

Exhibit 2-8 Live-In Aide

HUD Regulation – 24 CFR 5.609(c)

Annual income does not include the following:
(5) Income of a live-in aide, as defined in §5.403

HUD Regulation – 24 CFR 880.601(b)

Management and maintenance. The owner is responsible for all management functions, including determining eligibility of applicants, selection of tenants, reexamination and verification of family income and composition, determination of family rent (total tenant payment, tenant rent and utility reimbursement), collection of rent, termination of tenancy and eviction, and performance of all repair and maintenance functions (including ordinary and extraordinary maintenance), and replacement of capital items. (See part 5 of this title.) All functions must be performed in accordance with applicable equal opportunity requirements.

HUD Regulation – 24 CFR 880.603(b)(1)

If the owner determines that the family is eligible and is otherwise acceptable and units are available, the owner will assign the family a unit of the appropriate size in accordance with HUD standards.

1. Reasonable Accommodation

AHFC Policy

As a reasonable accommodation, an elderly family or person with a disability may request that AHFC assign a larger unit or subsidy standard than what is required by the occupancy standard in Public and Section 8 New Multifamily Housing or the subsidy standard established in the Housing Choice Voucher program to accommodate a live-in aide.

2. Definitions

HUD Regulation – 24 CFR 5.403

Household, for purposes of 24 CFR part 5, subpart I¹, and parts, 960, 966, 882, and 982, means the family and PHA-approved live-in aide.

¹ Subpart I details a PHA's responsibilities for screening for criminal activity or alcohol abuse.

Live-in aide means a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities, and who:

- (1) Is determined to be essential to the care and well-being of the persons;
- (2) Is not obligated for the support of the persons; and
- (3) Would not be living in the unit except to provide the necessary supportive services.

HUD Regulation – 24 CFR 880.201

Family. As defined in part 5 of this title.

AHFC Policy

A live-in aide is a specific person who resides with one or more elderly, near-elderly, or disabled persons and meets all of the following conditions:

1. Is qualified to provide the needed care recommended by a health care professional as essential to the well-being of a family member;
2. Is not obligated for the support of that person – a live-in aide will maintain separate finances from the household member;
3. Would not be living in the unit except to provide the necessary supportive services – a live-in aide cannot be living with the family member receiving assistance prior to becoming the aide;
4. Establishes the unit as his/her primary residence; and
5. Will not be eligible to continue to receive the benefit of assistance if the family member is no longer eligible to receive assistance or vacates the unit.

2.A Family Member as a Live-in Aide

An individual already living in the unit may provide necessary care to a family member. However, this individual cannot be classified as a live-in aide. This individual will continue to be counted as a family member for purposes of determining eligibility, income, and unit size or subsidy level.

If a proposed live-in aide is a relative of a family member, AHFC may ask the proposed live-in aide to provide verification of his/her prior residence. If the individual is approved as a live-in aide, the family will receive additional subsidy to house this individual.

2.B An Aide Provided by an Agency

A live-in aide provided through an agency who will claim the unit as his/her residence must pass AHFC's screening criteria. The family will receive additional subsidy to house this individual.

2.C Occasional, Rotating, or Intermittent Care

Aides provided by a family or through an agency who will rotate or provide occasional or intermittent care are not subject to AHFC's screening criteria as the unit is not the primary residence. Current HUD regulations do not permit additional subsidy for these types of aides.

A family may request a reasonable accommodation for additional subsidy for AHFC to consider on a case-by-case basis. AHFC's Housing Operations Director, or designee, will review these requests.

3. Verification Procedures

A family is required to report all changes to family composition to AHFC. This includes the addition or removal of a live-in aide.

AHFC Policy	
1.	AHFC will screen all individuals who will live in the unit using its screening criteria in Chapter 2.
6.	Persons serving as rotating or intermittent aides will not be screened by AHFC as they will not reside in the unit.
7.	AHFC may conduct an inspection at any time (after proper notification to the family) to verify a live-in aide is residing in a subsidized unit.

