Department of Health and Human Services

Maine People Living Safe, Healthy and Productive Lives

Program Manual
For
BRIDGING RENTAL ASSISTANCE PROGRAM

Table of Contents

SECTION 1 – DEFINITIONS

504 ADA: Section 504 of the Americans with Disabilities Act enables individuals with disabilities to request a "reasonable accommodation" to modify program rules, polices, practices or services in order to participate fully in a program. Any such request must relate to the person's disability.

Administrative Plan: A plan in addition to the BRAP program manual with established local policies, standards, and procedures for the administration of the program as approved by the Department.

Annual Re-Certification: The BRAP program must reexamine the income and composition of BRAP households at least annually.

Awarded applicant: A person who has applied for BRAP services and meets eligibility criteria and has been issued an award letter, but has not yet found a housing placement.

Central Administrative Agent (CAA): The Provider responsible for providing direction, guidance, interpretation, and training to each Local Administrative Agent (LAA) regarding the Bridging Rental Assistance Program (BRAP) throughout the State.

Community Residential Treatment Program: A house or other place that for consideration is maintained wholly or partly for the purpose of providing residents with assisted housing services.

Co-Occurring Substance Use Disorders (SUD) or Dual Diagnosis: Adults with Serious Mental Illness (SMI) and a Co-Occurring Substance Use Disorders (SUD) who meet Eligibility for Care Criteria for Community Support Services, as defined in the most recent version of Section 17 of the MaineCare Benefits Manual.

Correctional Facility: A jail, prison, or other places of incarceration by government officials.

Dorothea Dix Psychiatric Center (DDPC): DDPC is one (1) of two (2) state psychiatric hospitals under the Maine State Department of Health and Human Services. It is a fifty-one (51) bed hospital serving two-thirds (2/3) of the state's geographic area that provides services for people with Serious Mental Illness (SMI).

Fair Market Rent (FMR): Rental amount as established by the U.S. Department of Housing and Urban Development (HUD) on an annual basis, by geographic location.

Gross Rent Change: The contract rent paid to the landlord is being changed, and or utility allowance is being changed leading to an update in the HAP paid to the landlord.

HCV (Housing Choice Voucher): Also known and Section 8, a Federal Rental Assistance program managed by the U.S. Department of Housing and Urban Development (HUD) that provides rental subsidies to income-qualifying individuals and families. Administered in the State of Maine by local Public Housing Authority (PHA) and Maine State Housing Authority.

Homeless: A person or household is considered homeless if they have a primary night-time residence that is a public or private place not meant for human habitation or is living in a shelter designated to provide temporary living arrangements.

Household: All persons who occupy a housing unit. The occupants may be a single family, one (1) person living alone, two (2) or more individuals living together, or any other group of related or unrelated people who share living arrangements.

Housing Assistance Payment (HAP): Rental assistance portion the LAA pays either the landlord and/or may include utility companies paid on behalf of the Participant per program rental calculation requirements.

Housing Quality Standards (HQS): Basic standards which all units must meet before assistance can be paid on behalf of a family and are established minimum criteria necessary for the health and safety of program participants.

Housing Quality Standards Inspectors: An individual who has fulfilled the certification requirements of the HCV Housing Standards Examination through an approved authorized provider.

Intensive Case Manager (ICM): Persons employed by the State of Maine who provide case management services for incarcerated individuals who are eligible for Section 17 Services according to MaineCare Benefit Manual.

Interim Re-Certification: The Participant has a change in income since the last report or a Move-In /Move-Out of a household member.

Live-in aide: A person who resides with an elderly, handicapped, or disabled person who is determined medically essential to the care and well-being of the person, and is not obligated for the financial support of the person, or would not be living in the Unit except to provide necessary Supportive Services.

Local Administrative Agent (LAA): An agency which administers the BRAP program in its designated area.

LOCUS Certified Assessor: An individual certified for LOCUS assessment by DHHS upon successful completion of prescribed LOCUS training.

Move-In Certification: The BRAP head of household has been awarded a rental assistance resource and is moving into an apartment and receiving BRAP Housing Assistance. If the program participant has had a rental assistance resource before and has since been terminated the Move-In Certification Effective Date is the start date of the most current rental assistance resource.

Maine General Assistance (GA): A program administered through municipalities which purchases basic necessities for individuals who are without means to pay for such services.

Maine State Housing Authority/MaineHousing (MSHA): An independent state agency that bridges public and private housing finance, combining them to benefit Maine's low and moderate-income people.

Maine Temporary Assistance for Needy Families (TANF): Financial assistance to keep children in their homes while the family is temporarily unable to support themselves. While receiving assistance, parents or caretaker relatives work on an employment plan to become self-supporting.

Payment Standard: Maximum contract rent the program will approve for a unit and is published by the CAA, using HUD established Fair Market Rents for the area.

Reasonable Accommodation: Section 504 of the Americans with Disabilities Act enables individuals with disabilities to request a "Reasonable Accommodation" to modify program rules, polices, practices or services in order to participate fully in a program. Any such request must relate to the person's disability.

Representative Payee: A person or organization retained by an individual to pay their bills.

Riverview Psychiatric Center (RPRC): #A 92-bed, inpatient psychiatric hospital treating patients with severe and persistent mental illness.

Service Provider: A person or organization licensed or otherwise qualified to provide supportive services, either for profit or not for profit.

Serious Mental Illness (SMI): A diagnosable mental, behavioral, or emotional disorder that causes serious functional impairment that substantially interferes with or limits one (1) or more major life activities.

Supportive Housing Assistance Payment (SHAP): A one-time payment that is intended to be utilized to prevent Bridging Rental Assistance Program (BRAP) Recipients from losing housing. *Central Administrative Agent (CAA) or Provider approval is necessary to make use of this by sub-contractors (Local Administrative Agent (LAA).*

Social Security Disability Insurance (SSDI): Monthly income benefits to disabled individuals that paid Social Security taxes through prior wages and score high enough to qualify for benefits.

Supplemental Security Income (SSI): Monthly income benefits for disabled individuals who either did not pay Social Security taxes or paid them through prior wages but did not qualify for regular SSDI benefits. These benefits are based on financial need and are capped at a rate set by Congress each year.

Participant Certification: When a Participant certifies that the income and household information presented is true and complete; and signs forms to verify.

Total Participant Payment: The minimum household contribution to the gross rent and is calculated as 40% of the household's total gross monthly income.

