



Office for People With Developmental Disabilities

Housing Subsidy Program 2022 Funding Opportunity for Independent Living Letters of Support (FOFILLS)

This application is to be used to request groups of housing subsidies funded by the New York State Office for People With Developmental Disabilities (OPWDD) for individuals with intellectual or developmental disabilities whose living arrangement would be inclusive of:

- four (4) or more individuals with intellectual or developmental disabilities where the proposed project is the development of an apartment complex, apartment style living, large single-family home, or a group of collocated houses
 - by an OPWDD approved provider,
 - family (must be affiliated with an OPWDD approved provider), or
 - group of families/people with intellectual/developmental disabilities (must be affiliated with an OPWDD approved provider)

Use of OPWDD's housing subsidies through this program cannot be used to supplant existing funding for housing units with other rental subsidy funding, such as Empire State Supportive Housing Initiative (ESSHI) units or HUD Section 8 funded units.

Note: This application is used to request groups of housing subsidies for four (4) or more people with intellectual or developmental disabilities for proposed projects that receive no other form of state or federal supportive housing capital subsidy such as those funded by NYS Homes and Community Renewal (HCR) and in which an OPWDD approved provider sponsors the project.

SECTION 1: Introduction

The OPWDD Housing Subsidy program is designed to support access to non-certified, community-based and integrated housing for individuals with established eligibility for OPWDD services, who can live independently in the community with appropriate wraparound supports. This program encourages and supports the development of new housing opportunities for people with intellectual and/or developmental disabilities, who can benefit from an independent, non-certified residential setting that is integrated into the larger community. The requirements governing OPWDD's Housing Subsidy program are set forth in ADM 2022-03 entitled "OPWDD Housing Subsidy Program."

This Funding Opportunity for Independent Living Letters of Support (FOFILLS) is intended to provide a venue for providers to submit proposals for creative non-certified apartments, large single-family homes, apartment style living or other groups of housing for individuals with intellectual or developmental disabilities. Projects seeking groups of OPWDD Housing Subsidies for eligible individuals who will reside in a project as outlined above must be proposed by an OPWDD approved provider who must apply for and receive support from OPWDD – via this application process. People with I/DD, their families or groups of families can affiliate themselves with an OPWDD approved provider who is able to apply for funding through this application process.

The application process is required for any project intending to support groups of four (4) or more individuals with intellectual or developmental disabilities in an apartment (or apartment style) complex, or other groups of housing, that is developed by an OPWDD provider or people with I/DD and/or families affiliated with an OPWDD approved provider where such proposed projects are not requesting capital funding.

OPWDD is not providing capital through this application, nor can the support letters issued through this application be used in a publicly funded capital project, such as those funded through Housing Tax Credit programs.

In order to receive an ongoing housing subsidy for a group of four (4) or more individuals in a given project, the provider that is authorized to administer the OPWDD Housing Subsidy (e.g., Fiscal Intermediary or Housing Subsidy agency) must submit an application through the process outlined in this document and receive a support letter from OPWDD. This provider, known as the Support Agency will apply for the Housing Subsidy on behalf of a family or group of families when they are collaborating on a project.

If the project obtains housing subsidies through another mechanism for any of the OPWDD units (e.g., through the Empire State Supportive Housing Initiative (ESSHI) or HUD/Section 8, then the OPWDD housing subsidy will not be available for those units. This funding also cannot supplant existing rental subsidies where such subsidies are not provided by OPWDD.

The OPWDD housing subsidy is administered by the provider associated with the project, which must be authorized by OPWDD to administer housing subsidy funds. If a support letter is issued, individuals who live in the approved project must still meet the housing subsidy eligibility requirements outlined in ADM 2022-03 entitled "OPWDD Housing Subsidy Program."

Each project team must have a Technical Assistance session with OPWDD Home and Community Living staff before submitting an application for their project. See section 1.7 for additional information.

Under the current Funding Opportunity for Independent Living Letters of Support (FOFILLS), applications will be accepted until [insert DATE]. OPWDD will review applications and provide a support letter or denial letter within 60 days of its receipt of the application. Additional information may be requested by OPWDD within this period, which must be provided in a timely manner by the provider.

The terms “application(s)” and “proposal(s)” are used interchangeably throughout this document.

1.1 Supportive Housing

Supportive Housing is a combination of housing subsidies and housing related supports designed to ensure the successful tenancy of a person residing in one of the subsidized units.

