



Program Guide
Section 811 Project-Based Rental Assistance
(Section 811 PRA)

March 2015

MINNESOTA HOUSING – SECTION 811 PROJECT-BASED RENTAL ASSISTANCE PROGRAM



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Introduction

Program Guide

This Program Guide sets forth the terms and conditions under which Minnesota Housing will provide Project Based Rental Assistance to eligible properties under the Department of Housing and Urban Development (HUD) Section 811 Program.

Chapter 1 – Program Overview

1.01 Program Purpose and Overview

The purpose of the Section 811 Project-Based Rental Assistance Program (Section 811 PRA) is to expand the supply of supportive housing that promotes and facilitates community integration for people with significant and long-term disabilities.

Section 811 PRA provides a project-based rent assistance subsidy that covers the difference between the tenant payment and the approved contract rent. Tenants pay 30% of their adjusted gross income for rent and utilities. Tenant referrals and service providers are coordinated by the Department of Human Services (DHS).

Demonstration Program: The first round of Section 811 PRA funds is a federal Department of Housing and Urban Development (HUD) Demonstration Program. Minnesota Housing, in partnership with the Minnesota Department of Human Services (DHS), was selected to participate in the Demonstration Program and was awarded funding for 85 Section 811 Project-Based Rental Assistance units.

The state has 24 months from the start date of the grant to have all units under lease. These 811 units must be leased by August 2016. Due to the short timeline, these units will be awarded to existing properties through a Request for Proposals (RFP) and an open pipeline process until all units are contracted.

Eligible Applicants and Properties: Eligible applicants include private and public owners of multifamily properties that have been financed by Minnesota Housing and/or are in Minnesota Housing's Low Income Housing Tax Credit portfolio. Project-Based Section 8 properties that have some existing unsubsidized units within the property are also eligible. Owners must have experience administering HUD Rental Assistance.

Section 811 Grant Number Two: In 2015, Minnesota Housing received a second round of Section 811 PRA funds from HUD. In this round, the Agency, again in partnership with the Department of Human Services (DHS), was awarded funding for 75 units of Section 811 Project-Based Rental Assistance.

The state has 48 months from the start date of the grant to have all units under lease. All units must be leased by June 2019. These units will be available in the 2015 and 2016 Multifamily RFP and on a year-round, pipeline basis for new and existing developments.

Eligible Applicants and Properties: Eligible applicants include private and public owners of multifamily properties that apply for financing through Minnesota Housing's Multifamily RFP and year-round pipeline. Owners must have experience administering HUD Rental Assistance.

Restrictions: No more than 25 % of the total units in an eligible multifamily property can:

- Be provided Section 811 PRA funds
- Be used for supportive housing for persons with disabilities
- Have any occupancy preference for persons with disabilities.

In addition, units must meet the program criteria for unit integration and accessibility.

Note: Properties with restrictions to serve elderly or disabled tenants are not eligible.

Unit Types: Primarily one- bedroom and efficiency units are needed, but it is desirable that properties have some two-bedroom units available to allow flexibility to accommodate tenant needs. Properties will need to meet accessibility standards and have some accessible units for people with mobility impairments.

Property Locations: Properties must be located near community amenities, including jobs, transportation, recreation, retail services, health care, and social services. Preference will be given for properties located in cities or counties with the largest number of potentially eligible tenants for the target population. These communities are listed in Appendix A.

Rental Assistance Contract (RAC): Minnesota Housing will enter into a Rental Assistance Contract (RAC) with selected owners for a minimum 20-year term, with initial funding for a period of 5 years. Funding beyond the first 5 years is subject to federal appropriations.

Rent Levels: Section 811 PRA units must be either currently rent restricted to be affordable for households at 50% Area Median Income (AMI), have rents that are naturally affordable at or below 50% AMI, or the owner will agree to limit rents to 50% AMI. Rent levels cannot exceed the applicable Fair Market Rents (FMR) as determined by HUD.

TRACS: Tenant data must be entered into HUD’s Tenant Rental Assistance Certification System (TRACS).

EIV: Enterprise Income Verification (EIV) must be used to verify tenant income.