Unit size: The number of bedrooms in the unit rented by the participant. This determines the rental assistance payment standard based on the number of bedrooms the participant's household is eligible for.

Unit Transfer (UT): A process when the household is moving from one apartment to another and is continuing to receive rental assistance with the BRAP program.

U.S. Department of Housing and Urban Development (HUD): A federal agency that administers programs which provide housing and community development assistance.

Utility Allowance: An estimate of the monthly cost of reasonable, resident-paid utilities (i.e. electricity, gas, water, sewer, trash) for an energy-conservative household.

Utility Reimbursement: The amount by which a tenant's utility allowance exceeds their share of the rental assistance after applying the applicable utility allowances. The utility reimbursement must be paid to the program participant, or the utility company on behalf of the program participant.

SECTION 2 – RIGHTS AND NON-DISCRIMINATION

A. Limited English Proficiency

As a state-funded housing program, we wish to ensure that all participants are given a fair chance to understand all program rules, notices, and important paperwork.

If an applicant or participant is having a hard time understanding any documentation or requires interpreter services, they may request an interpreter or special accommodation at no charge.

All program agencies are required to retain or contract with interpreter services, as needed based on need.

At application, each Participant should notify program staff of their preferred language, if other than English.

If, at any time while on the program, the participant wishes to request interpreter services or special accommodation, they should contact their assigned LAA.

Important program documents can be made available in select languages. Please notify your LAA if you wish to have any of these documents translated.

Important Documents include, but are not limited to:

Award Letter
Participant Responsibility Agreement
Incomplete Application / Denial Letter
Expiration / Termination Letter(s)
Annual Recertification Notices

EQUAL HOUSING OPPORTUNITY

B. Non-Discrimination Policy

The Department of Health and Human Services (DHHS), and its contractors do not discriminate on the basis of disability, race, color, creed, gender, sexual orientation, age, or national origin, in admission to, access to, or operations of its programs, services, or activities, or its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and in accordance with the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972 and the Maine Human Rights Act and Executive Order Regarding State of Maine Contracts for Services.

Questions, concerns, complaints or requests for additional information regarding the ADA may be forwarded to DHHS' ADA Compliance/EEO Coordinators, 11 State House Station – 221 State Street, Augusta, Maine 04333, 207-287-4289 (V), 207-287-3488 (V), 1-800-606-0215 (TTY). Individuals who need auxiliary aids for effective communication in program and services of DHHS are invited to make their needs and preferences known to the LAA that they are assigned to, or covers their area. This notice is available in alternate formats, upon request.

C. Maine Human Rights Act

The Maine Human Rights Act ("MHRA") is Maine's anti-discrimination law. It prohibits discrimination on the basis of protected class in employment, housing, places of public accommodation, education, and extension of credit.

> **Protected classes include: race, color, ancestry, national origin, sex, sexual orientation (which includes gender identity and expression), physical or mental disability, religion, age, and other categories in certain contexts.**

The MHRA also prohibits retaliation for asserting MHRA-protected rights.

Discrimination means any action, omission or decision that results in restricting your choice of housing and access to housing assistance.

- Learn more about state fair housing and equal access laws from the Maine Human Rights Commission. They are the state agency responsible for enforcing Maine's fair housing laws.
- Learn more about federal fair housing and equal access laws from the Office of Fair Housing & Equal Opportunity at the U.S. Department of Housing & Urban Development. They are the federal agency responsible for enforcing federal fair housing laws.

Advocacy Groups and Legal Resources

- Pine Tree Legal Assistance
    - Augusta, 39 Green Street
      Tel: 207-622-4731 or 207-623-7777 or 207-623-7770 (TTY)
    - Bangor, 61 Main Street
      Tel: 207-942-8241 or 207-942-1060 (TTY)
    - Lewiston, 37 Park Street, Suite 401
      Tel: 207-784-1558
    - Machias, Route 1 and Old County Road
      Tel: 207-255-8656 or 207-255-6179 (TTY)
    - Portland, 88 Federal Street
      Tel: 207-774-8211 or 207-828-2308 (TTY)
    - Presque Isle, 373 Main Street
      Tel: 207-764-4349 or 207-764-2453 (TTY)
    - Farmworker & Native American Units - Bangor
      Tel: 207-942-0673
    - Multi-lingual Language Line
      Tel: 207-774-8211
- Maine Volunteer Lawyers Project
  Tel: 1-800-442-4293
- Maine Equal Justice Project
  Tel: 207-626-7058
- Disability Rights Center
  Statewide Hotline, Tel. 1-800-452-1948 (V/TTY)
- For information about other advocacy groups in Maine

SECTION 3 – ELIGIBILITY

A. Specific Eligibility

In order to generally qualify for BRAP, applicants must be an adult (or emancipated minor) with Serious Mental Illness (SMI), including those with a SMI with Co-Occurring Substance Use Disorders (SUD) as long as the primary diagnosis is categorically non-excluded[1], who:

a. Meet Eligibility for Care Criteria for Community Support Services, as defined in Section 17 of the MaineCare Benefits Manual.
b. Are eligible for and are receiving, are in the process of applying for, are actively appealing, or are being re-instated for Supplemental Security Income (SSI) and/or Social Security Disability Income (SSDI); and
c. Have applied for Section 8/HCV rental assistance through their local Public Housing Authority (PHA) or other local Section 8 administering agency.
    - *All BRAP Participants who are eligible for Section 8 must be maintained on a Section 8 Applicant List to ensure the transition to permanent housing.*

Please note: eligibility requirement (c) may be waived by the CAA if the BRAP Applicant is not eligible for Section 8 (e.g. if the BRAP Applicant has been evicted from federally funded housing in the last five years, has a criminal history, or is not eligible for assistance for other reasons.),however the BRAP Applicant must still meet requirement (1) and (2). Applicants must submit verification of their ineligibility.

B. Program Priorities (General Eligibility)

Beyond meeting general eligibility requirements, applicants must also be experiencing an eligible situation to qualify for rental assistance. Qualifying priorities are:

Priority 1 – Inpatient Psychiatric hospitalization or graduation from a Section 97, Appendix E Mental Health PNMI.

a. Hospitalizations of 72-hours or more at any state-run or private psychiatric facility, including qualifying behavioral health unit beds at local hospitals.[2]
b. Discharging from a Section 97 Appendix E PNMI[3] to move to less restrictive, more independent accommodations per their approved treatment plan.[4]

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[1] Categorically excluded diagnosis includes, but are not limited: Neurocognitive Disorders, Neurodevelopmental Disorders, and Antisocial Personality Disorders.

