

Accessible Unit Policy

The purpose of this guidance is to underscore the obligations associated with accessible units and to provide clear processing instructions for owners and management agents relating to the rental and subsequent reporting of occupancy for accessible units.

In receiving favorable consideration in the Agency's application process, owners and management agents agreed to perform outreach to ensure that persons needing the accessible features would have maximum opportunities to be housed in units with the designed features. If a household needing the features is not identified, the unit may be rented to a household not requiring the accessible features but the owners and management agents must agree to relocate the household to a comparable unit when and if a vacancy occurs and a qualified household needing the features of the unit is located.

Many of the units with accessible features are occupied by households needing the features. However PHFA is using this opportunity to ensure maximum utilization of the units designed for persons with mobility impairment. We have also designed a reporting system that allows us to gauge the effective utilization of the accessible units.

This policy governs the initial occupancy efforts and subsequent marketing and monitoring of accessible units in the low income housing tax credit (LIHTC) program.

I. For Properties Currently Under Construction/ Prior to Placement in Service:

As part of Carryover Allocation requirements, the owner or management agent must provide PHFA a list of community agencies that they will partner with to identify persons with disabilities who are searching for accessible units (these must be reflected in the Affirmative Fair Housing Marketing Plan). This will include the designated county [Local Lead Agency \(LLA\)](#), and may also include other organizations such as the local Center for Independent Living. Additional potential partners are identified at: <http://www.phfa.org/mhp/serviceprovider/>

PHFA Technical Services Staff will monitor all LIHTC properties during the construction phase. Upon construction completion, the Architect must show conformance with accessibility standards and indicate where the accessible units are located (*via PHFA Form 5.16 Appendix 15, located in the [Architect's Submission Guide](#), Tab 5*). Technical Services Staff will verify the location of the accessible units at the site. **Any changes in unit features subsequent to construction must be reported to PHFA by the owner and management agents.**

A written waitlist must be maintained at the property and be readily available for PHFA's review. The list must identify applicants who are requesting a mobility accessible unit or a unit for persons with hearing or vision impairment. **Qualified applicants who require the accessible features of a unit must be offered the unit before a household not needing the features.** The waitlist must clearly reflect the date that an applicant submitted his/her application.

A record of all marketing efforts must be maintained by the owner or management agent and made available for PHFA review upon reasonable notice.

Prior to filling an accessible unit with an applicant not requiring the accessible features of the unit, the PHFA *must* be contacted at 717.780.3960 (Danielle Rudy), drudy@phfa.org or 717.780.3874 (Gelene Nason), gnason@phfa.org for help in locating a qualified applicant for the unit.

At a minimum, you must ensure that all applicants/residents who request a mobility accessible unit need the features of the unit. [NEW FORM ADDED - LIHTC Accessible Units Lease Addendum](#). (You may use visual verification for mobility impairment).

Management agents and owners must hold accessible units vacant for at least 30 days (from the day the unit first becomes available) during the original rent-up while outreach is performed.

If after this 30-day period an eligible household requiring the accessible features of the unit is not found, the unit may be rented to an otherwise qualified household. A [Lease Addendum](#) must be executed, stating that if no household members in an accessible unit require the features of the unit, the household must transfer to a comparable and available non-accessible unit (for which the household qualifies) at the owner's expense when the accessible unit is needed for an applicant who requires the unit's features. This transfer process must occur before other applicants are admitted into an available non-accessible vacant unit. *To assist in this process, PHFA will permit owners to use funds in the "Internal Rental Subsidy Fund" to pay for the costs associated with these transfers. Records should be kept for all draws from Rental Subsidy Funds. PHFA will monitor compliance with these Fund disbursements.*

II. For All Properties After Placement in Service:

1. Upon turnover of any unit, the owner/management agent must evaluate whether any accessible unit is occupied by a household member not needing the features. If so and there is someone on the waitlist for an accessible unit, the owner/management agent must transfer the existing household not requiring the features to a comparable unit if they qualify for transfer.
2. If an accessible unit becomes vacant (or notice is given) and no existing residents or applicants on the project's waitlist need the features of the accessible unit, the PHFA *must* be contacted at 717.780.3960 (Danielle Rudy), drudy@phfa.org or 717.780.3874 (Gelene Nason), gnason@phfa.org for help in locating a viable applicant for the unit.
3. If after 30 days (from the date the unit becomes available) an eligible household requiring the accessible features of the unit is not found, the unit may be rented to an otherwise qualified household. A [Lease Addendum](#) must be executed, stating that if no household members in an accessible unit require the features of the unit, the household must transfer to a comparable and available non-accessible unit (for which the household qualifies) at the owner's expense when an accessible unit is needed for an applicant who requires the unit's features. This transfer process must occur before other applicants are admitted into an available non-accessible vacant unit. *To assist in this process, PHFA will permit owners to use funds in the "Internal Rental Subsidy Fund" to pay for the costs associated with these transfers. Records should be kept for all draws from Rental Subsidy Funds. PHFA will monitor compliance with these fund disbursements.*
4. The management agent must register the accessible unit on PAHousingSearch.com, and outreach must be made to the LLAs and other community agencies per the site's affirmative fair housing marketing plan.

III. Reporting:

1. The owner and management agent must report occupancy information of accessible units on the PHFA Compliance Website (<https://multifamily.phfa.org/>). Tax Credit Owners must report annually on the occupancy of accessible units. The owner's Certification of Continuing Program Compliance will provide a listing of the accessible units, and the Tenant Income Certification Forms will provide data regarding the need for the features of the units. Owners are encouraged to update Tenant Income Certifications as the tenants, or tenant's information, changes. Data that is transmitted via an upload from other software may not include information on a tenant's need for the features of the unit. Direct entry of this data must be done into the Agency's Automated Web Entry System.

Please be aware that the owner's annual form entitled "Owners Certificate of Continued Compliance" has been updated to include this information as part of the certification process.

2. Compliance monitoring staff will review reports and monitor for compliance with the Code and Restrictive Covenant Agreement as it relates to accessible units.
3. During the compliance period, owners and management agents will be required to maintain current waitlists for households, including those that need accessible features of units which may become available. When any vacancy occurs, owners and management agents must review the property waitlist. If a household needing an accessible unit is eligible to move in, the owners and management agents must review the units in the project to determine if there is a household living in an accessible unit which is subject to the relocation set forth in the [Lease Addendum](#). If a comparable unit is available for the household and the household qualifies to move, owners and management agents must require the household to relocate, at the owner's expense.
4. As set forth in the provisions of the Lease Addendum, reasonable notice must be provided (30 days) to the household required to relocate and all costs associated with the relocation will be paid by the owner. These costs are eligible expenses from the Rental Subsidy Fund (if any) established at closing for the Project and PHFA encourages that these funds be used for purposes of facilitating this policy.

If there are any questions regarding the foregoing policy, feel free to contact PHFA at 717.780.3874 or gnason@phfa.org.