Number of PRA subsidies:

- Demonstration Program (Funding Round 1): 85 Section 811 PRA subsidies annually over the 5-year grant period
- Grant Number Two (Funding Round 2): 75 PRA subsidies annually over the 5-year grant period

Use Agreement: Owners must agree to record a Use Agreement for a term not less than 30 years, in the form prescribed by HUD. During the Use Agreement period, owners shall make the approved number of assisted units available for occupancy only to households that meet the eligibility requirements. The Use Agreement will not be enforced or it may be terminated if the funding is not appropriated by Congress.

Tenant Eligibility: At least one person in a household must be non-elderly (18-62 years of age), disabled, with extremely low income (30% AMI) and eligible for community-based, long-term services funded through Medicaid or state funding sources. In addition to these requirements, the Agency will target households that have extensive histories of housing instability, as evidenced by one of the following:

- Has a serious mental illness (SMI) and is long-term homeless (LTH) and working with a PATH provider; or
- Is exiting an institutional setting after a long-term stay of 90 days or more, and is participating in Money Follows the Person (MFP) Demonstration Program.

Project for Assistance in Transitioning from Homelessness (PATH): PATH is a federal grant program to help people who have a serious mental illness and are homeless. The program funds community-

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based outreach, mental health, substance abuse, case management, and other support services, as well as a limited set of housing services.

Money Follow the Person (MFP): MFP Participants are individuals who are eligible for Medicaid and who have resided for 90 or more consecutive days in one or more qualified institutions, including hospitals, nursing facilities, intermediate care facilities for persons with developmental disabilities, and institutions for mental diseases for individuals. Individuals may have developmental, physical, or psychiatric disabilities and will have a history of institutional placement.

Outreach and Housing Referral: This program will use a combination of existing resources for outreach and in-reach services. For persons experiencing long-term homelessness, the PATH outreach workers will do extensive outreach and in-reach to connect with people experiencing homelessness who also have a serious mental illness or other disability. For persons exiting institutional settings, MFP transition coordinators will identify potential Section 811 PRA participants. Transition Coordinators and PATH staff will assist 811 eligible participants to identify housing needs and help them transition from institutions or homelessness into the community.

NOTE: Property owners and other organizations **will not** be able to directly refer people to Section 811 PRA assisted units.

Housing Referral Coordination: The DHS Housing Coordinator will coordinate referrals from MFP transition coordinators and PATH providers. The Housing Coordinator will work with the referring providers to screen the applicant for Section 811 PRA eligibility and place them on the waiting list based on the referral date. The Housing Coordinator will coordinate the referral to available Section 811 units and maintain a centralized waiting list. The Housing Coordinator will also work proactively with owners of Section 811 assisted units to identify anticipated vacancies and minimize the turn time by ensuring a well-matched Section 811 PRA participant is ready to move in.

HousingLink: HousingLink is a web-based system that provides affordable and supportive housing listing services in the state of Minnesota for consumers, housing, and service providers. Developments with Section 811 PRA units will list unit openings on HousingLink. The DHS Housing Coordinator will receive an automated email notification when an available unit is listed on HousingLink and begin the housing referral process.

Service Menu: The MFP Transition Coordinators and PATH staff will be the Referring Providers and Service Coordinators for the Section 811 PRA program. Participants served through the program will have access to an array of services funded by DHS. Individualized service packages will be designed on a case-by-case basis according to the participant's specific needs and desires. Each participant in the program will be matched with their own service coordinator. Service coordinators will ensure that participants have access to at least one service designed to provide longer-term support and stability for living in the community. These supports can include case management, transportation, employment supports, independent living skills, mental health services, connection to Medicaid services, including access to Home and Community Based Services, as well as ensuring access to appropriate medical care.

DHS and Minnesota Housing will monitor implementation and administration processes and revise as needed to ensure effective program delivery. Minnesota Housing and DHS will have regular meetings with housing and service providers to provide training, exchange information and share progress reports.

