

CHAPTER 22

IOWA AFTERCARE SERVICES RENT SUBSIDY PROGRAM

265—22.1 (16, PL 106-169) Purpose. Through the Iowa aftercare services rent subsidy program (program) the authority, working with the department of human services, seeks to assist youth who are participating in the department of human services' program of aftercare services for former foster care recipients. The program also includes a transitional apartment subsidy for agencies that provide housing and life skills training for these youth.

DEFINITIONS

265—22.2 (16, PL 106-169) Definitions.

"Aftercare services" means activities established in an individualized service plan developed with a self-sufficiency advocate which complement the youth's own efforts in achieving self-sufficiency, such as linking to appropriate community resources and having a safe and stable place to live.

"Authority" means the Iowa finance authority.

"Organization" means a contractor or subcontractor of the department of human services' program of aftercare services.

"Rental unit" means an apartment, mobile home, or private room for which a signed, written lease exists and which is governed by Iowa Code chapter 562A.

"Self-sufficiency advocate" means an employee of the organization, designated by the organization as a case manager to assist youth.

"Transitional apartment" means a rental unit, rented by the organization to the youth and used to provide housing and life skills training required to assist the youth to recognize and accept the personal responsibility related to being a renter.

"Youth" means a person at least 18 but not yet 21 years of age who has left foster care on or after the person's eighteenth birthday, and who is participating in the program of aftercare services.

DIRECT RENT SUBSIDY PROGRAM

265—22.3 (16, PL 106-169) Eligibility requirements for direct rent subsidy. All of the following criteria shall be met.

22.3(1) Aftercare services participant. The youth shall be an active participant in aftercare services, making progress toward an identified goal of obtaining or maintaining stable housing.

22.3(2) Demonstrated need. To demonstrate need, the youth must provide evidence that the youth is responsible for paying more than 30 percent of the youth's gross earned and unearned income for rent and that the youth cannot obtain other rental assistance because the youth has been determined ineligible or is on a waiting list for rent subsidy under the U.S. Department of Housing and Urban Development (HUD) or any other available rent subsidy program or because a waiting list for the HUD rent subsidy program or any other rent subsidy program is closed.

This program may not be used to substitute for any other subsidy that the youth had been receiving at the time of or immediately prior to the time of application to this program. Youth receiving rental assistance at the time of or immediately prior to the time of application to this program shall not be eligible.

22.3(3) Education on renter rights and responsibilities. To demonstrate that the youth understands the rights and responsibilities of being a renter, the youth must have either lived in a transitional apartment, completed a renter education and awareness program, be enrolled to participate or be currently participating in a renter education and awareness program.

22.3(4) Budget. The youth must submit a budget that demonstrates that the subsidy, when combined with the youth's gross earned and unearned income, will enable the youth to cover all remaining living expenses (i.e., housing, utilities, clothing, and food).

265—22.4 (16, PL 106-169) Application for direct rent subsidy. Applications for the program may be obtained on the authority's Web site at www.iowafinanceauthority.gov or by contacting the authority at the address set forth in 265--Chapter 1.

22.4(1) Application process. The application for aftercare rent subsidy and a monthly budget form must be completed, verified by the self-sufficiency advocate and submitted to the authority by the youth's self-sufficiency advocate. The application and referenced forms will require the following information:

- a. The youth's estimated monthly gross earned and unearned income for the 12 months following application.
- b. Written evidence from sources of local rental assistance available in the youth's community that the youth has applied for that rental assistance and that the youth has been determined ineligible or placed on a waiting list for that rental assistance, or that the waiting list is closed.
- c. The amount of the total rent for the rental unit.
- d. Number of bedrooms in the rental unit.
- e. Names of the people that are on, or will be on, the lease.
- f. Number of the youth's minor dependents.
- g. Evidence that the youth has lived in a transitional apartment, completed a renter education and awareness program, or is enrolled to participate or is currently participating in a renter education and awareness program.
- h. Date of the youth's birth.

22.4(2) Date of application. The date of the application shall be the date the completed application is received by the authority. Any applications received after a monthly payment calculation will not receive a subsidy payment until the next succeeding payment cycle after approval of the application. No back payment for rent will be paid.

22.4(3) Payment determination. The self-sufficiency advocate shall be notified by the authority on or about the date that the authority calculates the payment for that month as to whether the youth's application has been approved.