[2] Please note that this does not apply to individuals staying at Crisis Stabilization Units (CSU's) as they are not considered "inpatient psychiatric hospitalizations".

[3] Mental Health PNMI (Private Non-Medical Institution) means any facility that is currently approved to operate as a PNMI by DHHS per Community Residential Treatment Programs, 10-144 C.M.R. Ch. 101 MaineCare Benefits Manual, Ch. II Section 97, Appendix E.

[4] Please note that this does not apply to any individuals who have been involuntarily discharged from an approved facility due to disciplinary action, forced eviction, or criminal behavior.

Priority 2 – Release from incarceration in a state, county, or federal jail or prison to homelessness.

The individual is currently being released or has been released within the past 30 days after an incarceration lasting longer than seventy-two (72) hours and lacks an identified residence and would be released to literal homelessness.

Priority 3 – Literal Homelessness, as defined by the US Department of Housing and Urban Development (HUD).

The individual has a primary nighttime residence that is a public or private place not meant for human habitation or is living in a shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs).

Priority 4 – Discharge from a Certified Recovery Residence[5].

The individual is currently residing in and will exit a certified recovery residence within the next thirty (30) days and has no subsequent residence identified.

[5] Certified Recovery Residence means a residence that is certified pursuant to the requirements established in Maine Title 5, section 20005, subsection 22.

SECTION 4 – PROGRAM ORGANIZATION AND KEY ACTIVITIES

The program's administration utilizes multiple local agencies designed to provide statewide coverage while maintaining local support.

The delivery of BRAP is managed through a three-tiered system:

- **DHHS (The Funding & Policy Authority):** As the principal funding source, the Department of Health and Human Services (DHHS) Office of Behavioral Health (OBH) establishes the program's general rules and eligibility criteria. They provide the necessary funding and maintain final oversight of the program's operations and compliance for the State of Maine.
- **Central Administrative Agency (CAA):** The CAA acts as the primary intermediary between the state and local providers by means of a contract between OBH and the agency selected through a routine RFP process. Its responsibilities include:
    - **Fiscal Management:** Overseeing the distribution of funds statewide and budgetary compliance.
    - **Programmatic Direction:** Providing training to stakeholders and providers, monitoring, and performance oversight of the Local Administrative Agencies (LAAs).
    - **Data Management:** Maintaining centralized tracking of program participants, waitlists, and outcomes to ensure consistency across the state.
- **Local Administrative Agencies (LAAs):** These agencies are the "boots on the ground" that interact directly with participants and landlords. Their core functions include:
    - **Application Processing:** Accepting and verifying initial eligibility for applicants within their specific regions.
    - **Direct Support:** Working with applicants, landlords, participants, and their providers.
    - **Ongoing Administration:** Managing certifications (move-in, annual, and interim), conducting Housing Quality Standards (HQS) inspections, and issuing monthly rental payments to landlords.

Program Workflow and Collaboration

The LAAs and CAA work in tandem to ensure the program is administered fairly and evenly across the state. While the **CAA provides the framework and monitoring**, the **LAAs ensure that services are accessible** to eligible individuals.

By delegating local tasks to specialized agencies, the state ensures that participants receive personalized assistance tailored to their region, while the CAA ensures that state policies and funding mandates are executed uniformly across Maine.

SECTION 5 – APPLICATION AND PRIORITIZATION

Applications for available BRAP resources will be submitted to the LAA for initial review and preliminary approval. Once initial approval is determined, the LAA will submit the completed application packet to the CAA for final review and determination.

All applications must contain the following items when submitted to the LAA:

- Verification of Eligibility for Care for Community Support Services

  A printout from Atrezzo by Acentra HealthCare or other document verifying enrollment date and qualifying diagnosis, or a completed BRAP Enrollment Form.

- Verification of Eligible Priority

  Documentation varies by specific priority and individual circumstances; however, verification typically includes, but is not limited to:

  A letter from an eligible psychiatric facility or hospital, on facility letterhead or discharge summary that clearly lists the dates admitted, including intake and discharge dates, the name of the facility, and that the stay was psychiatric in nature.

  A letter from the correctional facility, or ICM, on agency letterhead or release paperwork that clearly lists the dates of incarceration, the name of the facility, the name/title of the person completing the letter, and that no other residences have been identified upon release.

  Letter or report from Emergency Shelter staff listing the date of entry, as well as the most recent stay (notation that individual is still living there, if applicable).

  Letter from direct care provider or outreach workers stating that they witnessed the homelessness situation, the location, details of the situation, and the dates that they witnessed it. The most recent instances of verified homelessness **must** be within **14 days** of submission.

- Verification of SSI/SSDI benefits:

  A current Statement of Benefits, copy of current benefit payment, verification of application for benefits, or the appeal of a denial for benefits, including the reinstatement of past benefit being held by Social Security Administration (SSA). *Must be dated within 120 days of application submission.*

- HCV/Section 8 Waiting List status:

  A printout from the Central Waitlist website or letter from the local Public Housing Authority (PHA) indicating whether applicant is on a waiting list for Section 8 or other subsidized housing and state the status on waiting list.

- Financial Information:

  Verification for ALL income sources and amounts received per month for all household members, as defined in the income section of this manual. All income documentation must be dated within 120 days of submission.

A. Prioritization

Once preliminary eligibility is verified, the applicant will be prioritized for a BRAP resource based on their Priority Status and awarded resources as they become available, as follows:

1. Priority 1 - Inpatient Psychiatric hospitalization of 72 or more hours; or graduating from a Section 97, Appendix E Mental Health PNMI
2. Priority 2 – Release from incarceration.
3. Priority 3 – Literal Homelessness
4. Priority 4 – Discharge from a Certified Recovery Residence
5. No Priority – Waiver approved by the CAA

Upon initial approval, applicants are entered into a prioritization tracking system. Resource awards are determined by priority status, date of application, and further constraints specific to each priority category.

Examples of these criteria include, but are not limited to:

- **Duration of current situation:** Length of hospital stay or time spent in homeless circumstances.
- **Application timing:** The date of the program application was submitted.
- **Current living situation:** Where the applicant is currently staying, such as currently unsheltered, staying with family, incarcerated, etc.
- **Financial need:** Lack of income or access to other resources.
- **Level of care:** The complexity or intensity of services required by the candidate.