Chapter 2 – Eligible Properties

2.01 Eligible Multifamily Property

- Must have a minimum of 16 total housing units
- Properties funded with Minnesota State Low Income Housing Tax Credit (LIHTC) or properties financed with Minnesota Housing administered funds (e.g., HOME, LMIR, etc.), or properties within the Section 8 Portfolio that have some unsubsidized units within the property that are not designated for Section 8
- No more than 25 % of the total units in an eligible multifamily property can:
 - Be provided Section 811 PRA funds;
 - Be used for supportive housing for persons with disabilities; or
 - Have any occupancy preference for persons with disabilities.

In addition, units must meet the program criteria for unit integration and accessibility.

- Must not have use restrictions as described below

Properties NOT eligible:

- HUD Section 202 or 811 properties
- Properties that are restricted to serve elderly (persons age 62 and over)
- Properties with existing use restrictions for persons with disabilities
- Properties where more than 25% of the units are designated supportive housing units that serve people with disabilities or long-term homeless (funded by HUD or Minnesota Housing)

2.02 Property Locations

Developments must be located near community amenities, including jobs, transportation, recreation, retail services, health care, and social services. Preference will be given for properties located in cities/counties with the largest number of potentially eligible tenants for the target population. These communities are listed in Appendix A.

2.03 Unit Types

Primarily efficiency and one- bedroom units are needed, but it is desirable that properties have some two-bedroom units available to allow flexibility to accommodate tenant needs. Properties will need to meet accessibility standards and have some accessible units for people with mobility impairments.

2.04 Owner

- Eligible applicants include private and public owners of multifamily properties
- The owner of the property must be in good standing with Minnesota Housing
- Owner/agent must have experience administering HUD Rental Assistance

2.05 Eligible Use(s) of Funds

- Section 811 PRA provides a project-based rent assistance subsidy that covers the difference between the tenant payment and the approved contract rent. Tenants pay 30% of their adjusted gross income for rent and utilities.
- Rental Assistance Payments will cover the difference between the Contract Rent and that portion of the rent payable by the eligible household as determined in accordance with 24 CFR Part 5 and other applicable requirements.
- Rental assistance payments shall be paid to owner for assisted units under lease for occupancy by eligible households in accordance with the Rental Assistance Contract (RAC).
- Payments to owners will be processed through voucher submissions in the Tenant Rental Assistance Certification System (TRACS).
- Vacancy payments during Rent-up may be allowed, as determined by Minnesota Housing.
- Vacancy payments after Rent-up will be allowed as described in Part II of the RAC.

Chapter 3 – Funding Amount and Terms

3.01 Funding Source and Amounts Available

The Section 811 PRA is a program of the federal Department of Housing and Urban Development (HUD). Minnesota Housing is the Grantee, in partnership with the Department of Human Services.

160 units of Section 811 PRA are available.

3.02 Funding Amount

- A minimum of 4 units and a maximum of 11 units at selected properties will be provided Section 811 PRA funding based on estimated rent assistance payments.
- Funding for each Section 811 PRA unit is for an initial period of five (5) years, with expected renewals for up to 20 years, subject to appropriations.

3.03 Rental Assistance Contract (RAC)

Minnesota Housing will execute a Rental Assistance Contract (RAC) with owners of selected properties for a term of 20 years. The RAC consists of:

- **Part I of the Agreement to Enter into a Section 811 RAC (ARAC).** This is the commitment between Minnesota Housing and the owner of the selected property to enter into the RAC.

See HUD Exhibit 7: [Exhibit 7: Agreement to Enter into Rental Assistance Contract](#).

- **RAC Part I and II.** The Rental Assistance Contract describes the terms and conditions of the contract. The RAC designates the funding amount and the number of units that are expected to be available for Section 811 PRA tenants within six months of the initial RAC. The RAC will be amended until the designated number of Section 811 PRA units are leased to qualified tenants.

See HUD [Exhibit 8: Rental Assistance Contract - Part I](#) and [Exhibit 9: Rental Assistance Contract - Part 2](#).

- Additional Exhibits as determined by Minnesota Housing

3.04 Model Lease

All properties must use the HUD Model Lease for Section 811 PRA assisted units. See HUD Exhibit 11: [Exhibit 11: Model Lease](#).

