



Ohio Administrative Code

Rule 5123-1-02 Community capital assistance funds - acquisition of housing by county boards of developmental disabilities for youth with intensive behavioral support needs.

Effective: September 16, 2022

(A) Purpose

This rule sets forth a process for the department to make available community capital assistance funds to assist county boards of developmental disabilities to acquire housing for youth with intensive behavioral support needs receiving supported living, including supported living funded by a home and community-based services waiver administered by the department.

(B) Definitions

For the purposes of this rule, the following definitions apply:

(1) "Appraisal" means a written report completed by a certified or licensed appraiser which includes a floor plan sketch of the housing; front, back, and street scene photographs of the housing; three interior photographs of the housing; a street map that shows the location of the housing and the comparable sales; front photographs of the comparable sales; a statement of assumptions and limiting conditions; and the appraiser's certification.

(2) "Community capital assistance funds" means funds appropriated by the general assembly to the department for capital projects.

(3) "Construction" means the act or process of assembling or building a fully-accessible one-story single-family home, one-story duplex, or one-story quadplex from raw materials upon a permanent foundation. Construction includes contracting with a builder to construct a residence or the purchase of a manufactured home from a manufacturer.

(4) "County board" means a county board of developmental disabilities.



- (5) "Department" means the Ohio department of developmental disabilities.
- (6) "Duplex" means a separate or detached residence with two dwelling units designed and arranged for use by two families separated by a horizontal or vertical wall, each of which is heated independently of the other and has its own separate, private means of ingress and egress.
- (7) "Dwelling unit" means a single, self-contained unit providing independent living facilities for one or more individuals and which contains eating, living, sanitary, sleeping, and cooking facilities, all for the exclusive use by the occupants.
- (8) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.
- (9) "Housing" means a single-family home, a duplex, or a quadplex.
- (10) "Housing construction project" means a department-approved construction project that enables a county board to contract for the construction of a fully accessible one-story single-family home, one-story duplex, or one-story quadplex.
- (11) "Quadplex" means a separate or detached residence with four one-bedroom dwelling units designed and arranged for use by four individuals separated by a horizontal or vertical wall, each of which is heated independently of the others and has its own separate, private means of ingress and egress.
- (12) "Single-family home" means a residential building consisting of one dwelling unit designed and arranged for use by one family. The term includes a permanently-sited manufactured home and a condominium under Chapter 5311. of the Revised Code.
- (13) "Supported living" has the same meaning as in section 5126.01 of the Revised Code.
- (14) "Youth" means an individual with a developmental disability who is:
- (a) Under the age of eighteen; and



(b) Has intensive behavioral needs as evidenced by:

(i) Aggressive behavior;

(ii) A significant history of trauma; and

(iii) Involvement with another child-serving agency.

(C) Use of community capital assistance funds

(1) Community capital assistance funds may be used to acquire housing or to fund a housing construction project for youth receiving supported living in accordance with sections 5126.40 to 5126.47 of the Revised Code or youth receiving supported living funded by a home and community-based services waiver administered by the department.

(2) The housing will:

(a) Serve as residences for no more than four youth; and

(b) Be used as residences for individuals with developmental disabilities for at least one hundred eighty months.

(3) A county board may own the housing but will not be the provider of services delivered in the housing.

(4) Community capital assistance funds will not be used to purchase:

(a) Furniture and household items other than those fixed items customarily included in a purchase agreement or a construction contract;

(b) Mobile homes; or



(c) Housing when the purchase price exceeds, by more than ten per cent, the appraised value of the housing.

(5) A county board will repay community capital assistance funds if any provision of this rule is violated. The repayment will be calculated by multiplying the amount of funds provided under this rule by the ratio of one hundred eighty minus the number of months the housing is used for residences for individuals with developmental disabilities (as determined by the department) to the total term of one hundred eighty months, that is:

$$\text{repayment} = \text{funds provided} \times [(180 - \text{number of months used for residences})/180]$$

(D) Application procedure

(1) Prior to purchasing housing or initiating a housing construction project, a county board will submit a letter of intent and an application to the department in a form and manner prescribed by the department. Each application will include:

(a) A specification of whether the housing will be used for respite (i.e., a stay of thirty or fewer days) or long-term residences.

