

# Ohio Department of Mental Health and Addiction Services

## Bureau of Recovery Supports and Housing

### Quality Housing Criteria

October 2018

#### Overview

The Ohio Department of Mental Health and Addiction Services (herein referred to as OhioMHAS), pursuant to [Ohio Revised Code 5119.22](#), has established effectiveness and efficiency criteria for which housing is a part. These criteria apply to any housing setting seeking levy, state or federal funds distributed by OhioMHAS or a local behavioral health entity; including [Permanent Supportive Housing, Recovery Housing, Residential Facility \(Class 2 & 3\) and/or Time-Limited/Temporary Housing](#). These criteria have been developed to articulate a shared understanding of quality, effectiveness, and efficiency. They are intended as minimum criterion, meaning local behavioral health authorities or other municipalities may adopt local standards exceeding those determined by OhioMHAS.

All housing settings, regardless of definition, that apply for and/or receive funds distributed by OhioMHAS or a local behavioral health authority, including levy, state and federal funds are expected to comply with the criteria encompassed in this document as well as to adhere to all applicable federal and state laws. Any entity found to be in violation of these criteria may be ineligible to receive levy, state or federal funds distributed by OhioMHAS.

#### Housing Mission

OhioMHAS has aligned its principles and values to the following tenets of Quality Housing Criteria and envisions that all housing settings should:

- ❖ Be safe and affordable;
- ❖ Ensure access to natural supports and allow visitors of an individual's choice where one is living in accordance with a legally enforceable lease or resident agreement;
- ❖ Be integrated in and have full access to the greater community;
- ❖ Be selected by the individual from a variety of housing options;
- ❖ Ensure individual rights of privacy, dignity and respect, and freedom from coercion and restraint;
- ❖ Include trauma-informed best practices and cultural competence for all staff and residents;
- ❖ Optimize autonomy and independence in making life choices;
- ❖ Provide access to available services and supports within the community in coordination with individual choice; and,
- ❖ Provide for special accommodations or have policies and procedures in place to provide housing for individuals that require special accommodations (such as individuals with

physical or mental disabilities, hearing or speaking disabilities, or those with limited English proficiency).

## **Vision Statement**

OhioMHAS is dedicated to enhancing supportive community living options for people living with or recovering from mental illness and/or substance use disorder. It is the policy of OhioMHAS to strengthen a continuum of community housing options through advocacy, education and collaboration with other state agencies, local boards and provider organizations. OhioMHAS supports four strategies for enhancing housing options:

1. Developing New Housing;
2. Preservation of Existing Housing;
3. Sustainability/Housing Operations; and,
4. Quality Improvement/Access to Housing Services.

## **Housing Environments**

Quality Housing Environments include two essential elements, the physical environment and programmatic environment.

### **I. Physical Environment**

Physical Environment refers to the structure, dwelling, dwelling unit, common areas, and premises. OhioMHAS asserts that the following elements apply to all housing settings.

**Legally Enforceable Lease or Resident Agreement:** State and local tenant-landlord laws apply to all housing settings unless specifically exempted by [Ohio Revised Code Chapter 5321.01](#). A lease, housing or resident agreement shall be obtained for each resident. A lease, housing or resident agreement is a binding legal contract and as such, both landlords and tenants are bound by the terms of the agreement. OhioMHAS recommends all owners/operators seek legal counsel in the review of such documents.

**Code and Licensing Enforcement:** All properties must be maintained in a safe and healthy condition and in compliance with any state or local regulations, including but not limited to:

- Local zoning regulations;
- Applicable Ohio Building Codes and Certificate of Occupancy;
- Local building code authority that reflects the current use of the building;
- Local health and safety standards; and
- Any local municipal codes that may be specific to jurisdiction.

**Ohio Building Codes:** Properties are required to have a current Certificate of Occupancy or equivalent that matches the use of the building. Questions regarding the Ohio Building Code and Certificate of Occupancy should be referred to either the project architect, the local building code enforcement office or the Ohio Department of Commerce.