22.4(4) Waiting list. After funds available for this program are committed, the authority shall deny pending applications.

- a. Youth not awarded funding who meet the eligibility requirements shall be placed on a statewide waiting list according to the order in which the completed applications were received by the authority. In the event that more than one application is received at one time, the youth shall be entered on the waiting list on the basis of the day of the

youth's birthday, lowest number being first on the waiting list. Any subsequent tie shall be decided by the month of birth, with January being month one.

- b. The self-sufficiency advocate shall be notified of the waiting list decision on or about the date that the authority calculates the payment for that month. The notice shall state that the youth meets eligibility requirements but no funds are available and that the youth shall be placed on the waiting list.
- c. When funding allows additional youth to be added to the program, they shall be taken from the statewide waiting list, and their eligibility shall be redetermined at that time. An application packet, which includes instructions and necessary forms for verification of continuing eligibility, shall be sent to the self-sufficiency advocate for completion, with such application to be returned to the authority within time lines specified by the authority. If the signed application and verification of continuing eligibility are not received by the time line specified by the authority, the youth's name shall be dropped from consideration for receipt of the rent subsidy payment.

265—22.5 (16, PL 106-169) Amount of rent subsidy.

22.5(1) Use of subsidy. Assistance shall be used for rental expense directly related to the youth's lease of a rental unit. The monthly payment shall be for a rental unit with one bedroom or a proportionate share of rental costs in units containing more than one bedroom. An exception for additional bedrooms will be made for minor dependents residing in the rental unit.

22.5(2) Subsidy amount. The subsidy amount is the difference, not to exceed \$450, between:

- a. The lesser of the actual rent or fair market rent under guidelines of the applicable HUD low-rent housing program in the county where the youth's residence is located, and
- b. Thirty percent of the youth's monthly gross earned and unearned income.

22.5(3) Monthly payment. So long as funds remain and eligibility requirements of this chapter continue to be met, the organization shall receive an ongoing monthly payment on behalf of the youth approved for rent subsidy. The monthly payment will equal the amount determined pursuant to subrule 22.5(2).

265—22.6 (16, PL 106-169) Redetermination of direct rent subsidy eligibility.

22.6(1) Time of completion. A redetermination of eligibility for direct rent subsidy payments shall be completed:

- a. At least once every 12 months.
- b. When a change in circumstances occurs that affects eligibility requirements of rule 265—22.3(16, PL 106-169).
- c. If the youth moves from the rental unit stated on the application.
- d. When there is a change in income.
- e. When there is a change in the names of the people on the lease or number of minor dependents.
- f. When there is an unapproved person residing in the rental unit.
- g. If the youth fails to complete the renter education and awareness program within the time period stated in the application.

22.6(2) Review packet. The authority shall send a review packet, which shall include instructions and necessary forms for verification of continuing eligibility, to the youth's self-sufficiency advocate at least 60 calendar days before the deadline date for annual redetermination of eligibility.

- a. The self-sufficiency advocate shall submit the completed forms to the authority.

- b. If the authority does not receive the completed forms verifying continued eligibility by the stated deadline, the youth's subsidy shall be terminated.

265—22.7 (16, PL 106-169) Termination of rent subsidy payments.

22.7(1) *Reasons for termination.* The rent subsidy shall terminate at the end of the month in which any of the following occurs, and a notice shall be sent to the self-sufficiency advocate which states the reason for the termination:

- a. The youth does not meet one or more of the eligibility criteria listed in rule 265—22.3(16, PL 106-169).
- b. The youth does not meet the youth's obligations and personal responsibility as a renter, as determined by the youth's self-sufficiency advocate.
- c. No additional uncommitted funds are available for the rent subsidy program.

22.7(2) *Reporting of changes.* The youth is required to report to the youth's self-sufficiency advocate within ten calendar days any changes which may affect eligibility. Failure to do so may result in termination of the subsidy. The self-sufficiency advocate shall inform the authority of changes upon the advocate's discovery of such information.

22.7(3) *Insufficient funding.* If funds are not sufficient to cover payments for all youth on the subsidy, youth shall be terminated from the subsidy in the inverse order in which they began receiving payments, i.e., the last youth to be added to the subsidy being the first youth to be removed. The youth terminated shall move back to the waiting list with the original application date dictating the youth's position on the waiting list, as stated in subrule 22.4(4).