3.05 Use Agreement

Owners of selected properties must record a 30-year use agreement, restricting the use of the determined number of units for the Section 811 PRA program. The restriction is subject to appropriations. The use restriction will terminate if Congress fails to appropriate adequate funding to provide for the financial needs of the assisted units.

See HUD Exhibit 10: [Exhibit 10: Use Agreement](#).

3.06 Lease Up Terms

- Demonstration Program (Funding Round 1): All Section 811 PRA units must be leased by August 2016
- Grant Number Two (Funding Round 2): All Section 811 PRA units must be leased by the June 2019

3.07 Rent Adjustments

Section 811 PRA contract units are eligible for an annual rent adjustment on the anniversary date of the RAC. Within the first year of the Contract, the owner may request to align their contract anniversary date with an existing state or federal state housing program layered at the property.

Owners must submit their request for a rent adjustment in writing to Minnesota Housing, along with the appropriate documentation as determined by Minnesota Housing, within appropriate timeframes to be determined by Minnesota Housing.

Chapter 4 – Application Requirements

4.01 Applicant Responsibilities

The applicant is responsible to understand the program requirements and application submission requirements necessary for a complete application.

4.02 Pipeline Application Submission

Pipeline applications are for existing properties. Applicants are able to access the application, supplemental materials, and resources on [Minnesota Housing's website](#).

To submit a pipeline application for Section 811 PRA:

- The application package must include all items listed on the checklist on the first page of the Section 811 PRA application narrative.
- Email one electronic version of the entire application packet to: mhfa.app@state.mn.us **AND**
- Mail one signed, original version of the entire application packet to:
Minnesota Housing
400 Sibley Street, Suite 300
Saint Paul, MN 55101-1998
Attn: Laird Sourdif

If you have any questions, please contact any of the following staff:

Vicki Farden
651.296.8125
vicki.farden@state.mn.us

Laird Sourdif
651.296.9795
laird.sourdif@state.mn.us

Ashley Oliver
651.284.3173
ashley.oliver@state.mn.us

4.03 Multifamily RFP Application Submission

Applicants for capital financing through the Multifamily Common Application RFP may apply for Section 811 PRA following the RFP application process and checklist:

- Indicate Section 811 PRA on the multifamily Workbook (checkbox under the rental assistance section)
- Complete the 811 section of the multifamily application narrative
- Applicants applying for tax credits are eligible to take points for special populations as applicable on the tax credit score sheet

Chapter 5 – Program Guidelines and Eligible Tenants

5.01 HUD Program Guidelines

All selected applicants must understand and follow the HUD Program Guidelines, specifically Part C-Rental Assistance Contract, and Part D-Owner Requirements. See [Exhibit 5: HUD Program Guidelines](#).

5.02 Tenant Eligibility

At least one person in a household must be non-elderly (18-61 years of age), disabled, with extremely low income (30% AMI) and eligible for community-based, long-term services funded through Medicaid or state funding sources. In addition to these requirements, the Agency will target households that have extensive histories of housing instability, as evidenced by one of the following:

- Has a serious mental illness (SMI) and is long-term homeless (LTH) and working with a PATH provider; or
- Is exiting an institutional setting after a long-term stay of 90 days or more, and is participating in Money Follows the Person (MFP) Demonstration Program.

5.03 Income Limits

An eligible household's annual income must not exceed 30 % of the median income for the area, with adjustments for smaller and larger families.

5.04 Disability

Person with disabilities shall have the meaning provided in Section 811 (42 U.S.C. 8013(k)(2)):

(2) The term “person with disabilities” means a household composed of one or more persons who is 18 years of age or older and less than 62 years of age, and who has a disability. A person shall be considered to have a disability if such person is determined, pursuant to regulations issued by the Secretary to have a physical, mental, or emotional impairment which

(A) is expected to be of long-continued and indefinite duration,

(B) substantially impedes his or her ability to live independently, and

(C) is of such a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered to have a disability if such person has a developmental disability as defined in section [15002](#) of this title. The Secretary shall prescribe such regulations as may be necessary to prevent abuses in determining, under the definitions contained in this paragraph, the eligibility of families and persons for admission to and occupancy of housing assisted under this section. Notwithstanding the preceding provisions of this paragraph, the term “person with disabilities” includes two or more persons with disabilities living together, one or more such persons living with another person who is determined (under regulations prescribed by the Secretary) to be important to their care or well-being, and the surviving member or members of any household described in the first sentence of this paragraph who were living, in a unit assisted under this section, with the deceased member of the household at the time of his or her death.