**Fire and Safety inspections:** Fire inspections must be completed annually and dated by certified inspectors. The property shall be free from fire hazards and have adequate smoke detectors and carbon monoxide detectors, working and updated fire extinguishers in plain sight and/or in clearly marked locations.

**Physical structure:** The structure must not present any threat to the health and safety of the occupants, it must protect the occupants from the environment and at a minimum must either:

- 1) Be licensed as a Residential Facility Class 2 and meet [certification standards \(OAC 5122-30-15\)](#); or
- 2) Meet Housing and Urban Development (HUD) [Housing Quality Standards \(HQS\)](#) as completed by an authorized inspector; or
- 3) Have a completed home inspection showing no structural defects; or
- 4) Have a completed Ohio Recovery Housing (ORH) dwelling inspection checklist.

**Physical space assurances:** Properties are expected to abide by occupancy standards and ensure the physical arrangement allows all individuals to have adequate privacy and safety. Each housing setting must abide by the following space restrictions:

- All Housing Settings shall:
  - Have no interventions in place similar to those used in an institutional setting, including but not limited to, seclusion, physical or chemical restraints, locked doors, controlled schedules;
  - Ensure residents have access to typical home areas: kitchen, dining room, laundry, living room and entertainment areas;
  - Be designed in a manner that allows for adequate space which supports resident choice in controlling their own schedules and activities of daily living (waking, bathing, eating, exercising, laundry, etc.); and,
  - Strive to accommodate individuals' choice of roommate if residents share bedrooms.
- Permanent Supportive Housing (PSH)- From the [Ohio Housing Finance Agency Design and Architectural Standards](#).
  - Residential living spaces shall meet a minimum square footage requirement of 450 SQFT per individual unit.
- Recovery Residences shall:
  - Allow no more than two (2) adults per bedroom. Documented reason for accommodation may be considered by OhioMHAS.
  - Have a maximum occupancy of 16 adults (including staff who live on-site) living in a single-family structure. Documented reason for accommodation may be considered by OhioMHAS.
  - Meet a minimum square footage requirement of 450 SQFT per individual unit when operating apartment structures or similar residential properties. These

structures may exceed the maximum occupancy of 16 adults, at the discretion of OhioMHAS.

- Grant OhioMHAS the right to evaluate all Recovery Residences in excess of 16 adults to ensure they are in compliance with the entirety of these Criteria prior to any funding approval.
  - Meet a minimum square footage requirement in each bedroom of 70 SQFT for the first bed and 50 SQFT for each additional bed.
  - Have at least one sink, one toilet and one shower per six residents.
  - Each resident must have their own personal item storage space and food storage space and must always have access to these areas.
- Residential Facility Class 2- Licensed by OhioMHAS according to [Ohio Administrative Code 5122-30-14](#). Residential Facilities Class 2 shall:
    - Allow no more than two (2) individuals per bedroom.
    - Provide a minimum square footage of 80 SQFT for single occupancy and 60 SQFT for double occupancy shall be allotted per person in each bedroom.
    - Include at least one sink and one toilet per six residents, as well as, one bathtub or shower per eight residents.
    - Provide each resident adequate drawer and closet space and a locked storage space upon resident request.

**Housing Conditions:** The housing and any equipment contained therein must be maintained in sanitary conditions, meaning it must be free from filth, infection and other dangers to health. Residents must have access to sufficient sanitary facilities that are in proper operating condition, may be used in privacy, and are adequate for personal cleanliness and the disposal of human waste. The structure must be kept free of insect and rodent infestation, and a policy must be in place for eliminating infestations immediately once they are discovered.

**Resident Access:** The housing setting shall always be accessible and available to residents. If the housing is locked during any portion of the 24-hour day, each resident shall be provided with a working key or access code, or staff shall be immediately available on the premises to open the door for any resident.

