

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

## Table of Contents

About this Document .....	3
History of Changes to Administrative Rules and Procedures .....	3
RAP Purpose .....	4
Source of Referrals .....	4
Type of Rental Assistance .....	4
Eligible Households .....	4
Documenting and Tracking Housing Status .....	4
Accessing Supportive Housing System Resources through Coordinated Entry .....	4
BHSD Housing Prioritization .....	4
Utilizing Interim Housing and Other Temporary Housing Options .....	4
Eligible RAP Housing Types .....	4
Determining Eligibility for Licensed Residential Care Facilities .....	4
Determining Eligibility for Amenities Compensation .....	4
Housing Quality Standards Requirements .....	4
Lease Agreements and Occupancy Standards .....	4
Payment Standard for Rent .....	5
Clients Receiving Rental Assistance as of January 1, 2025 .....	5
Clients Living in Independent Housing .....	5
Clients Living in Licensed Residential Care Facilities .....	6
Client Participation in Rent .....	7
Clients Receiving Rental Assistance as of January 1, 2025 .....	7
Clients Living in Independent Housing .....	8
Clients Living in Licensed Residential Care Facilities .....	8
Certification of Income .....	8
Continuity of Rental Assistance .....	9
Re-housing .....	9
RAPA or CCP Owned/Operated Properties .....	9
Urgency Exceptions – March 2025 through June 2025 .....	9
Purpose for Urgency Exception .....	9

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

Priority..... 9

Eligibility ..... 10

Referral Process ..... 10

Definitions..... 11

## **Administrative Rules for the Behavioral Health Services Department Rental Assistance Program**

### **About this Document**

This document describes the County of Santa Clara’s (County) Administrative Rules for the Behavioral Health Services Department’s (BHSD) Rental Assistance Program (RAP). The County’s contracted Rental Assistance Program Administrator (RAPA) will prepare and publish detailed procedures for this RAP based upon the administrative rules described herein.

The Administrative Rules for BHSD RAP are intended to mirror those of the countywide Supportive Housing System as well as implement best practices in rental assistance provision and administration.

### **History of Changes to Administrative Rules and Procedures**

- Initially implemented on January 14, 2025. The significant sections published with this initial implementation include:
  - *Payment Standard for Rent* and its subsections
  - *Client Participation in Rent* and its subsections
- Amendment 1 published on March 19, 2025. This amendment added the *Urgency Exceptions – March 2025 through June 2025* section, beginning on page 9 of this March 19, 2025 version.

## **Administrative Rules for the Behavioral Health Services Department Rental Assistance Program**

### **RAP Purpose**

*This section will be added in a future version of this document.*

### **Source of Referrals**

The RAPA will only accept, review, and process referrals for rental assistance from County Contracted Providers (CCP) of intensive outpatient behavioral health treatment services. The RAPA should work directly with the CCPs and the client to initiate rental assistance. BHSD will periodically update the list of eligible CCPs. Each service provider, rather than the RAPA, will be responsible for intensive outpatient behavioral health treatment services, including helping their client find, obtain, and maintain housing.

### **Type of Rental Assistance**

*This section will be added in a future version of this document.*

### **Eligible Households**

*This section will be added in a future version of this document.*

### **Documenting and Tracking Housing Status**

*This section will be added in a future version of this document.*

### **Accessing Supportive Housing System Resources through Coordinated Entry**

*This section will be added in a future version of this document.*

### **BHSD Housing Prioritization**

*This section will be added in a future version of this document.*

### **Utilizing Interim Housing and Other Temporary Housing Options**

*This section will be added in a future version of this document.*

### **Eligible RAP Housing Types**

*This section will be added in a future version of this document.*

### **Determining Eligibility for Licensed Residential Care Facilities**

*This section will be added in a future version of this document.*

### **Determining Eligibility for Amenities Compensation**

*This section will be added in a future version of this document.*

### **Housing Quality Standards Requirements**

*This section will be added in a future version of this document.*

### **Lease Agreements and Occupancy Standards**

*This section will be added in a future version of this document.*

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

**Payment Standard for Rent**

Rents being subsidized under the RAP must follow the rules described below. Changes to rent must follow all applicable laws.