The term “*person with disabilities*” shall also include the following:

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(1) A person who has a developmental disability, as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)), i.e., if he or she has a severe chronic disability which:

- (i) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (ii) Is manifested before the person attains age twenty-two;
- (iii) Is likely to continue indefinitely;
- (iv) Results in substantial functional limitation in three or more of the following areas of major life activity:
 - (A) Self-care;
 - (B) Receptive and expressive language;
 - (C) Learning;
 - (D) Mobility;
 - (E) Self-direction;
 - (F) Capacity for independent living;
 - (G) Economic self-sufficiency; and
- (v) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(2) A person with a chronic mental illness, i.e., a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and which impairment could be improved by more suitable housing conditions.

(3) A person infected with the human acquired immunodeficiency virus (HIV) and a person who suffers from alcoholism or drug addiction, provided they meet the definition of "*person with disabilities*" in Section 811 (42 U.S.C. 8013(k)(2)). A person whose sole impairment is a diagnosis of HIV positive or alcoholism or drug addiction (i.e., does not meet the qualifying criteria in section 811 (42 U.S.C. 8013(k)(2)) will not be eligible for occupancy in a section 811 PRA unit.

Chapter 6 – Selection Thresholds and Priorities

Minnesota Housing will review applications for selection based on threshold requirements and selection priorities.

6.01 Threshold Requirements

The following requirements must be met to be eligible to administer Section 811 PRA:

1. Properties are owned and/or managed by entities with demonstrated experience operating a Section 8 or other HUD rental assistance program
2. Owner is in good standing with Minnesota Housing
3. Units that will be used for Section 811 PRA are either currently rent restricted to be affordable for households at 50% Area Median Income (AMI), have rents that are naturally affordable at or below 50% AMI, or the owner will agree to limit rents to 50% AMI. Rents may not exceed the local FMR
4. Owner will make available 4-11 units for Section 811 PRA
5. No more than 25 % of the total units in eligible multifamily properties can 1) be provided Section 811 PRA funds; 2) be used for supportive housing for persons with disabilities, and 3) have any occupancy preference for persons with disabilities.

6.02 Selection Criteria and Priorities

Minnesota Housing will select applicants that best meet the following criteria:

1. Applicant designates between 4 and 11 units for Section 811 PRA
2. Integration: Applicant may designate unit type (accessible, 1 BR, etc.), but should not designate specific units to be set-aside for 811 PRA supportive housing units. Units must be integrated throughout the property (as possible based on available units).
3. Site linkages: The extent to which the site is located near jobs, transportation, recreation, retail services, health care, and social services, particularly services that provide stability to the target population
4. Property is located in one of the designated locations described in Appendix A
5. Owner or designated agent must have:
 - a. Experience submitting tenant data via Tenant Rental Assistance Certification System (TRACS) and comply with TRACS automation rules
 - b. Experience accessing and using Enterprise Income Verification (EIV) system, including using EIV to verify income on all Section 811 PRA assisted units;
 - c. Experience with federal rental assistance contracts
 - d. Knowledge of HUD Handbook 4350.3 or occupancy requirements and other related regulations relevant to the Section 811 PRA, including Fair Housing and Section 504

6. Qualifications of Management Agent including: Experiential history: defaults of properties under care; terminations; Fair Housing Compliance/Violations; experience serving low income/extremely low income populations; experience in serving persons with disabilities
7. Owner agrees to execute and record a Use Agreement with a term of not less than 30 years in the form prescribed by HUD
8. Owner agrees to enter into a minimum 20-year RAC
9. Experience with supportive housing, working with service providers, people experiencing homelessness, and people with disabilities
10. Property is in good condition; All Section 811 PRA units must meet local and state housing code, ordinances, zoning requirements and minimum UPCS standards
11. Knowledge and experience with reasonable accommodations
12. Willingness and ability to list available Section 811 PRA units on HousingLink
13. Ability to make units available as current units turnover until all Section 811 PRA units are filled (based on turnover data) within 18 months of signed RAC (or by August 31, 2016)
14. Willingness to work with DHS and referring service providers to coordinate available units, tenant applications, etc.
15. Willingness to work with DHS, service providers, and Minnesota Housing to address occupancy issues, tenant complaints, etc.

