



NEW YORK STATE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES (OPWDD) HOUSING SUBSIDY PROGRAM

WHAT IS THE OPWDD HOUSING SUBSIDY PROGRAM?

The New York State Office for People With Developmental Disabilities (OPWDD) has a Housing Subsidy Program to help people with developmental disabilities afford living in “community housing” that is not certified by OPWDD.

If you qualify for a Housing Subsidy, you will use some of your income to pay housing costs, and the Housing Subsidy program will pay the rest of the costs. But there are limits on how much money the Housing Subsidy can provide. OPWDD uses detailed calculations to decide how much money each person can receive through the Housing Subsidy Program. If you participate in OPWDD Self-Direction, the Housing Subsidy will come out of your Self-Direction budget.

WHO CAN RECEIVE A HOUSING SUBSIDY?

OPWDD sets the standard for who can receive a Housing Subsidy. In general, people may qualify if they are 18 or older, eligible for OPWDD services, and can live independently with the services in their OPWDD Life Plan. It is important to know that you must apply for all other government benefits programs for which you are eligible **before** you apply for an OPWDD Housing Subsidy. You will not qualify for an OPWDD Housing Subsidy if you receive a housing subsidy from another source, such as a Section 8 voucher from the U.S. Department of Housing and Urban Development (HUD).

To receive a Housing Subsidy, you must have “**legal and financial responsibility**” for your housing. This means that, if you rent your housing, your name must be on the lease, and the lease must be for more than one month at a time. If you own your housing, your name must be on the deed. Your name cannot be added to the deed only for the purpose of accessing the Housing Subsidy.

WHAT TYPE OF HOUSING QUALIFIES FOR A HOUSING SUBSIDY?

To qualify for a Housing Subsidy, the housing must be available for anyone to rent or buy, not just people with disabilities.

You must be able to prove that your housing is a “separate legal dwelling” that the owner is legally allowed to rent out. The document that typically shows that a space can be rented out is called a “Certificate of Occupancy,” but your local government might use a different document. You can contact your local government housing authority to learn more.

The housing must satisfy every requirement on the “[OPWDD Housing Subsidy Quality Assurance Expectations Checklist](#).” This Checklist sets the standard for what kind of features and utilities your housing needs to have in order to qualify for a Housing Subsidy. The Checklist must be completed at all of the following times:

- Before your final approval of a Housing Subsidy;
- At least once a year for each year after you are approved for a Housing Subsidy;
- Any time you move; and
- Any time OPWDD requests it.

If your housing used to meet the requirements of the Checklist, but it does not meet those requirements anymore, your **OPWDD Care Manager should make a plan to fix the identified problems**. These problems might include not having a working toilet or having visible mold. The Housing Subsidy may be terminated or suspended if the problems are not fixed.

WHAT TYPE OF HOUSING DOES NOT QUALIFY FOR A HOUSING SUBSIDY?

A Housing Subsidy will *not* cover the cost of living in housing that is certified by OPWDD or another state agency, such as an Individualized Residential Alternative (IRA) or an Intermediate Care Facility (ICF).

Housing in any “institutional” setting does *not* qualify for a Housing Subsidy. The term “institutional” is a legal term, which is explained in the next section of this fact sheet.

WHAT DOES IT MEAN FOR HOUSING TO BE “INSTITUTIONAL”?

Generally, the term “institutional” means that you are isolated in your housing, rather than integrated within your community.

It can be complicated to determine whether housing is institutional. Housing is likely institutional if a person does *not* control their schedule and is *not* free to choose what they eat, when they eat, when they leave their housing, who their roommates are, and who can visit them in their housing.

If OPWDD finds your housing to be “institutional,” they will not give you a Housing Subsidy.

CAN I RECEIVE A HOUSING SUBSIDY IF I DO NOT LIVE ALONE?

