan – see Marketing Plan Instructions above
  3. Accessible units will be confirmed by VHDA during construction. |
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| Developmental Disability (DD) Preference     | 0 or 25| Any development eligible for the preceding 60-point or 30-point category, subject to appropriate federal approval, commits to providing a first preference on its waiting list for persons with a developmental disability for the greater of 5 units or 10% of the units (25 Points). **Documentation:**  
1. The selection for this 25-point category is made in both the Reservation Application and the VHDA Architect’s Certification;  
2. Submit with the Reservation Application a marketing plan that states a “first preference” for persons with a developmental disability; and  
3. Retain tenant verification letter, **Acknowledgment of Settlement Agreement Target Population Status** (see ‘Referrals’ section below)  
4. Developmental Disability units will be confirmed by VHDA. |
| HUD 504 Accessibility – 5% of Units          | 0 or 15| Any development in which five percent (5%) of the units (i) conform to HUD regulations interpreting the accessibility requirements of section 504 of the Rehabilitation Act and (ii) are actively marketed to persons with disabilities as defined in the Fair Housing Act. **Documentation:**  
1. The selection for this 15-point category is made in both the Reservation Application and the VHDA Architect’s Certification  
2. Submit with the Reservation Application a marketing plan – see Marketing Plan Instructions above  
3. Accessible units will be confirmed by VHDA during construction. |

**2015-2016 Definitions**

50-point Units - units counted toward meeting requirements set forth in the 50-point category (increased to 60 points in 2017 – see above), including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)

30-point Units - units counted toward meeting requirements set forth in the 30-point category (same as above), including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)

25-point Units - units subject to a first preference for DD individuals and counted toward meeting the 25-point category (same as above)

15-point Units - units subject to a first preference for DD individuals and counted toward meeting the 25-point category (same as above), including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)
Combination Units – units rented to ID/DD individuals that require an accessible unit. The determination that a unit is a Combination Unit can be made only at the time it is rented to a DD individual needing an accessible unit (i.e., an Owner cannot simply designate that Combination Units are the greater of 5 or 10% of units).

**NOTE:** It is assumed by VHDA that not all ID/DD individuals will require an accessible unit.

### 2017-2018 Definitions

60-point Units - units counted toward meeting requirements set forth in the 60-point category above, including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)

30-point Units - units counted toward meeting requirements set forth in the 30-point category above, including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)

25-point Units - units subject to a first preference for DD individuals and counted toward meeting the 25-point category above

15-point Units - units subject to a first preference for DD individuals and counted toward meeting the 25-point category above, including that such units will be rented to individuals needing an accessible unit (or held open and continuously marketed)

Combination Units – units rented to DD individuals that require an accessible unit. The determination that a unit is a Combination Unit can be made only at the time it is rented to a DD individual needing an accessible unit (i.e., an Owner cannot simply designate that Combination Units are the greater of 5 or 10% of units).

**NOTE:** It is assumed by VHDA that not all DD individuals will require an accessible unit.

### Marketing Plan (General)

Documentation of unit marketing should begin at the time any pre-leasing activity for units for the general population is undertaken for the property and must be ongoing. The owner must provide to VHDA, with its Reservation Application a customized Marketing and Tenant Selection Plan for the property and the Target Population with the LIHTC Reservation Application to include information on efforts that will be undertaken to fill a vacant unit, including but not limited to:

- Current listing on [VirginiaHousingSearch.com](https://www.VirginiaHousingSearch.com), including information on amenities available for the Target Population(s)
- Print and digital advertisements
- Current written notifications of vacancies to:
  - [Local Centers for Independent Living](https://www.VirginiaHousingSearch.com)
  - [Community Services Boards](https://www.VirginiaHousingSearch.com)
  - Continuum of Care organizations, which can be found on DHCD’s [website](https://www.VirginiaHousingSearch.com).
Any other appropriate resource agencies/organizations, non-profits that assist persons with disabilities, churches, veteran’s organizations, service clubs (Rotary, Kiwanis, Ruritans, VFW), patient services of local hospitals and nursing homes

- Local Government Social Services Departments
- Places of employment, unemployment offices, welfare and post offices, grocery stores, churches, community halls and public transportation centers

Marketing (Preference)

In addition to the above, as soon as a household gives notice to move or if the required number of 25-point Units is not actually occupied by the Target Population, the owner/property manager must contact its assigned VHDA Compliance Officer.