**Disaster Planning:** Programs must develop and follow a written disaster plan, appropriate for location, in case of emergency (for example, building maintenance or weather-related emergencies) and a written plan for temporary shelter for residents if the building cannot be inhabited (for example, a fire, tornado, flood or other disaster that makes a building uninhabitable for residents).

**Building Maintenance:** The housing setting shall provide for interior and exterior repairs to promote an acceptable appearance and to be free from hazards. The Operating Agency and/or Owner must develop and follow a policy and procedure regarding upkeep and maintenance that ensures compliance with applicable laws, regulations and standards.

**Operating Budget:** Programs must demonstrate fiscal responsibility by developing and following a sound fiscal budget. The budget should account for the management and operation of the housing which accounts for monthly expenses as well as replacement and/or maintenance items that may not be on-going expenses. Operating budget should be specific to a structure's address.

## **II. Programmatic Environment**

Programmatic Environment refers to the policies and procedures regarding services and supports that are in place within each setting to enable it to meet residents' needs and function effectively. Elements of Quality Housing Criteria within the programmatic environment may vary depending on the type of housing and individual needs of the residents.

**Policy and procedure manual:** These written documents must be present, available at all times to residents and include at a minimum:

- Mission and goals;
- Description of services provided;
- Description of population served;
- Resident capacity;
- Fiscal policies, including accounting systems which can document all financial transactions including resident financial obligations;
- Protocol for responding to emergencies on a 24-hour basis;
- Resident rights and grievance procedures; and,
- Emergency contact information for staff and residents.

**Non-Discrimination Policy:** Programs must develop and follow a policy regarding non-discrimination in the provision of services based on race, color, age, gender, disability, familial origin, nationality, sexual orientation, religion, gender identity and expression, and any other classification prohibited under local, state or federal laws.

**Prohibition against brokering:** Operators shall not participate directly or indirectly through the use of another person, entity, or technology, referring or recommending a resident or other individual to a provider in exchange, or anticipation of an exchange, for any economic benefit, including but not limited to, a rebate, refund, commission, preference, patronage dividend, discount or other item of value.

**Move-in procedures and resident selection process:** Programs must maintain clear move-in criteria that abide by local, state and federal Fair Housing and non-discrimination policies. Programs must develop and follow a policy and procedure including referral or a recommended list of resources if the individual is not selected.

**Waiting List:** Programs must maintain a process for a resident waiting list that is readily available and complies with local, state and federal Fair Housing and non-discrimination policies.

**Program Rules:** Programs must maintain a process for informing a potential resident of the program rules and expectations prior to the resident moving into the residence or accepting any payments.

**Resident rights:** Programs must maintain a process for educating residents of their rights. Residents must have the ability to file a formal grievance if they feel that their rights have been violated or if they have been treated unfairly. This information must be presented to individuals in a manner in which they can understand. Information must be posted or accessible in common areas.

**Grievance procedure:** Programs must develop a grievance procedure to handle resident complaints. A grievance is a complaint about a violation of resident's rights.

- Residential Facilities and public mental health services licensed by OhioMHAS must comply with the following Ohio Administrative Codes: "[Resident Rights and Grievance Procedure](#)" (OAC 5122-30-22.1) and "[Client Rights and Grievance Procedures](#)" (OAC 5122:2-1-02). All other settings must develop policies and procedures which meet these standards.

**Staffing Policies:** Staffing policies will vary amongst housing types. All staff must be provided with a job description, must meet minimum established qualifications and receive training on roles and responsibilities, housing setting policies and procedures, and other related training as determined by the provider and/or state mandate. All staff training must be documented.

- Background checks must be conducted as required by state and local law on all staff, including volunteers who may have direct and regular interaction with residents. Organizations that perform background checks must have policies and procedures for conducting background checks and how to respond to the results of background checks.
- As employers, all operators are subject to federal and state labor laws.
- Policies and procedures must be in place for all compensated work arrangements. Compensated work arrangement must be completely voluntary on the part of the employed, especially if residents are eligible for employment.

