

Frequently Asked Questions Regarding the OPWDD Housing Subsidy ADM 2022-03

Responses revised October 21, 2022

	Question	Response
1.	I see that OPWDD no longer allows the \$50 supplemental Housing Subsidy for people who have a Section 8 Housing Choice Voucher. Is there a phase in for this change, or is it in effect immediately?	This is effective immediately. Only those who received approval by the Regional Office for an OPWDD Supplemental Subsidy before March 10, 2022 are eligible to receive the \$50 Supplemental Subsidy.
2.	I am supporting several people who receive the \$50 supplemental Housing Subsidy as well as a Section 8 voucher. The ADM indicates that this is no longer allowable. When should I stop paying this supplemental housing subsidy?	Only OPWDD can approve, deny, or terminate a Housing Subsidy. If a provider identifies a person whose subsidy should be terminated based upon the ADM, including the \$50 supplemental payment, they should reach out to the relevant Regional Office.
3.	I have a person who is applying for housing in a NYC Housing Authority apartment, which is HUD subsidized housing. Can they still receive a housing subsidy under the rules of the ADM?	“Subsidized Housing” is housing that is developed through the use of public funds and typically offers reduced rent levels for people who are income qualified. If a person who is OPWDD eligible obtains housing in one of these housing projects and does not qualify for another housing subsidy (e.g., Section 8) then the OPWDD Housing Subsidy may be requested.
4.	If a person is approved for both OPWDD Housing Subsidy and a Section 8 Subsidy, can they choose the Subsidy they prefer to use?	If an individual is eligible for any other housing subsidy program, they are expected to use that program. OPWDD will only provide a housing subsidy to qualified applicants if they are not eligible for other housing subsidy programs.
5.	The ADM states that a person must apply for other benefits, including Section 8, every year. If a person is living in an apartment in a community that they enjoy, and they are approved for a Section 8 voucher in a different apartment, would they need to take the Section 8 funded apartment?	Yes, a person must apply each year for any locally available Housing Choice Vouchers if they want to continue receiving an OPWDD housing subsidy. If a person becomes eligible for a non-OPWDD housing subsidy (e.g., Section 8 Housing Choice Voucher) they are expected to work with their housing subsidy provider, care manager (as applicable) and their landlord to transition to using the Housing Choice Voucher in their current apartment instead of the OPWDD housing subsidy.
6.	Will a month-to-month lease be accepted if it is the person’s choice to have a month-to-month lease rather than signing a new annual/term lease?	No. If a person still has a month-to-month lease, or lease in some other format that is not otherwise acceptable under the ADM, the provider must immediately begin working on obtaining an acceptable lease. The provider must work with the Regional Office to ensure that the corrected lease is on file.

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7.	What is the course of action if the Landlord refuses to transfer a person's month-to-month lease to an annual/term lease?	The person's Care Manager, Fiscal Intermediary, or Housing Subsidy Provider Agency is expected to intervene and support the person to resolve the issue(s) in a timely manner to meet the ADM requirements. Provider staff should reach out to the Regional Office for assistance as necessary. The lack of an approvable lease may result in the termination of a housing subsidy.
8.	If the person has a roommate using another bedroom, does the QA Checklist apply for their living area as well?	The QA Checklist covers the entire housing unit where a person receiving the OPWDD Housing Subsidy lives. This includes the bedroom/living areas occupied by a roommate, whether they receive an OPWDD housing subsidy or not.
9.	What should the reviewer do if any of the boxes on the QA Checklist cannot be checked as complete but there is a plan to resolve the issue?	Any boxes in the QA Checklist that cannot be checked as completed must result in a "failed" QA Checklist. There must be a written explanation for the reason(s) the checklist failed in the comment section at the end of the form. There must also be a plan of corrective action for the issue(s) identified in the comment section with a reasonable timeline for completion. The document must be signed and submitted to the DDRO to determine if the plan of corrective action is acceptable.
10.	Can the QA Checklist be completed virtually?	No. OPWDD offered the flexibility for QA Checklists to be completed virtually during the height of the COVID Pandemic for health and safety concerns. However, any virtual assessment had to be completed in-person within six months. Virtual assessments are no longer allowed and have not been allowed since early 2021.
11.	Can a person qualify for an OPWDD housing subsidy if they live with their Parent(s) or another Caregiver? if the arrangements otherwise meet all other housing subsidy criteria?	Yes. A person can choose who they live with, including their parents or caregivers, so long as they meet the eligibility criteria in the ADM, including having tenancy rights to the housing unit.
12.	Who determines if a person's support services and safeguards are appropriate to qualify for an OPWDD Housing Subsidy?	The Care Manager is responsible for creating and maintaining the Life Plan with the person. The Life Plan must include all of the person's supports, services, and safeguards necessary to appropriately meet their needs for independent living. However, the DDRO ultimately determines whether an individual has appropriate supports and services that may make them eligible for an OPWDD Housing Subsidy. The DDRO may request additional information, and ultimately can