Providers submitting proposals for the development of apartment or apartment style Supportive Housing living arrangements can apply for groups of subsidies so long as the group includes four (4) or more eligible individuals; the application may propose any number of eligible units; however, the application will need to demonstrate how the number of units requested (and eligible individuals residing therein) provides for community integration and does not create an isolating setting for the OPWDD supported individuals living there. If there are special populations units requested for other Medicaid recipients, including, but not limited to, individuals receiving services from the NYS Office of Mental Health, NYS Department of Health, and NYS Office of Addiction Services and Supports, additional scrutiny will be needed to ensure that the number of units provides for community integration and does not create an isolating setting.

The intended outcomes for this Funding Opportunity for Independent Living Letters of Support (FOFILLS) are to:

- Provide a venue for providers, people with I/DD and their families (who must be affiliated with an approved OPWDD provider), to submit proposals for projects that have units for supportive housing, as defined herein :
- Increase the availability of supportive housing to provide less restrictive housing options for people currently residing in certified residential settings as well as people who are unable to locate other affordable housing opportunities;
- Provide housing stability for individuals receiving OPWDD services, in a supportive environment, to increase the person’s self-sufficiency; and
- Provide housing to underserved areas of the state (see the “Scoring for Underserved Areas” section on page 12 for additional information).

OPWDD reserves the right to award conditional support letters to achieve statewide access to supportive housing, including by geographic region to reach underserved areas.

1.2 Term of OPWDD Conditional Support for a Project

If the project is successful in receiving an OPWDD Housing Subsidy conditional support letter, the project must open within 12 months of the date of the support letter. Time limited extensions will only be granted upon good cause shown, as determined by OPWDD.

1.3 Eligible Providers

Only OPWDD providers in good standing or individuals with I/DD and their families affiliated with an OPWDD approved provider can apply to have proposals considered under this RFA.

Projects may be constructed by the OPWDD provider submitting this application, or in partnership with a private or not-for-profit housing developer. The application must clearly identify the type of entity that will own the property when it is open to residents. If the proposed owner is a business entity such as a Limited Liability Company or Not-for-Profit corporation, any relationship between the ownership entity and the Housing Services provider, family or family group or other OPWDD approved provider must be

clearly identified. To the extent that the property owner is a business entity, the application must identify the members, shareholders and/or owners of such entity as well as the entity's board of directors and executive team, and any relationships between the Housing Services provider or family or family group with family members that are potential residents of the proposed project.

Projects developed by a property owner/developer, who is not the OPWDD provider, will require a long-term agreement, memorandum of understanding, or other similar document, which sets forth in detail the expected relationship between the property owner and the OPWDD provider of 10 years or more. Such agreement is subject to review and approval by OPWDD and is conditional for approval of the project.

1.4 Eligible Target Population

OPWDD is responsible for determining whether an individual is eligible for services based upon the definition of "Developmental Disability" in NY Mental Hygiene Law §1.03(22) and in accordance with OPWDD's eligibility advisory guidelines. For the purposes of this document, a person must be determined eligible for services by OPWDD, be at least 18 years old, and be able to live independently in the community with no more than the approved level of supports.

The provider should work with the relevant OPWDD Regional Office to identify the specific housing needs of the local population, including individuals with diverse backgrounds and experiences and underserved communities as defined in section 1.1 above.

1.5 Reporting and Operating Requirements

Provider agencies, including those assisting families or family groups, who are requesting groups of four (4) or more Housing Subsidies for eligible individuals play a critical role as the housing Support Agency. Responsibilities include, but are not limited to, the following areas:

- The provider must develop and maintain a strong relationship with the developer/property owner throughout the entire process (i.e., from the initial application through the end of the agreement period). Provider responsibilities are identified in the Housing/ Services Agreement (HSA) for Projects with Private Capital Only that is required for this program.
- The proposed units must be non-certified housing environments.
- When the OPWDD supported units first become available, as well as when a unit becomes vacant in the future, the provider in the first instance, will work with its respective OPWDD Developmental Disability Regional Office (DDRO) as well as any involved family members to identify individuals who can be appropriately served in a non-certified residential setting; prospective tenants can be individuals served by the provider for their non-housing supports and services, or by other OPWDD approved providers. Additionally, the provider should include the Care Coordination Organizations (CCOs) within their OPWDD region in the tenant selection process.
- When units become vacant in the future, the provider will work with the DDRO, residents of the apartment complex and their families, as well as care managers in order to identify potential replacement tenants.
- The provider should assist with the process of transferring housing subsidy to the appropriate authority (i.e., pay the rent) and work in collaboration with the landlord/property manager to

resolve any tenancy issues. This would include ensuring that the individuals pay their share of the rent in a timely manner.