6.03 Environmental Standards

All projects must have a Phase I Environmental Site Assessment (ESA) performed in accordance with ASTM – E 1527-05.

For existing properties that do not plan to undergo rehabilitation work, Minnesota Housing will accept an existing Phase I ESA completed in the 12 months (from the time of the Section 811 application). Minnesota Housing will request a copy of the review and reliance letter if the property is selected for Section 811 PRA.

If the property has not had a Phase I ESA completed in the twelve months, Minnesota Housing will conduct a review to determine the need for a Phase I review. If the agency determines a Phase I is needed, Minnesota Housing will order and pay the cost of the review, but not for any work that may be required or recommended.

Chapter 7 – Application Selection

7.01 Review Stages

- Minnesota Housing staff will review the application package and required submissions, including threshold and selection priorities and standards. All proposals are subject to Minnesota Housing’s underwriting, market, management, closing review, and processing requirements.
- A Minnesota Housing Management Officer (HMO) will review owner and property management qualifications, experience, and performance history. A site visit may be conducted.
- Applications recommended for selection are reviewed and approved by a Minnesota Housing Selection Committee(s).

7.02 Selection Notification

Applications recommended for acceptance will be presented to the Minnesota Housing Board for selection approval. All applicants will be notified of their status after the board has taken action.

7.03 Launch Meeting

A launch meeting may be held to review the details and specific requirements of the program after accepted applicants are notified. If the owner/applicant uses a qualified management company to operate and manage the property, representatives of the management company will be required to attend the meeting. The meeting may be in person at Minnesota Housing offices or via teleconference.

7.04 Due Diligence Requirements

Section 811 PRA recipients are required to complete the following minimum due diligence items to complete the Rental Assistance Contract (RAC):

- Environmental Phase I Review
- Executed Use Agreement
- Part I of the Agreement to Enter into a Section 811 PRA Rental Assistance Contract (ARAC) signed by owner and Minnesota Housing
- Other items as required by Minnesota Housing

7.05 Issuance of Rental Assistance Contract (RAC)

Once the due diligence is complete, Minnesota Housing will enter into a RAC with the owner.

- RAC Part I and II
- Additional Exhibits (as determined by Minnesota Housing)

Chapter 8 – Monitoring, Reporting, and Compliance Review

8.01 Monitoring Requirement

Minnesota Housing will perform monitoring of properties that receive Section 811 PRA funding to ensure compliance with program requirements. The protocol used during the monitoring will be similar to that used in existing Project-Based Section 8 properties with certain unique requirements specific to Section 811 PRA. Monitoring will occur at least annually but may be more frequent if the situation calls for it. Owners will be notified in advance of monitoring visits.

8.02 Reporting Requirements

TRACS: Tenant data must be entered into HUD’s Tenant Rental Assistance Certification System (TRACS). Owners must submit vouchers to Minnesota Housing by the tenth (10th) day of the month preceding the month for which the owner is requesting payment.

Section 811 PRA program requires quarterly and annual reports from Minnesota Housing on program management, efficient utilization of PRA units, tenant outcomes, etc. It is important that owners submit tenant data via TRACS in a timely and accurate manner to ensure the reporting requirements can be met.