B. Waivers

The BRAP Waiver is used to assist program agencies in providing services to individuals who do not meet general program requirements, but due to extenuating circumstances, may need assistance to obtain or retain their housing.

Waivers are NOT reasonable accommodations. Please see Section 18 – Reasonable Accommodations for more information.

Examples of why someone may need a waiver include, but are not limited to:

- No Priority: applicants that do not fit within an established priority; however extenuating circumstances warrant special consideration, such as the length of time they have been out of jail, or they are experiencing homelessness and sheltered due to a handicap.
- Section 8 eligibility: applicants have a criminal background, and they are banned from public housing.

The CAA reviews all waivers on a case-by-case basis, subject to available funding. Approval for non-priority waivers is contingent on available resources and will be superseded by applicants who meet established priority criteria.

C. Award and Extensions

When the program has available resources, the CAA will select eligible applicants from the waitlist according to program priorities as summarized above.

When an applicant is selected, they will be assigned to a LAA where their BRAP resource will be administered locally. The LAA will then notify the applicant within two (2) business days in writing about the award.

All participants will be given a single, one hundred twenty (120) day look period, from the date that their BRAP resource is awarded.

> **Look time is not to exceed one hundred and twenty (120) days.**
>
> *For Priority 2 awardees that have not been released but are due within the next thirty (30) days, look time may begin on the day of release if they were unable to search for housing while incarcerated.*

The length of available look time is contingent on funding and resource availability. At the CAA's discretion, the program may shorten the length of time that participants have to locate a unit.

The amount of time that a participant has to find a unit, as well as the date of expiration/termination will be notated on all award letters.

> *Please note:* ***We are unable to grant extensions beyond this timeframe, regardless of individual circumstances, such as medical issues or periods of incarceration. It is essential that all housing search efforts are completed within these 120 days to remain eligible for the program. If a unit is not found within these 120 days, the application will expire, and the applicant must reapply to be considered for future assistance.***

D. Subsidy portability

BRAP resources are portable anywhere within the State of Maine for all participants, subject to funding availability and program allotments.

Portability applies specifically to unit transfers occurring outside the assigned Local Administering Agency (LAA) area.

Requirements:

- All portability requests must be submitted **in writing**.
- Housed participants planning to move outside their current area must provide proper notice to their landlord and submit a copy of that notice to the LAA.

SECTION 6 – HOUSEHOLD COMPOSITION AND UNIT SELECTION

The following requirements apply when determining the applicant unit size:

- The subsidy standards must provide for the smallest number of bedrooms needed to house applicants without overcrowding.
- The subsidy standards must be consistent with space requirements under the housing quality standards (HQS).
- The subsidy standards must be applied consistently for all families of like size and composition.
- A child who is temporarily away from the home because of placement in foster care is considered a member of the applicant in determining the applicant's unit size.
- An applicant that consists of a pregnant woman only, and (no other persons), must be treated as a two-person applicant.
- Any live-in aide approved by the CAA to reside in the unit to care for the applicant must be counted in determining the applicant unit size.

Unless a live-in-aide resides with the applicant, the applicant unit size for any applicant consisting of a single person must be either a shared room occupancy (SRO), an efficiency or one-bedroom unit, as determined under the Program's subsidy standards.

Generally, no more than two (2) people are required to occupy a bedroom. Children may share a bedroom with a parent, if the parent so wishes.

The resource's unit size does not dictate the size of unit the applicant must rent, nor does it determine who within a household will share a bedroom/sleeping room. It is up to the household to decide their own arrangements.

Please note: Per HQS guidelines, the living room is considered a "sleeping room" and may be used by the household so long that it does not pose a safety or security risk to the household.

A. Maximum Bedroom Allotment

The maximum number of bedrooms (BR) that shall be allowed by the Program are:

- 1BR for head of family/spouse/partner
- 1BR for an only child or every two (2) minor children of the same gender
- 1 BR for an adult child or dependent
- 1 BR for approved live-in aides

A participant may request to be assigned a larger unit through a waiver. The Program shall ensure that all such requests are made in writing to the Program and sent to the CAA for approval. Upgrade requests are contingent on program funding and need.

Upgrade requests made under Reasonable Accommodation for medical need must be accompanied by supporting documentation from a qualified provider reinforcing the need for the extra bedroom and must establish a nexus between *the disability and the need for more space. Examples include, but are not limited to: bulky medical equipment, a live-in aide, etc.*

In all cases the Program must ensure that all local, state, or federal rules, regulations, or ordinances take precedence over the above-stated policies should a conflict arise.

Please note: All requests for additional bedrooms are on a case-by-case basis and are considered based on funding availability. While the program makes every effort to accommodate household needs, its primary objective is to provide safe and stable housing for the primary participant and their immediate family members.

B. Live-in Aide

What is a Live-In Aide?

A person who resides with an elderly, handicapped, or disabled person who is determined essential to the care and well-being of the person, is not obligated for the financial support of the person, and would not be living in the Unit except to provide necessary supportive services.

The household must request a Live-In Aide in writing and provide verification that the Live-In Aide is essential to the care or well-being of the Participant.

A Live-In Aide qualifies for occupancy only so long as the individual needs support services and may not qualify for continued occupancy merely as a remaining household member in the event the program participant is deceased or leaves the unit.

Please Note: A relative may be a live-in aide but must meet all the requirements listed in this Section.

Approval

When requested by the Participant, the LAA will review and decide if Live-In Aide is warranted. The LAA will forward the request to the CAA for final approval.

Please Note: Landlord approval is also required.

Policy

The Live-In Aide is used in order to calculate bedroom size and allotment; however, the income of a Live-In Aide shall not be counted by the LAA as a part of the household income.

Live-in Aides should be noted in the file; however, they are not required to fill out a move-in packet, nor should they be listed on the Rent Calculation Form or other program documents.

The Head of Household must complete and sign a Live-In Aide Request Form. This will ensure that they are aware that the Live-In Aide is not a member of the household and has no legal right to the unit. It also allows the LAA to ensure that the landlord agrees with the special accommodations of having a live-in aide in the unit.

C. **Special Housing Types – Shared Housing**

Shared Housing is a single housing unit occupied by an assisted family and another resident or residents, such as a 3 BR apartment being rented to three separate people, all with their own lease. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The unit may be a house or an apartment. There are separate Housing Assistance Payment (HAP) contracts and leases for each assisted family.

The owner of the property may reside in the same unit, but in a separate private space, and housing assistance may not be paid on their behalf. Additionally, a resident owner cannot be related to the assisted household.