- Residents of units who are supported by an OPWDD Housing Subsidy are not required to receive OPWDD *non-housing* supports and services from the provider. The individual can receive housing supports from the provider and still choose to receive other supports and services from any other qualified OPWDD service provider or self-direct their services, without jeopardizing their tenancy.

Additional requirements of the provider are identified in the Housing/ Services Agreement (HSA) for Projects with Private Capital Only.

OPWDD may require periodic reporting to confirm the names of residents of the OPWDD units at specific points in time. The requested information may include TABS IDs, Medicaid ID numbers (CIN) and where the resident lived formerly, along with other information as required by OPWDD.

1.6 Shared Staffing Arrangements

Any individual in receipt of an OPWDD Housing Subsidy who also receives Community Habilitation and Self-Directs with Budget Authority must adhere to the expectations of the program outlined in the Self-Direction Guidance for Providers as well as regulations and guidance applicable to Community Habilitation (ADM# 2015-01), including but not limited to, the appropriate documentation of choice of services, sharing of resources, choice of service provider, and appropriate billing levels.

The following policy applies to all individuals who receive Community Habilitation or who Self-Direct with Budget Authority. Furthermore, the guidance below is applicable to all services/supports that are included within an individual's Self-Direction budget regardless of the funding source (i.e., Medicaid versus 100% State funded).

An individual enrolled in Self-Direction may choose a living arrangement with other individuals enrolled in the Self-Direction program, or with other people receiving services from an OPWDD provider. These living arrangements may include the sharing of staff or the cost of other routine household expenses (e.g., rent/mortgage expenses). No more than four (4) individuals in such a living arrangement may share staffing supports.

OPWDD Administrative Directive Memorandum (ADM) #2015-01, *Service Documentation for Community Habilitation Services Provided to Individuals Residing in Certified and Non-Certified Locations* and 14 NYCRR Subpart 635-10.5 describes the limitation of the staff to individual ratio for each service session. A Community Habilitation service session may include a maximum of four (4) individuals per one staff person. Therefore, if a group of individuals would like to share staffing to provide Community Habilitation supports throughout a given day within a living arrangement described above, the maximum number of individuals who engage in shared staffing arrangements must be four (4) individuals (or less) per staff person. See this ADM and Chapter 13 of the *Self Direction Guidance For Providers* document for additional information.

In situations where individuals would like to use Self-Direction or other funding resources for expenses related to their living arrangement, funds must be allocated individually from each person's budget consistent with existing budget methodologies. For example, three (3) individuals share a non-certified residence. The rent for the residence is \$1,500 a month. Each individual would be responsible for contributing a proportional share of the rent costs consistent with existing methodologies, up to a maximum of \$500 per individual per month. This would also apply to any situation where the individuals share the support of a Paid Neighbor or Live in Caregiver.

In all of the situations described above, an agreement must be reached between all participating parties when staffing supports, or other Self-Direction resources are being shared. Individuals and their Fiscal Intermediaries (FIs) will need to work cooperatively to determine proportional contributions for shared expenses. Payment arrangements will also need to be specified in the agreements between each individual and their FI. The terms of these agreements must be provided in each individual's care planning record.

1.7 Project Readiness

Some projects seeking a support letter will already be completed or available. However, for those which have not yet been constructed, project proposals must be approaching "shovel readiness" when the application is submitted. Although OPWDD will not be providing capital funding for projects it supports with Housing Subsidies under this document, OPWDD also requires the project to have all elements in place so that construction can begin soon after any award.

1.8 OPWDD Technical Assistance Calls

Prior to the submission of your agency's application to OPWDD, the project team must contact the Office of Home and Community Living to schedule a Technical Assistance (TA) call, even if the provider has participated in an ISH or other supportive housing project previously. OPWDD staff will review a brief (one page) overview of your project and provide comments on any aspects of the project that may need to be revised prior to the formal application submission. To schedule a TA call, contact the Office of Home and Community Living at 518-473-1973 or email the unit mailbox at housing.initiatives@opwdd.ny.gov.