(b) A pro forma for fifteen years demonstrating the source of funds for operating the housing and costs of operating the housing, including maintenance.

(c) The process for selecting a provider to provide services in the home.

(d) Demonstration of support from other child-serving agencies in the county, including the children's services board, the mental health board, and the family and children first council.

(e) A projection over the next three years of the number of youth in the county who might benefit from the housing.

(f) A description of the planned use of the housing including, but not limited to, the age range of the youth for whom the housing would be appropriate and whether the housing is planned for only males



or only females.

(2) The department will notify the county board whether the application is approved or disapproved.

(3) Based on available funding, the department will distribute community capital assistance funds to a county board utilizing a formula developed by the department. The department may participate at a percentage level of the cost of the housing.

(E) County board assurances

(1) Only one single-family home, duplex, or quadplex may be located on a lot or parcel of land. Community capital assistance funds will not be used to purchase housing on adjoining lots or parcels if the department determines doing so would create the appearance of congregating individuals with developmental disabilities.

(2) Housing will be kept in good order and condition by:

(a) Making all necessary or appropriate repairs and replacements;

(b) Complying with all laws, rules, insurance policies, and regulations;

(c) Obtaining and maintaining any governmental licenses and permits required for the use, maintenance, repair, and operation of the housing;

(d) Paying all costs, claims, damages, fees, and charges arising out of the possession, use, operation, or maintenance of the housing; and

(e) Remaining free of all liens, encumbrances, restrictions, and conditions which prevent or interfere with its use as residences for individuals with developmental disabilities.

(3) Before receiving community capital assistance funds, the county board will enter into a contract with the department.



(4) Within sixty calendar days of acquiring the housing, the county board will provide the department with copies of the final closing statement and the recorded deed (with restrictions noted as necessary).

(5) The county board will annually report to the department, the number of youth served in the housing, the average length of stay, and the involvement of other child-serving agencies.

(F) Distribution of community capital assistance funds

(1) For purchased housing, the department will issue a check for all or a portion of the community capital assistance funds awarded to a county board after receiving the documents listed in paragraphs (F)(1)(a) to (F)(1)(f) of this rule and after determining that all requirements of this rule have been met. The department may present the check at the closing.

(a) A completed application;

(b) An appraisal that is not more than six months old;

(c) A signed purchase contract showing the intent to purchase and the purchase price;

(d) A copy of the title insurance policy;

(e) If the housing is a condominium, a copy of the condominium description, deed restrictions, and homeowner association rules and by-laws; and

(f) Any other documents specified by the department.

(2) For a housing construction project, the department will issue a check for all or a portion of the community capital assistance funds awarded to a county board after receiving the documents listed in paragraphs (F)(2)(a) to (F)(2)(e) of this rule and after determining that all requirements of this rule have been met:

(a) A copy of the mortgage;



- (b) A copy of the title insurance policy;
 - (c) A copy of the occupancy permit which has been issued for the housing construction project;
 - (d) An appraisal that is not more than six months old; and
 - (e) Any other documents specified by the department.
- (G) Acquisition of replacement housing
- (1) To sell housing purchased under this rule and obtain replacement housing, the county board will:
 - (a) Comply with sections 5123.37 to 5123.375 of the Revised Code;
 - (b) Provide the department with an appraisal that is not more than six months old, promissory note, mortgage, and recorded deed for the replacement housing; and
 - (c) Comply with all other requirements of this rule.
 - (2) The net sale proceeds will equal the amount of community capital assistance funds owed to the department in accordance with the formula in paragraph (C)(5) of this rule.
- (H) Failure to comply with this rule
- Failure to comply with this rule may result in the repayment of the community capital assistance funds awarded under this rule and/or the denial of future requests for funds.
- (I) Waiving a condition or requirement of this rule

The director of the department may, for good cause, waive a condition or requirement of this rule except as otherwise required by law. The director's decision with regard to waiving a condition or requirement of this rule is not subject to appeal.