Shared Housing is not roommates sharing a house under one (1) lease and dividing up the rent amongst themselves.

Housing Quality Standards (HQS)

In order for a Shared Housing set-up to be approved, the entire unit, including the portion of the unit available for use by the assisted family[6] under its lease or rental agreement, must meet HQS and include (shared or private), at a minimum:

- a living room
- a bathroom
- food preparation and refuse disposal

The LAA should not inspect bedrooms that are not part of the lease, unless there is concern about life and safety issues being present.

Please Note: *The private, non-shared space for each assisted family must contain at least one bedroom for each two persons in the family as required by their approve household composition.*

Lease and HAP Contract

While program guidelines do not require leases, for this special housing type, the program will require a lease for the individual room to ensure that the housing situation fits these guidelines.

The lease should clearly define the arrangement, and that the Participant is only responsible for their share (i.e. the Participant cannot be held accountable if another Participant moves in or out, another Participant's behavior, eviction, etc.)

Utilities

Utilities are to be included in the rent. This will help ensure that each Participant's best interest is considered and should alleviate any issues related to utility responsibility if/when another Participant moves in or out.

Payment Standards

The payment standard for a family in shared housing is the lower of the locality's payment standard for the **family unit size*** or the pro-rata share of the payment standard for the **shared housing unit size****.

[6] Areas available for the use of the assisted family include all common areas, maintenance/equipment/garage spaces accessible by the household, yards/outdoor spaces, etc.

The pro-rata share is calculated by dividing the number of bedrooms available for occupancy by the assisted family in the private space by the total number of bedrooms in the unit. If owner occupied, do not count the landlord's bedroom(s*).*

What is Shared Housing, and how is it different from other types of housing like SRO's and Group Homes?

SRO's are rooms in a residential property or facility that includes multiple single room dwelling units. Each unit provides living and sleeping space for the exclusive use of the occupant but requires that the occupant share sanitary and/or food preparation facilities with others. There is no federal or state limitation on the number of SRO units in an SRO facility, but there may be local ordinances. There is a separate lease and HAP contract for each assisted person in an SRO unit.

> Example: Facility run by the YMCA that offers single rooms to individuals and have shared bathrooms on each floor, and each room has a microwave/fridge combo. They have a lease that is for their room, and only their room.

Group Homes are rooms in a local/state-licensed, certified, or otherwise government-approved facility intended for occupancy by elderly persons and/or persons with disabilities. The group home consists of residents' bedrooms, which can be shared by no more than two people, and a living room, kitchen, dining area, bathroom, and other appropriate social, recreational, or community space that may be shared with other residents.

> Example: Local Mental Health agency owns a former single-family home and converted to a transitional living home for clients coming from a hospitalization, such as a PNMI. Each individual has their own rooms, shares bathrooms, and will have shared eating/prepared meals.

Shared Housing is a single housing unit or home occupied by an assisted family and another resident or residents. The shared unit consists of both common space for use by the occupants of the unit and separate private space for each assisted family. The unit may be a house or an apartment. There are separate HAP contracts and leases for each assisted family.

> Example: The owner of a 5-bedroom single-family home lives by himself and rents out each room to individuals. They share the bathroom, living room, and kitchen. Each person has a separate lease. The owner may live in the home in their own space. If one person leaves, it will not affect the others who remain as they all have their own individual leases.

D. Residency

The Participant is to be the primary leaseholder (if applicable).

The Participant is to make payment to the landlord per the terms of their rental agreement / lease and the most recently completed Rent Calculation per the HAP Contract/Amendment.

The Participant shall notify the LAA of any changes to their rental agreement that may hinder the ability for the program to pay, may change the terms of the HAP Contact, or the composition of their family.

E. Extended Absence

The participant may be absent from their unit for brief periods due to extenuating circumstances, but no longer than 90 consecutive calendar days.

Absences include, but are not limited to:

- Stays in an Institutional setting, such as a hospital or jail/prison
- Living in another unit, for example staying with a relative

The participant MUST ensure that their portion of the rent is being paid per the rental agreement/lease and according to the current Rent Calculation.

Absences longer than 90 days, for any reason, may result in the termination of the HAP Contract and participant's resource.

It is important that participants notify the LAA of any expected absences.

SECTION 7 – INCOME INFORMATION

A. Verification of Participant Income

All income received by the Participant and any household members shall be verified prior to Move-In and at each annual certification.

All verifications shall be documented in each Participant's file.

Two (2) methods of verification shall be considered acceptable, listed below in the order of acceptability:

a. Written documentation by a verifiable third (3rd) party

b. Self-certification: The Participant certifies the information is true and complete via a written statement, stating why their party documentation is not available. *The participant must supply third-party documentation at the earliest convenience*.

When the LAA relies on Participant declaration, the LAA shall document in the Participant file why third (3rd) party verification was not available.

Note: State Supplemental payments may be routinely self-certified.

If the Participant or adult household member is a current recipient of SSI and is receiving the Standard Monthly Maximum amount, and has previously provided 3rd party verification of benefits, the household may provide self-certification on approved program forms. Any amounts that are less than the current amount must be verified by 3rd party documentation.

> ***Example:*** *An adult household member receives $784 per month in SSI, and the current published maximum amount is $964. They may not use self-certification and must provide third party verification that shows the gross amount and any reason for deduction, such as other income, overpayment, etc.*

Verification shall be considered valid for one hundred and twenty (120) days from the date of the certification effective date.

B. Income Includes:

1. The gross amount (before any payroll deductions) of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensations for personal services.

2. Net income, salaries and other amounts distributed from a business.

3. The gross amount (before deductions for Medicare, etc.) of social security payments. Includes payments received by adults on behalf of minors or by minors for their own support.

Note: Overpayments to repay prior month's benefits will not be counted and the program will use the net (smaller) payment amount. All other deductions, such as child-support, tax offset, etc. are counted and the total payment will be used.

4. Annuities, insurance policies, retirement funds, pensions, disability or death benefits and other similar types of periodic receipts.

5. Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay. *Any payments that will begin during the next twelve (12) months must be included.*

Note: Lump-sum payments received because of delays in unemployment and welfare assistance will be counted. This does not apply to a lump sum payment for the delayed start of Social Security. (The amount used will be calculated based on the average amount during the period of deferment).