You can live with other people and receive the OPWDD Housing Subsidy. However, to receive a Housing Subsidy, no **more than four unrelated adults** can live together. You should always be aware of local laws about the maximum number of unrelated adults who live together. You can learn more about those laws from your local government housing authority.

Also, the number of roommates you have, and the size of your home, may affect the amount of money that you can receive in a Housing Subsidy. This decision is made on a case-by-case basis and depends on many factors.

HOW CAN I OBTAIN A HOUSING SUBSIDY?

To obtain a Housing Subsidy from OPWDD, you or your OPWDD Care Manager must apply for one.

The [OPWDD Housing Subsidy application](#) has **two parts**. The first part of the application is called the “**preliminary application**.” In the preliminary application, your OPWDD Care Manager (or you, if you do not have a Care Manager) will submit certain documents to OPWDD’s Developmental Disability Regional Office (DDRO). This includes the OPWDD Housing Subsidy and/or Transition Stipend Application, the Subsidy Calculation Template and Instructions, your Life Plan, and any other documentation that the DDRO requests. If you are Self-Directed, you will also need to include a Self-Direction budget.

After reviewing your preliminary application, the DDRO will send a notice of their decision to approve or disapprove your application. If the DDRO approves your preliminary application, **you will have 90 days to find housing** that meets the requirements of the subsidy.

If you need more time, you can ask for an extension from the DDRO, but **you must ask the DDRO before the 90 days expire**. If you do not find housing within that timeframe, you will need to start the application over and re-apply for preliminary approval. Once you find housing that you believe meets the Housing Subsidy requirements, you will need to complete the second part of the application. The DDRO will require additional paperwork before granting final approval. This paperwork includes a lease or deed, a completed Housing Subsidy Participation Agreement, a passing OPWDD Housing Subsidy Quality Expectations Checklist, and updated information from the preliminary application. The DDRO may also require additional documentation, such as additional funding if the unit does not seem to be affordable. You and your OPWDD Care Manager are responsible for notifying OPWDD about changes that could affect your eligibility for a Housing Subsidy.

You can move to another house or apartment without disturbing your Housing Subsidy. But you will need to provide updated documentation, and the new housing needs to meet the requirements of the Housing Subsidy program.

WHAT IF MY HOUSING SUBSIDY IS DENIED, TERMINATED, OR REDUCED?

If OPWDD denies your application, or terminates or reduces your Housing Subsidy, they **must give you written notice**. The notice includes an explanation of the reasons for their proposed action and a statement of your appeal rights.

You have the right to participate in OPWDD’s “Dispute Resolution” process. To start the Dispute Resolution process, you, or your representative (such as a family member), **must send written notice that you want to participate in Dispute Resolution within 15 days of OPWDD’s decision**. You may receive the notice several days after the date of the decision, so it is important that you send the written notice by the due date that is set in the notice. You should follow the directions on the denial, termination, or reduction notice from OPWDD, and send the Dispute Resolution notice to the person listed on that document.

The DDRO Director will then schedule a meeting with you to discuss the issue and potential resolutions. After this meeting, you will receive a letter that summarizes what happened at the meeting. If you are not satisfied with the results of the meeting, you can send a written appeal to the DDRO Director within seven days of the date of the letter. The OPWDD Commissioner will make a final determination and send you the decision in writing.

HOW CAN I FIND OUT MORE ABOUT THE OPWDD HOUSING SUBSIDY PROGRAM?

The Intellectual and Developmental Disabilities Ombudsprogram (IDDO) is available to advocate for the rights of people with developmental disabilities and to help individuals access OPWDD services. You can contact IDDO at 1-800-762-9290 from Monday to Friday between 9 a.m. and 5 p.m.

Further, for more information about the OPWDD Housing Subsidy Program, you can visit [OPWDD’s Housing Subsidy page on their website](#).

DUE TO THE GENERAL NATURE OF THE INFORMATION PRESENTED, THIS FACT SHEET SHOULD NOT BE REGARDED AS LEGAL ADVICE.

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