SECTION 2: General Requirements

2.1 Selection Criteria

All proposals for groups of four (4) or more Housing Subsidies for eligible individuals to reside in provider or family developed non-certified apartment (or apartment style) complexes will be reviewed by OPWDD staff including, but not limited to, representatives from Central Office and the respective Regional Office.

Proposal Completeness Review

After the proposal opening, each proposal will be screened for completeness and conformance with this document's requirements. Incomplete responses, the failure to complete as specified, and/or the failure to provide any of the additional information requested by OPWDD in a timely manner may result in a proposal being denied, and the provider will be notified accordingly. Only proposals that pass the Minimum Qualifications Evaluation will proceed to the Technical Evaluation.

Minimum Qualifications Threshold items

Proposals submitted by providers will be evaluated on a Pass/Fail basis to determine whether they satisfy the Minimum Qualifications identified in this document. Proposals that fail to meet the minimum qualifications will be deemed non-responsive, will not be further evaluated, and the provider will be

notified accordingly. Passing proposals next proceed to the Technical and Financial Evaluations. Providers may still be disqualified if it is later determined that the Provider did not meet all of the Minimum Qualifications and should not have qualified to move on to the Technical and Financial Evaluations stage.

The following are the minimum requirements for providers seeking to receive a conceptual support letter from OPWDD for a project that proposes to develop an apartment (or apartment style) complex where four (4) or more individuals with intellectual or developmental disabilities (who are eligible for an OPWDD Housing Subsidy) will reside in such complex:

- a. Provider is an approved Service Provider by OPWDD. The approved Service Provider can be working in collaboration with a family or group of families when developing the project.
- b. Provider is not currently on OPWDD's Early Alert list.
- c. The application will need to demonstrate how the number of units requested (and eligible individuals residing therein) provides for community integration and does not create an isolating setting for the OPWDD supported individuals living there. If there are special populations units requested for other Medicaid recipients, including, but not limited to, individuals receiving services from the NYS Office of Mental Health, NYS Department of Health, and NYS Office of Addiction Services and Supports, additional scrutiny will be needed to ensure that the number of units provides for community integration and does not create an isolating setting.
- d. All required sections of the application are complete, including the required cover sheet and a copy of the Provider's Empire State Supportive Housing Initiative (ESSHI) application (if another population is being served in the project).
- e. Application meets formatting requirements.
- f. Provider received technical assistance from OPWDD staff prior to submitting an application.

Following the eligibility review, representatives will independently review and evaluate the proposals using an objective review process and compute a score based on the following criteria:

Scoring Criteria Category	Maximum Number of Points Available
Provider Experience	35
Project Features	30
Project Budget	10
Services Provided, Integration, and Individual	25
TOTAL	100
Bonus Points for Underserved Areas of the State (page 12)	20

For further information on selection criteria, see Section 3: Application Instructions Requirements

All applications will be reviewed and scored by OPWDD's Central Office and staff from the respective Regional Office of the project location. Awards will be based on the overall score of the proposal, funding availability and regional priorities.

A provider's past and current performance in State programs and contracts, will be considered in reviewing, rating, and ranking its application. When evaluating applications, OPWDD will take into consideration its experiences with a project's development team (including the project owner, housing provider, developer and/or housing consultant) on previously-awarded projects, including, but not limited to, projects that were delivered with significant delays, cost increases, changes in project scope from what was presented at the time of application, or other project modifications which would have impacted the scoring for that project.

SECTION 3: Application Instructions and Requirements

The entire application, along with the completed cover sheet and ESSHI application (if applicable), should be submitted directly to OPWDD's Office of Home and Community Living to the following email address, Housing.initiatives@opwdd.ny.gov.

3.1 Program Specific Information

If the provider is intending to, or has already applied for, service and operating funding through the Empire State Supportive Housing Initiative (ESSHI) for any units in the project, then the provider must inform OPWDD's Program Implementation, Office of Home and Community Living in writing along with the application. Failure to do so may result in an application not being considered for funding under this RFA. If the units under the ESSHI application are for individuals with I/DD, the request for rental subsidies under this application must be for other, additional units and cannot duplicate the units proposed to be covered under the ESSHI program.

As part of the program, awarded providers must adhere to the requirements of a provider performing the role of a Support Agency.