**Clients Receiving Rental Assistance as of January 1, 2025**

Rents for clients in active housing placements as of January 1, 2025, may maintain existing rents if they have an active tenancy agreement. As tenancy agreements are updated, every effort should be made by the CCP to negotiate new rent that is aligned the payment standard. If the client moves to a different housing placement, the new housing placement must follow the payment standards below.

**Clients Living in Independent Housing**

Effective January 1, 2025, the payment standard for clients moving into new independent housing placements, including shared housing with or without amenities, is based on the US Department of Housing and Urban Development’s Small Area Fair Market Rents (FMR) (<https://www.huduser.gov/portal/datasets/fmr/smallarea/index.html>). The total contract rent charged to the client may not exceed the FMR commensurate with the unit size and zip code. BHSD has published an BHSD RAP Rent Calculation Tool to assist CCPs in determining the maximum contract rent for their clients. The RAPA will use this standard in their review and approval of the referral for rental assistance.

If a client is assessed to need support with housekeeping and/or meals and the client is placed in a housing unit where these services are provided, the RAP may pay amenities compensation in addition to the FMR. Amenities compensation may include the following:

<b>Category</b>	<b>Basis</b>	<b>Maximum Monthly Amount</b>
Meals	Number of meals provided daily	1 meal daily = \$450 2 meals daily = \$900 3 meals daily = \$1,350
Laundry	Client’s laundry, including clothing and linens, is done for them	\$120
House Cleaning	Basic and deep cleaning of common areas and client’s bedroom	\$300
Supplies	Linens, toiletries, and other household supplies are provided to the client	\$30

The maximum amenities compensation that may be paid per client per month is \$1,800. Amenities compensation for partial month occupancy should be calculated on a 30-day basis.

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

**Clients Living in Licensed Residential Care Facilities**

If the client is assessed to need a higher level of care and supervision, they may be referred to a licensed residential care facility (RCF). For clients needing this level of care, the CCP must first refer the client for placement in a BHSD-contracted RCF through the standard process. If no placements are available in BHSD-contracted beds, the CCP may seek placement at another licensed RCF that accepts the Supplemental Security Income (SSI) California Optional State Supplement (OSS) B - Nonmedical Out-of-Home Care (NMOHC) rate for room and board.

If a client receives SSI or is eligible for SSI, the CCP should help the client obtain the NMOHC rate, which should be paid directly to the RCF. If the client is not eligible for SSI and does not have another source of income, the RAP may pay room and board up to the NMOHC rate. These payments should be calculated when the RAPA completes the client participation share calculation.

In addition to the room and board charged for the client, the RAP may pay auxiliary funding, also known as a patch, which is a daily rate dependent on the level of care and supervision required by the client. The RAP patch rates may not exceed the patch rates provided for County-contracted RCF placements. The rates as of January 1, 2025 are as follows:

<b>Level</b>	<b>Daily Patch Rate</b>	<b>Services Provided</b>
1	\$72	<ul style="list-style-type: none"> <li>• Provide 24/7 supervision</li> <li>• Verbal prompts/physical assistance with personal care, bathing, hair care, dental care, hand washing, dressing, grooming</li> <li>• Transportation to psychiatric or medical appointments</li> <li>• Monitor resident psychiatric and medical conditions</li> <li>• Document medication compliance</li> <li>• Attend to crisis situations</li> <li>• Link residents to community services/groups</li> <li>• Provide nutritionally healthy meals</li> </ul>
2	\$88	<p>All Level 1 services, plus:</p> <ul style="list-style-type: none"> <li>• Provide assisted devices - frequency modulation systems, Infrared systems, audio induction loop systems, hearing aids, phones, tablet devices, computers, etc.</li> <li>• Assign room most convenient to home amenities</li> <li>• Provide constant supervision on outings</li> <li>• In-home social/family activities and services to educate/involve the resident's family</li> <li>• Provide structured activities to assist residents with their integration back to the community</li> <li>• Make efforts to hire staff reflective of county threshold languages</li> <li>• Provide translation services for residents</li> <li>• Provide culturally appropriate services to monolingual residents</li> </ul>
3	\$104	<p>All Level 1 services, plus:</p> <ul style="list-style-type: none"> <li>• Teach residents how to check and monitor blood sugar</li> </ul>