6. Alimony and child support received by any member of the household.

7. Adoption assistance payments up to $480/year ($40/month) per adopted child.

8. Interest, dividends and other income from net family assets (including income distributed from trust funds) that are paid to the family on a fixed, regular basis. For example: the family gets a fixed amount each month from the trust fund. The program will not count it as an asset and will use that amount for "monthly" income.

9. Armed Forces Income - All regular pay and allowances received by, or on behalf of a member of the Armed Forces, including while members are deployed.

10. Lottery winnings paid in periodic payments. (Winnings paid in a lump sum are included in net family assets, not in Annual Income).

11. Recurring monetary contributions or gifts regularly received from persons not living in the unit. *(Includes rent or utility payments regularly paid on behalf of the Participant).*

12. Title II relocation payments authorized by the Uniform Relocation Act of 1970.

13. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program.

14. Employment income up to $480/year ($40/month) for each full-time student eighteen (18) years old or older (Except if the head of household or spouse). *Full-time status must be verified by program staff.*

15. Employment income up to $480/year ($40/month) for each minor (17) years old or younger (Except if the head of household or an emancipated minor—whose incomes are counted in full).

C. Income does not include:

1. Stimulus checks and enhanced unemployment insurance assistance provided to the household.

2. Lump-sum additions to family assets, such as loans, inheritances, cash from sale of assets; one-time lottery winnings; insurance payments (including payments under health and accident insurance and workers' compensation) capital gains and settlement for personal or property losses.

3. Lump sum income received because of deferred periodic payments of Social Security and SSI benefits.

4. Amounts received that are specifically for, or in the reimbursement of, the cost of medical expenses for any family member.

5. Adoption assistance payments in excess of $480/year ($40/month) per adopted child. *(Amounts over $480/year are not counted)*

6. Educational scholarships or financial assistance used for educational purposes, including scholarships funded under Title IV of the Higher Education Act of 1965, the Federal work-study program, Job Corps, or under the Bureau of Indian Affairs student assistance programs.

7. Tax refunds, rebates, or credits received by the family.

8. Payments received under training programs funded by the state or federal program that are specifically excluded by law.

9. Amounts received by a disabled person through their Social Security that are disregarded under a Plan to Attain Self-Sufficiency (PASS).

10. Payments from other public assistance programs that are made directly to landlords, service providers, or to a household member and are for the sole purpose of reimbursing eligible out-of-pocket expenses, or are specifically excluded by law.

11. Temporary, non-recurring, or sporadic income (including one-time gifts that are not intended as additions to family assets).

12. Income of an approved live-in aide.

13. Payments to volunteers under the Domestic Volunteer Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparent Program, youthful offender's incarceration alternatives senior companions).

14. Payments received from programs funded under Title V of the Older Americans Act of 1965, including Older Americans Community Service Employment Program, Green Thumb and Senior Aides Program.

15. Employment income over $480/year ($40/month) for each full-time student eighteen (18) years old or older (Except if the head of household or an emancipated minor).

16. Employment income over $480/year ($40/month) for each minor (17) years old or younger (Except for the head of household and emancipated minors—whose incomes are counted in full).

17. Payments over $480/year ($40/month), per child, received for the care of foster children or foster adults (usually person with disabilities, unrelated to the Participant family, who are unable to live alone.)

18. Reparation payments from foreign governments in connection with the Holocaust.

19. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.

20. Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721)

21. The first $2,000 for per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court and the interest of individual Indians in the trust or restricted lands, including the first $2,000 per year of income received by individual Indians from funds derived from interest held in such trust or restricted lands. Source 24 CFR 5.609 paragraph (b) (April 2004)

SECTION 8 – FAIR MARKET RENT/PAYMENT STANDARD/UTILITY ALLOWANCE/SECURITY DEPOSIT

A. Program Payment Standard

The LAA shall ensure that all rental units subsidized by BRAP are no higher than the current payment standards established by the CAA.

The payment standards are estimates of gross rent considering both rent and cost of necessary utilities.

B. Utility Allowance

If a landlord includes all utilities in the rental amount, the Utility Allowance is $0.

If, however, a landlord is not willing to do so, the LAA shall include a Utility Allowance in the rental calculations when determining Participant rent and assistance payment.

Utility Allowances shall be obtained from the Maine State Housing Authority (MSHA).

C. Security Deposit

The LAA may pay the landlord a security deposit (up to one month's contract rent) on a unit if the Participant is not able to pay one on their own.

When a participant moves out of the unit, the landlord may use the security deposit and any interest accrued as reimbursement for any unpaid rent payable by the Participant, and damages to the unit or for other amounts the Participant owes under the lease. **A security deposit or any portion of a security deposit shall not be retained for the purpose of paying for normal wear and tear.**

The LAA may pay one security deposit for each participant. If the security deposit is returned in full by the landlord, then another deposit may be made for a new unit. *The LAA must not pay a new security deposit until the previous one has been settled and returned to the LAA by the former landlord.*

Under Maine law, the landlord must properly give the Participant and LAA a written list of all items charged against the security deposit and the amount of each item.

After deducting any charges, the landlord must refund the full amount of the remaining balance to the LAA. If the security deposit is not sufficient to cover the amount the Participant owes under the lease, the landlord may request the balance from the LAA up to an additional month's contract rent.

If the landlord does not return the security deposit paid by the LAA after the Participant moves out, the LAA shall make all attempts to recover the security deposit from the landlord.

SECTION 9 – HOUSING QUALITY STANDARDS

A. Inspections

To ensure safe and secure housing, BRAP uses HUD's Housing Quality Standards (24 CFR § 982.401) to inspect and approve all units prior to moving in andannually, guaranteeing continued safety.