NOTE: The preference requirement automatically terminates 12/31/2021 when HUD’s waiver approval ends, subject to an extension of the Department of Justice (DOJ) settlement term.

Hold Vacant for 60 Days

Units must be held vacant for 60 days during which marketing efforts must be documented. However, if marketing to the Target Population is deemed to be conducted satisfactorily on an ongoing basis throughout the year and management can provide sufficient documentation to VHDA’s Compliance Officer, management may request the ability to lease 60-point Units and 30-point Units (50-point units only if 2015/2016 project), to a household not in the Target Population without the unit remaining vacant for the 60-day timeframe. “Ongoing basis” means contact to at least two (2) resources at least monthly in the manner noted below at any time the required number of units is not actually occupied by the Target Population.

Each time a vacancy occurs in a 60-point Unit or a 30-point Unit (50-point units only if 2015/2016 project), if a qualified household including a person in the Target Population is not located in the 60-day timeframe, the owner or manager may submit the evidence of marketing to VHDA’s Compliance Officer and request approval to rent the unit to an income-qualified household not a part of the Target Population. If the request is approved, the lease must contain a provision that the household must move to a vacant unit of comparable size in the development if a household in the Target Population applies for the unit. The move will be paid for by the owner.

If no vacant unit of comparable size is available at that time, the Target Population prospective tenant should be placed on the development’s waiting list and placed in the 60-point Unit or 30-point Unit (50-point units only if 2015/2016 project), when the first available vacant comparably sized unit becomes available to move the non-Targeted Population tenant. However, a DD applicant (ID/DD applicant, if 2015/2016) would have first preference for occupancy from the waiting list over any other prospective tenant if the 25-point category was selected.

Referrals

The Virginia Department of Behavior Health & Developmental Services (DBHDS) will be issuing letters to individuals in the Settlement Agreement Target Population, which the individual and/or guardian will submit along with the application for a rental unit. The letter will be on
DBHDS letterhead and includes the title ‘Acknowledgment of Settlement Agreement Target Population Status’. If you are actively seeking referrals or have questions, please contact:

Elizabeth Seward  
Director, Statewide Housing Initiatives  
(804) 343-5615  
elizabeth.seward@vhda.com

**Vacancy Loss Reimbursement**

If owner/management is in negotiation/discussion regarding a referral and a unit must remain vacant, there may be funding available for vacancy loss reimbursement, unit modification, etc. For more information, contact:

Chris Dimotsis  
Lead Strategic Housing Officer  
(804) 343-5596  
chris.dimotsis@vhda.com

**Compliance**

Each time VHDA’s Compliance Officer conducts an audit of the property, management will be asked to acknowledge on the audit form that the required number of units are being held for and/or rented to households containing a person with a disability as defined in the Fair Housing Act. Sixty-point Units (50 Point Units if 2015/2016), 30-Point Units and 25-Point Units will be included in the audit sample.

Properties that include units for the Target Population must be documented in Housing & Development Services (HDS)/Web Tenant Compliance Management System (WTCMS) as follows:

1. In HDS on the project tab, under the categories menu, VHDA staff must enter the # and % of units required in the unit targeting area (see separate, specific instructions); and
2. In WTCMS for each unit that has been built to 504 accessibility standards the on-site staff must edit the unit number by adding an “*” after the unit number.

**QAP point categories do not limit applicable fair housing laws.** For example, the Owner will be required to obtain a waiver from HUD to give the first preference to DD tenants. Also, the owner may rent to additional members of the Target Populations over and above the number required in the QAP to obtain points (and, in fact, the Owner may be required to do so by applicable fair housing laws). However, any such additional DD households are not required to be given a first preference on the waiting list.
# Units That Will Be Rented, Held Available, Continuously Marketed To Or Given First Preference

Scenario 1: 50 units, assuming *some* of the DD tenants also have a need for an accessible unit

Scenario 2: 50 units, assuming *all* of the DD tenants also have a need for an accessible unit

Scenario 3: 50 units, assuming *none* of the DD tenants have a need for an accessible unit