Responsibilities of the provider performing the Support Agency role include, but are not limited to, the following:

- The provider must develop and maintain a strong relationship with the developer throughout the entire process (i.e., from the initial application through the end of the agreement period).
- When the OPWDD supported units first become available, the provider will work with its respective OPWDD Developmental Disability Regional Office (DDRO), affiliated individuals and families as well as care managers to identify individuals who can be appropriately served in the proposed residential setting; prospective tenants can be individuals served by the Support Agency for their non-housing supports and services or by other OPWDD approved providers.
- When units become vacant in the future, the provider will work with the DDRO, affiliated individuals and families as well as care managers to identify potential replacement tenants.
- The provider must assist with the process of transferring housing subsidy to the appropriate authority (i.e., pay the rent) and work in collaboration with the landlord/property manager to resolve any tenancy issues.
- As mentioned in the "*Reporting and Operating Requirements*" section, residents of the proposed project are not required to receive OPWDD *non-housing* supports and services from the provider. The individual can receive housing supports from the provider and still choose to receive other supports and services from any other qualified OPWDD service provider

3.2 Rating Factors: The following items will be scored.

The narrative portion of the proposal must be submitted in PDF format and **should not exceed six (6) pages in length**. Proposals should be single-spaced in 12-point font and be composed on letter sized paper (8.5" x 11"). The completed cover sheet must also be attached as well as the Provider's ESSHI Application (if applicable). Separate each category section by **bolding** the title.

NOTE: The Rating Factor Sections and Sub-Sections serve as the framework for the minimum information required in your agency's ISH application. OPWDD will be looking for additional information that makes projects "stand out," such as projects located in emerging areas of (re)development, projects that address a need for affordable housing in a certain area, or other factors that contribute to a project.

Section I: Provider Experience:

- This section will require providers to provide a detailed overview of their experience with supports, services and procedures related to supporting individuals with I/DD in a non-certified environment. These include, but are not limited to, experience with overseeing affordable housing development, providing services to people with I/DD in non-certified residential settings, and administering rental subsidy payments. Providers will be asked to provide recent examples of their experience. If the provider is working with a developer or consultant, they will be required to detail their experience with developing affordable and supportive housing. Include specific project/site names, data, and time periods to support claims made in this section.
- Describe any Supportive Housing projects that the provider has participated in, along with the project's name, address, number of units for people served by OPWDD, and if the project is currently operational.
- Describe any experience the provider has in providing services for people with I/DD, including a brief overview of the services provided, the length of time they have been offered and information on the total number of people served. Additional consideration will be given to projects which commit to serving individuals from diverse backgrounds and experiences, including underserved communities.
- Describe any experience the provider has in providing services in non-certified settings, including any experience with coordinating services in apartments, houses, and other non-certified sites, and administering housing subsidies through the traditional OPWDD Housing Subsidy program and/or Self-Direction.
- Provide information demonstrating that the provider is fiscally viable according to its most recent Consolidated Fiscal Report (CFR). This should include, at a minimum, the total annual revenue and other relevant information. Additionally, the provider should provide an attestation to support this claim (e.g., as demonstrated in the CFR for year 20XX, the agency had a surplus of \$XXX). This information will be verified through OPWDD's CFR unit.
- If the provider has ever appeared on the OPWDD Early Alert list, indicate the time period that they appeared on the list and what corrective actions were taken to remove the Early Alert designation. This response will be reviewed by OPWDD's Division of Quality Management for accuracy.