Basic Housing Quality Standards

HQS Standards are broken down into 13 categories:

1. **Sanitary Facilities:** Must include a private, working toilet, fixed basin (sink), and a bathtub or shower with hot and cold running water connected to an appropriate disposal system.
2. **Food Preparation and Garbage Disposal:** Must include a working oven, stove or range, and a refrigerator of appropriate size, along with safe facilities for storing and disposing of food and refuse.
3. **Space and Security:** Must include adequate living space (at least a living room, kitchen, and bathroom, with a minimum of one bedroom or living/sleeping room and secure exterior doors and windows.)
4. **Thermal Environment:** Must be capable of providing a safe, healthy climate appropriate for the region, free from unvented room heaters that burn gas, oil, or kerosene.
5. **Lighting and Electricity:** Must have permanent light fixtures in the kitchen and bathroom, and a minimum number of working electrical outlets in living spaces and bedrooms.
6. **Structure and Materials:** The building and its components (roofs, walls, floors, ceilings, stairs, and porches) must be structurally sound, weather tight, free of serious defects, and safe from tripping hazards.
7. **Interior Air Quality:** Must have adequate air circulation and be free from dangerous levels of air pollution (such as carbon monoxide, sewer gas, or fuel gas), with ventilation in bathrooms and working windows in sleeping rooms.
8. **Water Supply:** Must be served by an approvable public or private water supply that is safe for drinking, and provides sufficient hot water.
9. **Lead-Based Paint:** Must comply with federal lead-based paint poisoning prevention requirements (particularly for properties built before 1978).
10. **Access:** Must provide a safe and private means of entry and exit to the unit without having to pass through another separate unit.
11. **Site and Neighborhood:** The surrounding site and neighborhood must be free from serious hazards and adverse environmental conditions (such as dangerous topography, heavy flooding, or excessive noise and traffic).
12. **Sanitary Condition:** The unit and its equipment must be clean and free from vermin, infestations, and heavy accumulation of trash or debris.

13. **Smoke Detectors:** Must have operating smoke detectors installed on each level of the dwelling unit.
14. **Smoke Detectors:** Must have operating Carbon Monoxide detectors installed within fifteen (15) feet of every sleeping room.

Additional Housing Quality Standards

A fuel gas detector is required in all rooms that are fueled by propane, natural gas, or any liquified petroleum gas. (MRS Title 25, §2469) - effective January 1/1/2022)

B. Initial Inspection

The program will perform an inspection on all units BEFORE a participant moves in. Payment cannot be made until the unit passes review for basic safety and security.

Payment may begin the day the unit passes, or the date that the Participant takes possession, whichever occurs later.

Note: If a Participant moves into a unit before the program inspects and passes it, the Participant will be responsible for paying the full contract rent for that period.

C. Annual Inspection

The program must conduct a follow-up inspection, at least annually, for as long as a Participant resides in a unit.

D. Special Inspections

If a concern related to the housing unit physical condition arises between inspections, a special inspection may be requested. This request may be made by referral or request by persons including, but not limited to: the BRAP Participant, landlord, service providers, Intensive Case Managers (ICMs), or other housing providers.

E. Failed Inspections

At Move-in

If the unit fails the initial inspection, the landlord will be given thirty (30) days to correct the deficiencies. If at the end of that time the landlord has not made the corrections, the Request for Tenant (RFT) will be null, and void and the participant will be advised to continue their search for a new unit.

Note: A failed initial inspection does not extend the search timeline. If a unit fails, we strongly recommend continuing the housing search in case the landlord cannot or will not make the necessary repairs.

At Annual or Special Inspection

If a unit fails the annual inspection, the LAA shall give the landlord thirty (30) days to correct the deficiencies, unless another timeframe is noted per HQS regulations or by the agency's inspection admin plan.

The LAA shall provide the landlord and participant notification of any deficiencies, and the LAA shall schedule a re-inspection prior to the deadline provided to the landlord. **If repairs have not been made the LAA shall withhold all HAPs.**

Note: Withheld HAP for a failed inspection is NOT reimbursable.

F. Move-Out Inspection

After each Participant moves out of a unit; the LAA will conduct an inspection to determine the condition of the unit. This inspection will determine what may be damage or normal wear and tear, and will be used by the LAA to determine the disposition of the security deposit, if the landlord requests damages.

A move-out inspection MUST be completed in order for the landlord to retain any security deposit paid.

Lead-Based Paint

All units occupied by families or households that have one (1) or more children of less than six (6) years of age will be inspected for possible lead paint.

Areas of interest include but are not limited to: the interior and exterior painted surfaces of the rental unit, common areas, access pathways, and any on-site areas frequented by children, such as playgrounds and childcare facilities.

LAA staff will be looking for any signs of Lead-Based paint deterioration. Deteriorated paint includes any painted surface that is peeling, chipping, chalking, cracking, damaged or otherwise separated from the substrate.

If it comes to the attention of the LAA that a lead hazard exists, the LAA shall make a written request to the landlord to correct the lead hazard within thirty (30) days; so that the unit becomes compliant with HQS requirements. If the hazard is not remedied within thirty (30) days, the LAA shall stop the HAP.

G. Radon Hazard

Radon is the second leading cause of lung cancer. High levels of radon gas occur naturally in Maine soil and water and can move up into a house from the ground. The house then traps the radon in the air inside. Radon gas can also dissolve into well water, which is then released into the air when you use the water. Simple air and well water tests can show whether home radon levels meet state and national safety guidelines.

As soon as a radon hazard is identified (at any point in the household's tenancy) the LAA shall make a written request to the landlord to correct the hazard within thirty (30) days. If the hazard is not remedied within thirty (30) days, the LAA shall stop the HAP.

SECTION 10 –CERTIFICATIONS

Certifications are documentation packets containing various forms and supporting verifications.

Program agencies use these packets to:

- Calculate a Participant's Housing Assistance Payment (HAP).
- Ensure agency files comply with program rules.
- Provide an audit trail for the CAA or DHHS to monitor service provider performance.

Certification types include:

- Move In (Initial) Certification
- Annual Recertification
- Interim Recertification
    - Situations that may warrant an Interim Recertification include, but are not limited to:
        - Move-in/Move-out of household members
        - Changes in income
        - Unit Transfer
        - Gross Rent Change
- Terminations

Each certification type requires specific forms, which the LAA will provide to the Participant when required.

Missing or incomplete documentation may result in non-compliance, and the Participant's resource could be terminated if they fail to correct the paperwork within the timeframe specified by the LAA.

A. Annual Recertification

The LAA shall review and recertify all Participants for BRAP rental assistance annually, to maximize and leverage state funds. The recertification date for an annual certification is one (1) year from the original certification date, effective the first (1st) day of the month that the Participant began receiving BRAP assistance. *For example, if the Participant was admitted October 11, 2014, then the recertification effective date is October 1, 20I5*.

Participant who moved out and are in between apartments

Review and recertification of Participant's income and housing situation is required annually. In instances where the Participant is in between apartments, but their Annual Recertification is due, the LAA shall still complete the certification by the Annual Due Date.

For the Annual Re-Certification that is due while Participant is not housed, the LAA shall review and recertify household composition, income, and applicable eligibility requirements and complete a Rent Calculation form, in accordance with this manual, however, all unit and HAP calculations may be left blank with a note added indicating the client is currently in between apartments.