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		suspend, deny or terminate a Housing Subsidy if they determine that appropriate support services and safeguards for the person are not in place. The person may engage the dispute resolution process if they disagree with the DDRO's determination.
13.	Can an emergency transition stipend be requested for moving expenses if a person is being displaced due to their rent increasing beyond what they can afford using the OPWDD Housing Subsidy?	Yes, but only if it creates an emergency as determined by the DDRO. See <i>OPWDD Emergency Stipend</i> on page 10 of the ADM for more information.
14.	Can a second Transition Stipend be requested if a person moves after living in one location for a long time?	No. As identified on Page 9 of the ADM, a Transition Stipend is a one-time payment. Unless there is an emergency situation, a second Transition Stipend cannot be authorized.
15.	Does a separate apartment dwelling unit, like an "in-law apartment" need to have a Certificate of Occupancy, or just be eligible for potential rental?	In order to receive an OPWDD Housing Subsidy, the housing unit must meet all of the criteria outlined in the ADM. The Housing unit must be a separate legal apartment dwelling with a Certificate of Occupancy, or other official approval document, as determined by the applicable jurisdiction and/or NY State local ordinance.
16.	Can the person qualify for an OPWDD Housing Subsidy if they are not the main lessee, but instead are added as a family member to the lease?	Yes, if the person is legally added to the lease and the lease is legally enforceable by the individual.
17.	We have a situation where there are four OPWDD supported individuals living in a housing unit, but they also have a Live In Caregiver. Is this an allowable arrangement?	No. Only housing units with four (4) or fewer unrelated adults residing together may qualify for a housing subsidy.
18.	We see that OPWDD will now issue a preliminary approval that is good for 90 days. Do we have to wait until 90 days has passed to contact the Regional Office, or can we reach out to the DDRO to request	You may reach out to the DDRO for assistance at any time. Initial preliminary approval requests are effective for 90 days. If the person has not found appropriate housing and the preliminary approval is about to expire, the person or their team should contact the Regional Office and request an

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	an extension before the preliminary approval expires?	extension of the preliminary approval before the 90-day approval period expires.
19.	How long does it take for someone to receive an OPWDD Housing Subsidy termination letter if they no longer qualify for the subsidy? (e.g., the individual is no longer eligible due to improper lease)	OPWDD may determine that the person is no longer eligible for an OPWDD Housing Subsidy. In these cases, the DDRO will issue a notice to them explaining: • what action OPWDD is taking (e.g., suspension or termination of the subsidy) • why the action is being taken (e.g., individual's income no longer qualifies them for a subsidy); • what actions that the individual may take to comply with OPWDD requirements and reinstate their housing subsidy, if applicable (e.g., update the lease); and • how the individual can ask for dispute resolution with the DDRO if they disagree with the notice.
20.	If the person disagrees with the DDRO's determination to reduce, suspend, termination, or deny an OPWDD Housing Subsidy, can a representative request dispute resolution on their behalf?	Yes. The person or their representative can request dispute resolution with the DDRO.
21.	Is there a document providing details of what the Care Managers and FI/Provider Agencies are responsible for regarding the OPWDD Housing Subsidy?	Yes. Detailed guidance regarding all responsibilities of the Care Manager's and the Fiscal Intermediary/Provider Agency's is outlined in the ADM. There is also guidance included in the Participant Agreement, a document that the person receiving an OPWDD Housing Subsidy must review and sign every year. Providers supporting a person receiving the Housing Subsidy must work together to ensure that all required documentation is completed and submitted to ensure that their subsidy is not put at risk.
21.	The ADM only identifies two examples of allowable utility expenses. Where should things like sewer and water be included in housing costs?	Information on each line item in the Budget Template are included in Attachment D to the ADM. The "Housing Costs" section of Attachment D includes information regarding what utilities can be included in the Budget Template to calculate a person's Housing Subsidy.
22.	Will the OPWDD Housing subsidy amount be increased now that the State Budget has been passed?	OPWDD staff intend to review the payment standards for OPWDD Housing Subsidies as a result of the enacted budget.

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23.	If a person is eligible for a Section 8 voucher, but the landlord will not accept Section 8 vouchers, what should be done to assist the person?	New York State Human Rights Law prohibits discrimination based on source of income. If a landlord discriminates against a person because they receive a Section 8 voucher, contact the New York Office of the Attorney General Civil Rights Bureau (ag.ny.gov/source-income-discrimination-form) or the New York State Division of Human Rights (dhr.ny.gov) for assistance.