

## **CHAPTER 75-03-23.1**

### **TARGET POPULATION MEMBER RENTAL ASSISTANCE PROGRAM**

#### **Section**

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#### **75-03-23.1-01. Definitions.**

1. "Community residence" means a private family home rented or owned by an individual or the individual's family, including an apartment, mobile home, licensed foster home for adults as defined in North Dakota Century Code section 50-11-00.1, or agency foster home for adults as defined in North Dakota Century Code section 50-11-00.1.
2. "Federal rental assistance" means rental subsidies provided through the United States department of housing and urban development housing and homeless assistance programs, as well as the United States department of agriculture's rural rental assistance section 521 program [42 U.S.C. 1490a].
3. "Target population member rental assistance" means a program intended to temporarily support individuals receiving home and community-based services who would otherwise be served in a skilled nursing facility and are on a waiting list to obtain federal rental assistance.

**History:** Effective January 1, 2026.

**General Authority:** NDCC 50-06-05.1, 50-06-16

**Law Implemented:** NDCC 50-06-05.1

#### **75-03-23.1-02. Eligibility criteria for target population member rental assistance program.**

To be eligible for target population member rental assistance, the applicant shall:

1. Be twenty-one years or older;
2. Have twenty-five thousand dollars or less in assets;
3. Be receiving Medicaid, have applied for Medicaid, or be receiving service payments for the elderly and disabled;
4. Currently reside in or be moving to a community residence;
5. Meet skilled nursing facility level of care for a minimum of ninety days;
6. Be eligible for the money follows the person or the community transition and diversion program;
7. Be eligible to apply for a public housing authority housing voucher or have an approved project-based unit application;
8. Complete an application in the form and manner prescribed by the department;
9. Meet federal rental assistance eligibility guidelines;
10. Follow the rules and regulations of the public housing authority;
11. Pay the applicant's portion of the rent on time; and

12. Agree to maintain ongoing communication with the housing facilitator.

**History:** Effective January 1, 2026.

**General Authority:** NDCC 50-06-05.1, 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-03-23.1-03. Services covered under target population rental assistance program.**

1. The department may provide target population member rental assistance to an eligible individual to cover the rental funding gap for an eligible individual until a federal rental subsidy is obtained for the individual.
2. The department shall review the amount of the target population member rental assistance payment at least annually and the department may adjust the amount of the target population member rental assistance payment due to inflation or a monthly rental increase.
3. The department may provide housing facilitation services to eligible individuals with identified housing-related needs. Housing facilitation services provided by the department may include:
  - a. Approved modifications to the eligible individual's current residence to improve accessibility or safety; and
  - b. Assistance with locating a new, affordable, and accessible residence within the community.

**History:** Effective January 1, 2026.

**General Authority:** NDCC 50-06-05.1, 50-06-16

**Law Implemented:** NDCC 50-06-05.1

**75-03-23.1-04. Denial, reduction, and termination - Appeal.**

1. The department shall inform an individual who is determined to be ineligible for the target population member rental assistance program or who becomes ineligible while receiving assistance or services from the target population member rental assistance program in writing of the denial, termination, or reduction, the reasons for the denial, termination, or reduction, the right to appeal, and the appeal process as provided in chapter 75-01-03.
2. An eligible individual must receive ten calendar days' written notice before termination occurs. The ten-day notice is not required if:
  - a. The eligible individual enters a basic care facility or a nursing facility for longer than six months;
  - b. The termination is due to changes in federal or state law;
  - c. The eligible individual requests the termination;
  - d. The eligible individual moves out of North Dakota; or
  - e. The eligible individual is deceased.
3. An applicant denied or an eligible individual terminated may be given an appropriate referral to other public or private service providers and should be assisted in finding other resources.
4. The department shall deny or terminate target population member rental assistance or service if the assistance or service to the eligible individual presents an immediate threat to the health or safety of the eligible individual, the provider of assistance or services, or others or if assistance or services that are available are not adequate to prevent a threat to the health or

safety of the eligible individual, the provider of assistance or services, or others. Examples of health and safety threats include physical abuse of the provider by the eligible individual, eligible individual self-neglect, an unsafe living environment for the eligible individual, or contraindicated practices, like smoking while using oxygen.

5. Errors made by public officials and delays caused by the actions of public officials do not create eligibility and may not form the basis for the award of any benefit to an adversely affected applicant or eligible individual who would not otherwise be eligible to receive that benefit.

**History:** Effective January 1, 2026.

**General Authority:** NDCC 50-06-05.1, 50-06-16

**Law Implemented:** NDCC 50-06-05.1