Section II: Project Features–

- Providers are required to provide an overview of all of the pertinent features of the project, including the location, total number of units, total number of supportive housing units and total number of individuals with intellectual or developmental disabilities proposed to be served. OPWDD will assess this section to assure that the project is located on a site that is accessible for the people living there and within a reasonable distance of community-based features and public transportation. The provider will also need to describe in detail how services will be provided to people served by OPWDD, how rental payments will be administered and how the agency will handle any tenancy issues that may arise.
- Include a site map, if one is available. At a minimum, be sure to comment on the following items (additional information is encouraged):
 - Provide information regarding the transportation that is available to the proposed project, focusing on its proximity to existing public transportation lines, the likelihood of having routes diverted (if needed), the presence of bus stop shelters at the apartment complex, etc. Additionally, provide information on transportation accessibility during non-peak times (i.e. nights and weekends)
 - Provide information regarding community accessibility, focusing on the ease in which a resident can access shopping areas, work opportunities, places of worship, libraries and other public facilities, etc. List the community activities and how close they are to the project site. OPWDD will verify the walkability of the proposed project.
 - Describe how close the project site is to hospitals, emergency medical services, police stations and fire stations; include actual distances from each of these services.
 - Describe the exterior features, including the availability of parking, sidewalks, or easy access from the buildings to main public streets.
 - Provide information regarding any features that would make the project uniquely attractive in terms of building a community (e.g., located in an economic redevelopment zone, close to emerging job opportunities, part of a residential/commercial investment area, etc.).
 - Using the HCBS Settings Toolkit on the OPWDD website, provide information regarding any aspect of the site location which would trigger heightened scrutiny under the federal HCBS Settings rule; this assessment will be reviewed by OPWDD's Division of Quality Improvement. For additional guidance, see the heightened scrutiny questionnaire located on the OPWDD website at the following web address: <http://www.opwdd.ny.gov/sites/default/files/documents/HCBS-PARTII.pdf> and the HCBS settings toolkit The HCBS Toolkit can be found on OPWDD's website at the following location: (<https://opwdd.ny.gov/providers/hcbs-settings-toolkit>) <https://opwdd.ny.gov/providers/hcbs-settings-toolkit>). Note: the HCBS settings rule applies to not only provider owned or controlled residential settings (regardless of certification status), but also to non-residential services delivered in non-certified housing.

Comment on features that demonstrate how those living in the OPWDD supported units will not be isolated from the larger community.

- Comment on the design of the units proposed to be utilized by OPWDD Housing Subsidy recipients, specifically how they meet Universal Design Standards, as well as any accessibility/adaptability features which may allow a person with a disability to live comfortably (e.g., doorframe widths, countertop heights, bathroom accessibility features, etc.).
- The provider is to make available housing-related supports to the individuals living in the project even if the individual is self-directing and the provider is not the Fiscal Intermediary. Comment on the types of housing-related supports that the agency anticipates making available and how services will be documented. Will the provider be prepared to provide housing-related data to OPWDD when requested (e.g., names of people residing there, summaries of any problems, etc.)? As part of the program, it is expected that the provider will have support staff available to assist residents with their housing concerns. Provide information on what any proposed on-site office will feature (e.g. phones, computers, secure file storage, etc.) Additionally, describe staff hours when a person can reach out to support staff if having a housing concern, such as will there be regular staff hours in the on-site or remote office during times that residents are likely home (such as evenings or weekends) and/or a 24/7 telephone number for people to call in case of emergency?
- Describe any procedures/protocols the agency has in place to address tenancy issues as soon as they arise, including information on procedures that will be enforced in order to resolve tenancy issues and any safeguards that will be put into place to prevent issues from occurring.
- Provide a proposed timeline of your project, from the initial application submission to the rent-up period. Be sure to include target dates (month and year), objectives to be completed, and any potential barriers which may delay/extend the timetable. Comment on any additional benefits to people served by OPWDD, other than the increase in residential resources, as a result of this project
- Provide any information relating to secondary benefits in the area of community/economic development that result from this project.
- The project is expected to be opened within 12 months of the date of the support letter, if awarded. Provide information regarding site control and/or approval to build on the desired site. Include information on permits and variances that have been filed and approved, information on environmental reviews conducted by NYS Department of Environmental Conservation, and other pertinent information regarding site approval. If your project involves the rehabilitation of a currently standing structure, provide information on what pre-construction steps will need to be taken (e.g. asbestos abatement, roof repairs, etc.) with an estimated timeline for these steps and/or impact on the overall project development.
- Scoring for Underserved Areas:

For an additional 20 points outside of the base rating (120 maximum points for the application), provide information regarding how the project will be developed in an underserved area of the state. Underserved Areas are defined as:

- Zip codes which have identified less than 20% of the population identifying as “White Alone” in this survey: [2020 Census Demographic Data Map Viewer](#); or
- Qualified Census Tracts as identified on this map [2021 and 2022 Small DDAs and QCTs | HUD USER](#); or
- Those areas identifying as qualifying for Environmental Justice considerations based upon the following map: <https://www.nyserda.ny.gov/ny/disadvantaged-communities>

Section III: Project Budget and Funding Needs–

Project Budget: Providers must provide a fiscal analysis for the anticipated rents of the supportive housing units. OPWDD will assess these figures to determine the reasonableness and feasibility of the budget. The rent levels cannot exceed the maximum approved OPWDD rent level for the county where the project is located, and in some instances (based upon capital funding, if applicable), may be limited to a lower amount. It should be noted that OPWDD housing subsidies are not covered by an automatic escalator and any increase to the rent level for the OPWDD units must be requested from, and approved by, OPWDD in advance of the new leases being issued.