TRANSITIONAL APARTMENT SUBSIDY PROGRAM

265—22.8 (16, PL 106-169) Eligibility requirements for transitional apartment subsidy. All of the following criteria shall be met:

22.8(1) The participating organization shall be a contractor or subcontractor of the department of human services' program of aftercare services.

22.8(2) The organization shall submit a statement to the authority that the transitional apartment will be used to provide housing and life skills training to assist youth to recognize and accept their personal responsibility related to being a renter.

22.8(3) The organization will lease or sublease the apartment to qualified aftercare services participants who have left foster care on or after their eighteenth birthday.

265—22.9 (16, PL 106-169) Application for transitional apartment subsidy. Applications for the transitional apartment subsidy may be obtained on the authority's Web site or by contacting the authority at the address set forth in 265--Chapter 1. The organization shall submit the completed aftercare transitional apartment application, which must include a written narrative of the plan specified in subrule 22.8(2).

265—22.10 (16, PL 106-169) Amount of transitional apartment subsidy. The amount of transitional apartment subsidy is based on the lesser of the actual rent or 100 percent of the fair market rent under guidelines of the applicable HUD low-rent housing program in the county where the rental unit is located.

265—22.11 (16, PL 106-169) Redetermination of transitional apartment subsidy eligibility.

A redetermination of eligibility for transitional apartment subsidy payments shall be completed:

1. At least once every 12 months.
2. When a change in circumstances occurs that affects eligibility requirements of rule 265—22.8(16, PL 106-169).

265—22.12 (16, PL 106-169) Termination of transitional apartment subsidy payments.

22.12(1) Reasons for termination. The rent subsidy shall terminate at the end of the month in which any of the following occurs and a notice shall be sent to the participating organization which states the reason for the termination:

- a. The organization no longer meets the eligibility criteria listed in rule 265—22.8(16, PL 106-169).
- b. No additional unobligated funds are available for the transitional apartment subsidy program.

22.12(2) Reporting of changes. The organization shall report to the authority any changes which may affect eligibility. Failure to do so may result in termination of the subsidy.

FRAUDULENT PRACTICES

265—22.13 (16, PL 106-169) Fraudulent practices relating to the aftercare rent subsidy program. If a youth, self-sufficiency advocate, or organization knowingly makes or causes to be made a false statement or representation or knowingly fails to report to the authority any change in circumstances affecting the youth's or organization's eligibility for financial assistance under this chapter, the authority may require repayment of the amount that was paid to or on behalf of the youth or organization while the youth or organization was ineligible, as a condition of continued participation in the program.

APPEALS PROCESS

265—22.14 (16, PL 106-169) Appeals.

22.14(1) An applicant whose application has been timely filed may appeal the authority's decision by filing a written notice of appeal within 14 days of the decision before the Iowa Finance Authority, 2015 Grand Avenue, Des Moines, Iowa 50312. The notice of appeal must actually be received at the above address within the time frame specified to be considered timely.

22.14(2) The notice of appeal shall state the grounds upon which the applicant challenges the decision.

22.14(3) An appeal shall be heard by the executive director of the Iowa finance authority. The executive director shall grant the appellant reasonable opportunity to gather information and inquire as to why the decision in question was made. The executive director shall allow the appellant to present all the relevant facts supporting the appellant's position. Such presentation shall be held not later than 30 days after the filing of an appeal, unless the parties agree to hold the presentation on a later date.

22.14(4) Within 7 days of the presentation, the executive director shall issue a written decision which clearly states whether or not the authority's decision was appropriate. Such decision shall be delivered to the appellant and the board of directors of the authority.

22.14(5) If the executive director determines that the authority's decision was not appropriate, the executive director shall recommend to the authority's board a proper remedy.

22.14(6) *Final agency action.* After receiving a written decision from the executive director, the board must either approve or decline to approve the executive director's recommendation no later than the next regularly scheduled board meeting. Such action by the board shall be the final decision of the agency.

22.14(7) *Judicial review.* Judicial review of the authority's final decisions may be sought in accordance with Iowa Code section 17A.19.

These rules are intended to implement Iowa Code sections 16.5(5), 16.5(10), 16.5(13), 16.5(17), and 16.15(7) and Public Law 106-169, Section 101 (Improved Independent Living Program).