**Visitors:** Individuals should be able to have visitors of their choosing at any time. If any limitations are present, they must be addressed in the lease, housing or resident agreement and must be addressed with individuals prior to move-in.

**Confidentiality documentation:** Programs must establish and follow a policy and procedure on confidentiality of resident information which meets all applicable regulations and is provided to and individually reviewed with residents upon admission.

**Resident records:** Programs must develop and follow a policy and procedure to keep resident's records secure, with access limited to only authorized individuals.

## **Programmatic Environment by Housing Type**

The programmatic environment for different types of housing opportunities is further defined in the following categories and quality standards as set forth by federal, state and local law:

## **Permanent Supportive Housing**

OhioMHAS Definition: Permanent Supportive Housing (PSH) is long-term community-based housing without a designated length of stay in which individuals and families live as independently as possible. PSH is permanent housing with indefinite leasing or rental assistance paired with supportive services. The supportive services may be provided by the organization managing the housing or coordinated with other public or private service agencies. PSH opportunities provide access both to affordable housing and to a flexible and comprehensive array of supportive services designed to help tenants to achieve and sustain housing stability and to move toward recovery. PSH is covered by Ohio tenant-landlord law. PSH is an evidence-based practice for people with mental illnesses and substance use disorders and is typically defined by the following features:

- Tenant households execute lease (or sub-lease) agreements with the same rights and responsibilities as other households renting housing in the community;
- Supportive services are readily available to tenants, are designed to promote housing stability and include access to crisis services 24 hours a day, seven days a week;
- Supportive services are flexible and individualized, adjusted to meet the tenants' evolving needs and preferences;
- On-going participation in supportive services is not required for tenants to retain their housing; and
- Access to the housing opportunity and the services is not time-limited.

At a minimum, properties must meet Housing and Urban Development (HUD) [Housing Quality Standards](#) (HQS) for safety, security and housing/neighborhood conditions.

**Lease agreement:** Lease agreements refer to written agreements between residents and owners. The agreement must be written, in compliance with state and local landlord-tenant, Fair Housing, non-discrimination policies and must be legally enforceable.

**Collaboration:** This document supports the [Ohio Interagency Council on Homelessness and Affordable Housing PSH Policy Framework](#) and its goals.

## **Recovery Residence**

OhioMHAS Definition: A recovery residence is an alcohol- and drug-free living environment with various levels of recovery-based services such as peer support, employment assistance, and community/house meetings. Program rules may be applicable to all residents to provide structure, however, a legal tenant-landlord lease must also apply. Treatment services may be received on site and billed separately by a service provider. Homes are agency or owner operated with various

levels of staffing. Residents often live in a family-like, congregate setting. Recovery Housing is defined by the following features:

Level 1: Peer-led, democratically run homes that include community/house meetings, on-site and off-site support groups and outside clinical services. No on-site paid staff. Generally single-family residences.

Level 2: Homes that include a structured, peer-accountable, and highly supportive setting. Involvement in clinical treatment services is available and encouraged. Primarily single-family residences but can include other types of dwellings. This environment must include at least one staff position.

Level 3: The highly structured setting offers supervised living and qualified staff that are connected to a larger, often clinical organization. Support services include life skill development such as budgeting and employment skills. Community providers may offer services onsite for residents. Peer support and recovery action planning are still the central focus of support.

**Choice:** Recovery residences must be person-centered in nature and practice and facilitate multiple pathways to recovery, including but not limited to 12-Step programs, the social model of recovery, peer recovery supports, medication assisted treatment (MAT), and faith-based recovery programs. Homes must do their best to accommodate all pathways to recovery but in the event a pathway is not provided, an ethical referral should be provided to support that individual's recovery.