Provide a summary of rental subsidy levels for each of the apartment sizes, including the rent levels for those with or without housing subsidies.

All providers are to provide information regarding the expected rent levels for each of the types of units being requested for the OPWDD supported units (e.g., 1BR, 2BR, etc.); these amounts are to be included on the cover page.

Section IV: Provide information as requested under sections IVa and IVb.

The Provider must demonstrate the need for affordable housing for the I/DD population where the project is being proposed. This includes assessments of the impact of other housing projects with preferential tenancy units for people with I/DD in the same area.

Section IVa: Anticipated Services– Describe in detail all proposed *housing related* (i.e. services not covered through the HCBS Waiver or Medicaid) services that will potentially be used by individuals residing in the OPWDD units as well as any HCBS Waiver services intended to support the individual residents, including:

- Information about how the housing related services will evolve as people’s needs and abilities change.
- Discuss how the housing related services and supports are expected to be funded, which may include the use of existing resources of the provider and/or a partner agency or approved new allocations for individuals from the target population(s) such as the administrative component of the OPWDD housing subsidy.
- As a reminder, an individual may access non-housing related services and supports from any OPWDD approved provider. Providers should include specific information that demonstrates that their agency has the capacity and capability to coordinate and administer services, even if some/all of the tenants select another provider or choose to self-direct their services.
- Include a statement affirming that all individuals residing within units in the proposed project will have the option to select from any OPWDD approved service provider for non-housing (e.g., Waiver) services, and/or ability to self-direct their own services, without this choice affecting the person’s tenancy. Additionally, separately describe the Waiver and other non-housing services the provider is authorized to provide to the residents of the OPWDD units, if they are selected as the service provider.
- Provide information regarding your agency’s methods of selecting potential tenants of the units within the proposed project. At a minimum, comment on the following items (additional information is encouraged):

- Clearly identify a target population (e.g., people formerly residing in certified settings, individuals aging out of residential schools, people at imminent risk in their current residential arrangement, etc.).
- Comment on whether the provider has contacted the Developmental Disabilities Regional Office (DDRO) for assistance in identifying the targeted population.
- Comment on how effective the provider will be in working with the respective DDRO to establish a target population and regional priorities, including a description on procedures that may be in place to work with OPWDD as quickly as possible to select a new tenant for vacant units.
- Comment on any outreach/marketing campaign the provider may use to garner interest in the units supported by an OPWDD Housing Subsidy; provide additional information regarding the selection method for referring potential residents to the DDRO if a large number of people are interested in a housing opportunity. The applications must include an attestation that the provider will work with their respective DDRO on referrals and that tenants of the supportive housing units will have the freedom to receive services from any OPWDD-approved service provider they choose.
- Comment on any secondary benefits created by selecting the identified target population that should be considered by OPWDD in assessing this project.

Section IVb: Integration and Individual Choice – Use this section to describe how your project will maintain compliance with all State and Federal policies and regulations, including Federal HCBS Settings Regulations, as applicable, and principles identified in the *Olmstead* decision, as well as your support of individuals’ choice of non-housing services.

Integration

Pursuant to Federal regulations (42 CFR 441.301(c)(1-4)), the project setting and those services delivered through the service provider(s) must adhere to the requirements under the Home and Community-Based Services (HCBS) Settings rule, including those pertaining to provider-owned and controlled residential settings, non-residential HCBS services, person-centered service planning, and tenancy rights with eviction protections.

- The narrative must affirm compliance with these standards and show how the project will encourage full integration of the residents with I/DD into the larger community. At a minimum, the discussion must address the following: 1) the design of the supportive services to be provided to residents; 2) the layout and distribution of the requested housing subsidy units (e.g., they are not clustered in one floor or wing of the project); and 3) the location of the project with respect to community resources such as public transportation, employment, and socialization opportunities.
- Comment on any differences between the units for OPWDD Housing Subsidy recipients and any other units in the project. Provide an explanation, if needed.
- All residents of units supported by an OPWDD Housing Subsidy should have individual, enforceable leases with the same rights and responsibilities as other tenants. Provide a copy of a sample lease if available. Comment if there are any exceptions to this expectation.