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

		<ul style="list-style-type: none"> <li>• Administer insulin to treat resident diabetic condition</li> <li>• Help manage medical conditions, such as diabetes, insulin dependent, wound care assistance, fall risk, COPD, and other medical conditions</li> <li>• Aid residents with incontinence issues</li> <li>• One-on-one behavior management to prevent physical, mental, and emotional deterioration</li> <li>• Manage resident impulsivity, anger, and behavioral symptoms</li> <li>• Always have one additional direct care staff on premises beyond CCL requirements to address resident issues</li> <li>• Implement behavioral interventions to address residents with substance use</li> </ul>
4	\$150	<i>This level of patch is only provided for people who are diagnosed with serious mental illness and traumatic brain injury. CCPs should consult with their BHSD contract liaison and/or the RAPA if they have a client who meets those requirements.</i>

The CCP may request an exception to the rates paid to a licensed RCF if a bed in a facility within these rates cannot be identified. Exceptions should be requested through the RAPA. The RAPA should perform a rent reasonableness analysis of the exception request and submit the request and rent reasonableness analysis to the BHSD Housing manager for a determination on the request.

### Client Participation in Rent

Clients will pay a share of their contract rent, as described in this section.

#### Clients Receiving Rental Assistance as of January 1, 2025

Clients in active housing placements as of January 1, 2025, shall pay a share of rent consistent with the policy for the housing type described further in this section.

If clients in active housing placements as of January 1, 2025, are currently paying a share of the rent, their rent share shall be recalculated by the RAPA. The CCP must assist the client in collecting income verification documentation and submit it to the RAPA no later than March 31, 2025. The RAPA will work with the client and CCP to complete income certification and rent share calculations and will send the landlord, client, and CCP written notification of the client’s share and subsidy amounts no later than May 31, 2025. Clients in this circumstance will begin paying the recalculated share of the rent for the month of July 2025.

If clients in active housing placements as of January 1, 2025, are not currently paying a share of rent, the CCP must assist the client in collecting income verification documentation and submit it to the RAPA no later than May 31, 2025. The RAPA will work with the client and CCP to complete income certification

## Administrative Rules for the Behavioral Health Services Department Rental Assistance Program

and rent share calculations and will send the landlord, client, and CCP written notification of the client share and subsidy amounts no later than July 31, 2025. Clients in this circumstance will begin paying a share of the rent for the month of September 2025.

### Clients Living in Independent Housing

The client's portion of the rent toward the total contract rent and fees will be set in accordance with HUD Continuum of Care guidelines (<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-rent-calculation/rent-calculation-process/>), which is most often 30% of their adjusted monthly income.

If the client's gross monthly income is legally garnished by any source, the rent calculation will be made *after* the legal garnishment is subtracted. Supporting documentation of the legal garnishment is required. The County's rental assistance will cover the balance.

The CCP will assist the client in gathering documents required for Certification of Income and Client Share Calculations. Client Share Calculations will be completed by the RAPA and must be done before the client moves into the unit.

### Clients Living in Licensed Residential Care Facilities

Clients living in a licensed RCF who receive SSI shall pay the California Optional State Supplement (OSS) B - Nonmedical Out-of-Home Care (NMOHC) rate for room and board. If a client is eligible for SSI but not currently receiving SSI, the CCP shall help the client apply for this benefit.

If the client is not eligible for SSI and has another source of income, the client's share toward the cost of the licensed RCF shall be calculated in the same manner as for clients living in independent housing.

### Certification of Income

- A. **Initial Determination.** The RAPA will verify and document the income of newly referred clients. The client's portion of the rent will be determined and documented in accordance with HUD Continuum of Care guidelines (<https://www.hudexchange.info/homelessness-assistance/coc-esg-virtual-binders/coc-rent-calculation/rent-calculation-process/>).

If the client's gross monthly income is legally garnished by any source, the 30% calculation will be made *after* the legal garnishment is subtracted. Supporting documentation of the legal garnishment is required.

- B. **Interim (During Occupancy).** The client is required to immediately notify their CCP of all changes in income and unit occupancy. The service provider must then submit proof of such changes to the RAPA where the change in income is more than \$200 per month. The client can also request that changes in income of less than \$200 be sent to the RAPA. Increases or decreases in household income will result in a recertification of the rental assistance payment. The RAPA must notify the



## Administrative Rules for the Behavioral Health Services Department Rental Assistance Program

owner, client, and CCP in writing of any change in the payment responsibilities of the client and RAPA.