The Annual Certification may be completed and submitted when the Participant leases in another unit and in conjunction with the Unit Transfer, however, each certification will require a separate Rent Calculation form with the applicable effective dates for both the Annual and the Unit Transfer. **Notification**

When processing a re-certification, the LAA shall complete them in a timely and efficient manner. The LAA shall send, at a minimum, the following notices to the participant before the due date of their annual recertification.

I. **First (1st) Notice** - send ninety (90) days in advance of the recertification anniversary date. The notice shall state that the Participant has until the tenth (10th) of the month preceding the anniversary date to contact the office to begin recertification.

II. **Second (2nd) Notice** - send approximately thirty (30) days after the previous notice to Participants who have not responded. Content shall be the same as the first (1st) notice in addition to stating that if the Participant does not respond by the tenth (10th) of the month preceding the anniversary date, the LAA shall suspend assistance payments on the recertification date.

II. **Third (3rd) Notice / Notice of Intent to Terminate**- send on the first (1st) of the month preceding the anniversary date to Participants who have not yet responded. The notice shall state that the Participant has ten (10) days to recertify. If the Participant does not respond within those ten (10) days, the LAA shall terminate assistance.

The LAA shall suspend assistance for Participants who do not respond after the 10^{th} of the month preceding the anniversary date, as stated on the final notice.

B. Late Certification

If the Participant complies with the recertification requirements after the date stated in the final notice, but before the anniversary date, the Participant is considered late but may be recertified**.** The new HAP takes effect on the annual recertification date.

Interim Re-certification

Participants are required to report any income changes within ten (I0) days from the date of such change. The LAA shall process an interim adjustment when the income increase is $500 or more per month.

Exceptions to the $500 income change include; if a new household member moves into the unit, all income must be counted regardless of the amount, or a household member gains new income.

**The LAA shall refrain from processing an interim recertification only when the change will last three (3) months or less*.

Gross Rent Changes

The LAA shall honor all rent increases that conform to state and/or local laws and are within the rent guidelines (payment standards) as published by the CAA.[7]

Rent increases are limited to:

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[7] *While a lease or rental agreement is not a program requirement, LAAs should ensure all requests comply with the provisions of any active rental agreement that may be in place.

- A maximum of **5%** per individual request per unit.
- A maximum total of **10%** per unit over the course of a year, based on the lease start date or rental agreement term.

SECTION 11 – SUBSIDY TERMINATION

Program Termination may occur for Participants who move on to more permanent housing options, such as Section 8/HCV or they gain enough income to live independently without a voucher. In some cases, a Participant may lose their resource due to non-compliance with program rules.

Reasons for Termination

Examples of why a BRAP resource may be terminated include, but are not limited to:

Voluntary
Participant relinquishes their resource. It is strongly recommended that the LAA get this request in writing.

Transition to Permanent Housing Program
Participant is awarded a Section 8 voucher or accepted into a Subsidized housing property.

Program Non-Compliance
Participant neglects to abide by program rules or disregards requests for required information by agency.

Failure to Complete Annual Recertification
Participant fails to complete their Annual Recertification by the Due Date (Anniversary of their initial move-in).

Graduating from the Program
The Participant has gained or increased their income to a level that the calculated HAP to the landlord is $0.

Look-Time Expired/No Contact
Participant is awarded a resource or moves from a unit and fails to contact the LAA in a reasonable timeframe or within 120 days.

Death
The head of household passes away. The program can pay rental assistance for an additional 14 days following the established date of death.

Please Note: The reasons given above do not constitute the only reasons that a resource can be terminated.

The Participant has the right to appeal against any termination per the DHHS BRAP Rental Assistance Appeals Procedure.

SECTION 12 – APPEALS

If a Participant does not agree with a program decision, they have three (3) options in order to attempt to have the decision reversed.

Program staff must send a copy of this procedure with any notice or written decision that effects a Participant's resource.

This form will not only include an outline of the process but will also include the applicable representatives and their contact information for each level.

A. Informal Mediation

Instead of proceeding with a formal appeal—or at any point during the process—Participants may request an informal review by the Central Administrative Agency (CAA) and/or Local Administering Agency (LAA) mediation. This alternative path encourages open communication to help resolve disputes cooperatively without needing formal hearing.

B. DHHS Appeals Procedure

Participants who are unsatisfied with informal mediation—or wish to bypass it entirely—may request a formal appeal to have their case reviewed by higher-level program authorities. This process is known as the DHHS BRAP Rental Assistance Appeals Procedure.

All requests must be submitted in writing by the participant or their designated representative.

Level I Appeal

After a Participant receives a written decision that they do not agree with, the first step in the appeals process is called Level 1. The participant should submit a written request to the designated program representative at the LAA within ten (10) business days from the date of the decision or action the applicant or tenant is appealing.

The appeal should include the date the appeal is being filed; the specific policy, procedure, decision, or action being appealed; suggestions of possible ways the situation might be resolved; and where and how the applicant or tenant may be reached.

The LAA representative will have ten (10) business days to respond in writing.

Level II Appeal

If the Participant is not satisfied with the decision made by the LAA representative, they may submit a written (Level II) appeal to the designated program representative at the CAA

The CAA representative will have ten (10) business days to respond in writing.

Level III Appeal

If the Participant is still dissatisfied with the outcome, they may appeal to the Director of the Office of Behavioral Health within ten (10) business days from the date of the CAA decision.

1. Within five (5) days of receipt of the Level III appeal, the Director (or their designee) will request all pertinent documentation and information from the CAA and will either make a decision based on this information, or decide to refer the appeal to the Department of Health and Human Service's Division of Administrative Hearings.

   If referred, the Division of Administrative Hearings will provide notice of a fair hearing to the applicant or program Participant. Upon receiving an impartial recommendation from the Division of Administrative Hearings, the Director (or their designee) will review it and notify the Participant of the final decision.

   The Director's decision is the final agency action within DHHS.

Maine Superior Court

If the program Participant remains dissatisfied with the outcome of the Level III Appeal ruling, they may appeal to the Maine Superior Court pursuant to Rule 80C of the Maine Civil Rules of Procedure and the Maine Administrative Procedures Act at 5 M.R.S.A. §§ 11001 et Seq.

C. Formal Grievance

If a Participant believes that there has been a possible violation of the Rights of Recipients of Mental Health Services, they may file a Grievance by following the DHHS Grievance Process Guide for Recipients of Mental Health Services.