- Comment on any expectation regarding individuals self-directing their services and acknowledge the provider's understanding of the limitation on shared staffing arrangements as set forth in section 1.6 of this Request for Applications that no more than four individuals per building within the project can elect to engage in shared staffing arrangements utilizing their self-direction budgets. This requirement will be monitored by the Regional Office over the duration of the project's operation.

Individual Choice

By submitting an application, your agency is agreeing to be the project's Support Agency, which will enter into a Housing/ Services Agreement (HSA) for Projects with Private Capital Only, subject to OPWDD review and approval, with the project owner or manager. As discussed in previous sections, residents may choose to receive their non-housing services from any qualified agency and/or may choose to self-direct. The narrative must affirm your commitment to individuals' retaining their apartments irrespective of their decision to exercise such choice.

3.4 OPWDD Rights

OPWDD reserves the right to:

1. Limit the number of units and/or reduce the number of units requested by a project team.
2. Change any of the scheduled dates/timelines stated in this application document.
3. Deny support for any provider if it has been determined that the provider is not in compliance with existing State contracts and has not taken satisfactory steps to remedy such non-compliance.
4. Request supplemental information clarifying the proposal either in writing or by formal presentation.
5. Require provider demonstrate, to the satisfaction of OPWDD, any feature(s) present as a part of their proposal which may include an oral presentation of their proposal and may be considered in the evaluation of the proposal.
6. Direct all providers who submitted proposals to prepare modifications addressing amendments to this document and/or amend any part of this application document with notification to all providers. These actions are without liability to any provider or other party, for expenses incurred in the preparation of any proposals or modifications submitted in response to this application process.
7. Make funding decisions that maximize compliance with and address the identified outcomes of this document.
8. Eliminate any requirements outlined in this document which are unmet by all provider, upon notice to all parties that submitted proposals.
9. Waive procedural technicalities, or modify minor irregularities, in proposals received, after notification to the provider involved.
10. Correct arithmetic errors in any proposal, or make typographical corrections to proposal, with concurrence of the provider.
11. Support more than one provider.
12. Support any or all proposals received in response to this application opportunity. However,

issuance of this document does not commit OPWDD to fund any proposals. The OPWDD can reject any proposals submitted and reserves the right to withdraw or postpone this application process any support notices, without notice, and without liability, to any provider, or other party, for expenses incurred in the preparation of any proposals submitted in response to this funding opportunity and may exercise these rights at any time.

13. Awardees may be requested to provide additional budget and program information for the final award agreements.
14. Make additional awards based on the remaining proposals submitted in response to this document and/or to provide additional funding to awardees if additional funds become available.
15. OPWDD reserves the right to not issue a support letter to any provider if it has been determined that the provider is not in compliance with existing State contracts and has not taken satisfactory steps to remedy such non-compliance.
16. Make inquiries of third parties, including but not limited to provider's references, with regard to the provider's experience, or other matters deemed relevant to the proposal by the OPWDD. By submitting a proposal in response to this funding opportunity, the provider gives its consent to any inquiry made by the OPWDD.
17. Require that all proposals be held valid for a minimum of 180 days from the closing date for receipt of proposals, unless otherwise expressly provided for in writing.
18. Require awardees to participate in a formal evaluation of the program to be developed by OPWDD. Awardees may be required to collect data for these purposes. The evaluation design will maintain confidentiality of participants and recognize practical constraints of collecting this kind of information.
19. Consider statewide distribution and regional distribution within New York City, in evaluating proposals.
20. Provide letters of support to projects based on meeting the objectives outlined in this document and OPWDD's overall supportive housing goals.
21. Withdraw any letter of support if it found that there is a material change in the circumstances of the provider, the developer or any other relevant party, or new information is discovered that would have affected OPWDD's decision had the information been known at the time of providing the support letter.

SECTION 4: Debriefing

OPWDD will issue award and non-award notifications to all providers. Within fifteen (15) business days of the date of a non-award letter, non-awarded providers may request a debriefing regarding the reasons that their proposal was not selected and/or disqualified. Debriefing requests must be made in writing and sent to the email address identified in Section 1.7 of this document.