8.03 Program Compliance Requirements

During monitoring visits, Minnesota Housing will review the following areas to confirm compliance with applicable Section 811 PRA program requirements:

- Physical inspections of units
 - UPCS protocol will be used during the physical inspections
- File compliance reviews and audits
 - Review resident files to ensure initial and at least annual eligibility with all applicable income and program requirements
 - Review income, asset, and expenses verification and calculation
 - Review applicant rejections and move-out records
 - Verify compliance with document retention requirements
- Review of waiting list(s)
 - Verify that DHS referral process was followed and properly documented
 - Review site’s resident selection criteria and policies
- TRACS data
 - Ensure data is entered into TRACS accurately and timely
- EIV use monitoring
 - Ensure the site is utilizing the EIV system to verify sources of resident income at recertification and monthly/quarterly use
- Annual rent adjustments

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- Verify that rent changes are timely and consistently implemented
- Other reporting
 - Monitoring staff may be responsible for on-going reporting, gathering data, and providing narrative reports on program compliance and effectiveness, as needed or required by HUD, Minnesota Housing, or DHS

Chapter 9 – Minnesota Housing’s Fair Housing Policy

It is the policy of Minnesota Housing to affirmatively further fair housing in all its programs so that individuals of similar income levels have equal access to Minnesota Housing programs, regardless of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, familial status, gender identity or sexual orientation.

Minnesota Housing's fair housing policy incorporates the requirements of the Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendment Act of 1988, as well as the Minnesota Human Rights Act. Housing providers are expected to comply with the applicable statutes, regulations, and related policy guidance. Housing providers should ensure that admissions, occupancy, marketing and operating procedures comply with non-discrimination requirements.

In part, the Fair Housing Act and the Minnesota Human Rights Act make it unlawful, because of protected class status, to:

- Discriminate in the selection/acceptance of applicants in the rental of housing units;
- Discriminate in terms, conditions or privileges of the rental of a dwelling unit or services or facilities;
- Engage in any conduct relating to the provision of housing that otherwise make unavailable or denies the rental of a dwelling unit;
- Make, print or publish (or cause to make, print or publish) notices, statements or advertisements that indicate preferences or limitations based on protected class status;
- Represent a dwelling is not available when it is in fact available;
- Deny access to, or membership or participation in, associations or other services organizations or facilities relating to the business of renting a dwelling or discriminate in the terms or conditions of membership or participation; or
- Engage in harassment or quid pro quo negotiations related to the rental of a dwelling unit.

Minnesota Housing has a commitment to affirmatively further fair housing for individuals with disabilities by promoting the accessibility requirements set out in the Fair Housing Act, which establish design and construction mandates for covered multifamily dwellings and requires housing providers to make reasonable accommodations and to allow persons with disabilities to make reasonable modifications.

Applicants will be required to submit an Affirmative Fair Housing Marketing Plan at the time of application, to update the plan regularly and to use affirmative fair housing marketing practices in soliciting renters, determining eligibility and concluding all transactions.

As a condition of funding through Minnesota Housing, housing providers are not permitted to refuse to lease a unit to, or discriminate against, a prospective resident solely because the prospective resident has a Housing Choice Voucher or other form of tenant-based rental assistance.

**9.01 Affirmative Fair Housing Marketing Plan (AFHMP) for
Section 811 PRA**

All Minnesota Housing programs require owners to market affirmatively, using specific steps geared to the particular program. The Section 811 PRA program is unique in that the state (the 811 grantee, Minnesota Housing in partnership with DHS) is required to have an AFHMP approved by HUD. All marketing is done by the state to reach the most unlikely to apply for Section 811 PRA.

Owners are not required to have their own AFHMP for Section 811 PRA, but must follow affirmative fair housing practices in determining eligibility and conducting all transactions with prospective tenants.

Chapter 10 – Fraud, Misuse of Funds, Conflict of Interest, Suspension, and Disclosure and Reporting

10.01 Fraud

Fraud is any intentionally deceptive action made for personal gain or to damage another.

Any person or entity (including its employees and affiliates) that enters into an agreement with Minnesota Housing and witnesses, discovers evidence of, receives a report from another source, or has other reasonable basis to suspect that fraud or embezzlement has occurred must immediately make a report through one of the ways described in section 10.05.

10.02 Misuse of Funds

A loan or grant agreement is a legal contract between Minnesota Housing and the borrower or grantee. The borrower or grantee promises to use the funds to engage in certain activities or procure certain goods or services while Minnesota Housing agrees to provide funds to the borrower or grantee to pay for those activities, goods or services. Regardless of the Minnesota Housing program or funding source, the borrower or grantee must use Minnesota Housing funds as agreed, and the borrower or grantee must maintain appropriate documentation to prove that funds were used for the intended purpose(s).