- C. **Annual.** The RAPA shall, with the assistance of CCPs, re-examine, at least annually, the income of clients receiving rental assistance based on a review of appropriate documentation. Household income, size, and composition must also be reevaluated. Rent and assistance may be adjusted accordingly, based on the annual recertification.

### Continuity of Rental Assistance

*This section will be added in a future version of this document.*

### Re-housing

*This section will be added in a future version of this document.*

### RAPA or CCP Owned/Operated Properties

*This section will be added in a future version of this document.*

### Urgency Exceptions – March 2025 through June 2025

#### Purpose for Urgency Exception

In order to manage the BHSD Rental Assistance Program (RAP) budget, the Department ceased taking referrals to the program through June 2025. During this time, systemic improvements and process changes will be made to ensure that when referrals resume, the program is sustainable.

During this time, an urgent need for limited exceptions has been identified. The purpose for the Urgency Exception is as follows:

1. Support people who have been accepted BHSD intensive treatment and are awaiting release from jail and need a housing support, which may include a stay in Crisis or SUTS Residential treatment before permanent housing.
2. Identify the appropriate clients to refer to the limited RAP resource available.
3. Pilot the process of:
  - a. BHSD treatment referrals being connected with a housing resource, as needed and when possible.
  - b. BHSD County staff assessing the level of housing support someone being referred for intensive treatment may need.

#### Priority

The program will prioritize the connection of eligible people to available resources on a first come, first served basis, with the relevant date being the date that they were placed on the JAC list or the date that release was requested for AOT, IST, or CARE participants.

## Administrative Rules for the Behavioral Health Services Department Rental Assistance Program

### Eligibility

To be eligible for an Urgency Exception, a person must meet all the following criteria:

1. Recommended for jail release through one of the following:
  - a. JAC list, OR
  - b. AOT participant, OR
  - c. CARE participant, OR
  - d. IST court
2. AND, an assessment by County BHSD triage staff determines that:
  - a. The recommended level of care is intensive treatment,
  - b. AND the client's support need in housing is one of the following:
    - i. care and supervision provided at a licensed residential care facility (RCF) and there is no availability in a County-contracted RCF (including not being accepted by a County-contracted RCF)
    - ii. OR, the support provided at an independent living home that provides amenities
  - c. AND the client cannot be served in any temporary housing options,
  - d. AND the client needs the level of resource provided by RAP immediately upon release from jail or following a stay in Crisis SUTS Residential Treatment that immediately follows release from jail
  - e. AND the client's treatment history does not include repeated instances of rapidly dropping out of services or repeated instances of rapidly leaving housing placements.<sup>1</sup>

People who were reincarcerated, lost their housing placement, are still open to a treatment provider, and are recommended for release as described in item 1 of this subsection may be considered for the Urgency Exception if they meet all of the eligibility criteria.

### Referral Process

An Urgency Exception may be made if the RAP has a vacancy. From March 2025 through June 2025, and for purposes of Urgency Exceptions, vacancies are created when an existing client who is enrolled in RAP and was referred by AOT or an FDR program terminates their housing placement.

The following steps will take place for referrals made under the Urgency Exception:

1. County BHSD staff will assess the client to determine their recommended level of treatment and their needed level of support in housing.
2. County BHSD staff determines if client must be referred for a RAP Urgency Exception because no other option exists for that person's needed level of support in housing.
3. County BHSD Service Delivery will coordinate with County BHSD Housing to determine if there is a RAP vacancy. RAP vacancies will be tracked by Abode Services (Abode), the RAP Administrator, and regularly reported to BHSD Housing.

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<sup>1</sup> This criterion is in place due to the limited availability of this Urgency Exception resource. It is not intended to be a requirement for usual RAP referrals. This will be at the discretion of the BHSD triage staff.

**Administrative Rules for the  
Behavioral Health Services Department Rental Assistance Program**

4. When a vacancy is confirmed, County BHSD Service Delivery will refer the client to intensive treatment and notify the treatment provider that the client has received a RAP Urgency Exception.
5. BHSD Housing will notify Abode when a client has been approved for a RAP Urgency Exception and provide Abode with the client's name and treatment provider.
6. Treatment provider helps the client locate suitable housing in accordance with the RAP Administrative Rules and submits a regular referral packet to Abode, who completes the usual process.

### Definitions

*This section will be added in a future version of this document.*