**Social model of recovery:** The social model of recovery is an approach that emphasizes relationships between residents, not between an individual resident and a professional care giver. Key elements include peer-to-peer relationships, emphasis on experiential knowledge gained through one's recovery and a positive sober environment that encourages support for abstinence. The National Alliance for Recovery Residences (NARR) Standards can further provide guidance by assessing a program's consistency with the social model of recovery.

**Lease, Housing or resident agreements:** Lease, housing or resident agreements refer to written agreements between residents and owners/operators. The agreement must be written, in compliance with state and local landlord-tenant law, Fair Housing, non-discrimination policies and must be legally enforceable. It is not allowable to offer a waiver of these rights, either in written or verbal form. Agreements must include or reference information about:

- Services provided, including verification that the individual has opportunities to make informed choices about who provides services to them;
- Financial expectations;
- Termination procedures, including circumstances under which an individual may be terminated and/or relocated and steps an individual can follow to request a review of appeal of the termination of residency ([ORC Chapter 1923](#));
- Policies regarding possessions left following departure;
- Consent to release information (if applicable);
- Resident rights, and;
- Grievance procedures.

**Quality Standard:** Adherence to [National Alliance for Recovery Residences \(NARR\) Standards Version 2.0](#) released in October 2015 and the [NARR Code of Ethics](#) released in May 2016, is required to receive state and local funding. Equivalent quality standards as approved by OhioMHAS may be considered. [Ohio Administrative Code 340.034 \(D\)](#) states “The recovery housing shall have protocols for all the following: Administrative oversight; Quality standards; Policies and procedures, including housing rules, for its residents to which the residents must agree to adhere.”

**Length of stay:** Recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery residence's protocols, in collaboration with the recovery housing's owner and operator, and, if appropriate, in consultation and integration with a community addiction services provider.

**Relapse Policy:** Homes must establish a relapse policy which includes procedures when intoxication, withdrawal and overdose occur. All staff and residents must be informed of the policy and trained on the procedures. Discussion and collection of emergency contact information should be included in all protocol.

**Medications:** Programs must establish and follow policies and procedures with regards to residents’ prescription and non-prescription medication usage and storage that is consistent with all applicable state and federal laws. All staff providing assistance with self-administration of medication must receive applicable training (including those related to Naloxone).

**Staffing:** Homes should be adequately staffed to ensure safety. Unless the residence is entirely peer-run, all homes must have a written staffing plan in place, must include policies and procedures for supervision of staff, and must formally include a peer component. Peer-run residences must have information available on-site in case of emergency. While staffing needs should be dictated by the size of the home and support required by the residents, homes should be staffed to ensure safety and an environment of recovery. Staff must be credentialed and licensed or certified according to the position description. The written staffing plan must reflect their availability to residents as supportive to their recovery.

- Recovery residences must foster mutually supportive and recovery-oriented relationships between residents and/or staff through peer-based interactions, house meetings, community gatherings, recreational events and/or other social activities.

## **Residential Facility Class 2**

**OMHAS Definition:** A Class Two Residential Facility is a facility as defined by [Ohio Revised Code Section 5119.34\(B\)\(1\)\(b\)](#) and operated pursuant to [Ohio Administrative Code Chapter 5122-30](#). The facility is to have sufficient numbers of staff scheduled for appropriate periods of time during each 24-hour period. Ownership of residential facilities can be by individuals, firms, partnerships, agencies, governing bodies, associations, corporations, or other entities. Any Residential Facility that meets the definition of a Class Two Residential Facility must be licensed by OhioMHAS as such.

A Class Two Residential Facility may provide accommodations, supervision, and personal care services to any of the following:

1. One or two unrelated persons with mental illness;
2. One or two unrelated adults who are receiving residential state supplement payments; or,
3. Three to sixteen unrelated adults.

Adherence to all requirements set forth by OhioMHAS Licensure and Certification is required. Refer to the [OhioMHAS website](#) for information and applicable resources.