A misuse of funds shall be deemed to have occurred when: (1) Minnesota Housing funds are not used as agreed by a borrower or grantee; or (2) A borrower or grantee cannot provide adequate documentation to establish that Minnesota Housing funds were used in accordance with the terms and conditions of the loan or grant agreement.

Any borrower or grantee (including its employees and affiliates) of Minnesota Housing funds that discovers evidence, receives a report from another source, or has other reasonable basis to suspect that a misuse of funds has occurred must immediately make a report through one of the ways described in section 10.05.

10.03 Conflict of Interest

A conflict of interest, actual, potential, or perceived, occurs when a person has an actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A potential or perceived conflict of interest exists even if no unethical, improper or illegal act results from it.

An individual conflict of interest is any situation in which one's judgment, actions or non-action could be interpreted to be influenced by something that would benefit them directly or through indirect gain to a friend, relative, acquaintance or business or organization with which they are involved.

Organizational conflicts of interest occur when:

- A contracting party is unable or potentially unable to render impartial assistance or advice to Minnesota Housing due to competing duties or loyalties
- A contracting party's objectivity in carrying out the award is or might be otherwise impaired due to competing duties or loyalties

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- A contracting party has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors

Once made aware of a conflict of interest, Minnesota Housing will make a determination before disbursing any further funds or processing an award. Determinations could include:

- Revising the contracting party's responsibilities to mitigate the conflict
- Allowing the contracting party to create firewalls that mitigate the conflict
- Asking the contracting party to submit an organizational conflict of interest mitigation plan
- Terminating the contracting party's participation

Any person or entity (including its employees and affiliates) that enters into an agreement with Minnesota Housing must avoid and immediately disclose to Minnesota Housing any and all actual, perceived or potential conflicts of interest through one of the ways described in section 10.05.

A contracting party should review its contract agreement and request for proposals (RFP) material, if applicable, for further requirements.

10.04 Suspension

By entering into any agreement with Minnesota Housing, a contracting party represents that the contracting party (including its employees or affiliates that will have direct control over the subject of the agreement) has not been suspended from doing business with Minnesota Housing. Refer to Minnesota Housing's website for a list of [suspended individuals and organizations](#).

10.05 Disclosure and Reporting

Activities required to be reported under this chapter may be made in any of the following ways:

- Minnesota Housing's Chief Risk Officer
- Any member of Minnesota Housing's [Senior Leadership Team](#)
- The Minnesota Housing hotline reporting service vendor, EthicsPoint, by calling toll-free 866.886.1274 to speak with a live operator or by visiting the EthicsPoint reporting [webpage](#)

Appendix A: Property Locations

Location List: Properties should be located in the cities or counties with the most potential eligible tenants under the Money Follows the Person Program or the PATH program as indicated below:

Money Follows the Person Program (MFP)	Projects for Assistance in Transitioning from Homelessness (PATH)
<p>Counties with the most potential participants:</p> <ol style="list-style-type: none"> 1. Anoka 2. Becker 3. Beltrami 4. Benton 5. Blue Earth 6. Carver 7. Dakota 8. Goodhue 9. Hennepin 10. Itasca 11. Kandiyohi 12. Olmsted 13. Ramsey 14. Redwood 15. Rice 16. Scott 17. St. Louis 18. Washington 	<p>Counties with the most potential participants:</p> <ol style="list-style-type: none"> 1. Anoka County 2. Clay County 3. Crow Wing County 4. Dakota County 5. Hennepin County 6. Polk County 7. Ramsey County 8. St Louis County- Duluth and Iron Range Cities 9. Stearns County 10. Washington County
<p>Cities with the most potential participants:</p> <ol style="list-style-type: none"> 1. Belle Plaine 2. Brooklyn Park 3. Coon Rapids 4. Duluth 5. Golden Valley 6. Mankato 7. Maplewood 8. Minneapolis 9. Osseo 10. Red Wing 11. Richfield 12. Robbinsdale 13. Rochester 14. Roseville 15. Shoreview 16. St. Louis Park 17. St. Paul 18. Victoria 	