AHFC will notify the family if an individual is not approved as a live-in aide. Any documentation supporting the denial will be attached to the written notification. The family is eligible to grieve the denial under AHFC's grievance procedures.

4. Subsidy or Occupancy Standard

HUD Handbook 4350.3 – Occupancy Standards	
Chapter 3, Section E.	
1.	Owners have discretion in developing occupancy policies that meet the needs of the specific property. HUD does not prescribe specific policies owners must implement but provides guidelines owners must follow when developing written occupancy standards.
4.	Owners may consider the size of the unit, the size of the bedrooms, and the number of bedrooms so long as their policy allows for family preferences (within HUD guidelines) to be considered. As owners develop and implement occupancy standards, they must take into consideration the following factors: c. The family's need for a larger unit as a reasonable accommodation; and

- d. Balancing the need to avoid overcrowding with the need to avoid underutilization of the space and unnecessary subsidy.
- 6. Counting family members. In order to determine the size of unit that would be appropriate for a particular family, the owner needs to determine the number of family members.
 - d. The owner must count live-in aides for purposes of determining appropriate unit size.

Public & Indian Housing Notice 2014-25²

3. Programmatic Explanations.

C. Subsidy Standards. A PHA may only approve one additional bedroom for a live-in aide. Although a live-in aide may have PHA-approved family member/s live with him/her in the assisted unit, no additional bedrooms will be provided for the family members of the live-in aide. The PHA must ensure that housing quality standards (HQS) will not be violated and that there will be no more than two people per bedroom or living/sleeping space in the unit in accordance with 24 CFR §982.401(d)(2)(ii). If the approval of additional family members of a live-in aide would result in the violation of HQS, the additional family members of the live-in aide may not be approved.

AHFC Policy

For AHFC-owned units where available, AHFC will increase a family’s unit size by one bedroom in order to house an approved live-in aide. A family may choose to reside in a smaller unit.

5. Regular Examination Process

AHFC Policy

1. If a family member’s disability and continuing need for a live-in aide is apparent and the live-in aide remains the same, the family will not be required to re-verify their need for the live-in aide.
2. If a family member has a live-in aide provided by a State-funded agency, the family will not be required to re-verify the need for a live-in aide.

5.A Family Change of Live-in Aide

If a family wants to change the person serving as the live-in aide, the family must request to add the person to the household. This person is subject to AHFC’s screening criteria.

² Public and Indian Housing Notice 2014-25, “Over Subsidization in the Housing Choice Voucher Program,” issued October 16, 2014.

5.B Change of Rotating or Intermittent Aide

If a state-funded agency is providing rotating or intermittent aides, the family does not need to have the aide screened by AHFC when the aide changes. The agency certifies to the screening criteria.

5.C Families “Between” Live-In Aides

The family must notify AHFC:

1. Whenever a live-in aide will no longer provide services to the family and is vacating the unit.
2. Whenever a live-in aide no longer uses the unit as his/her primary residence. The aide may or may not continue to provide services to the family.
3. Whenever the family no longer requires or is not eligible for the services of a live-in aide.

6. Removal of a Live-In Aide

The family is required to report when a household member vacates a unit within ten (10) business days of the event.

AHFC Policy	
1.	If the family member requiring care vacates the unit, the live-in aide will vacate the unit within 72 hours of the family member.
2.	If the family member previously requiring care no longer requires care, the live-in aide will vacate the unit within 72 hours of notification by the family or AHFC, whichever is earliest.
8.	Changes to the family’s subsidy or occupancy standard will be applied at the family’s next regular examination or at the anniversary date of the examination, whichever is earliest.

7. Expense Deductions

For families eligible for medical expense deductions, if a family is required to pay for the expense of a live-in aide out of their own pocket, the live-in aide expense may qualify as a medical expense deduction. See Chapter 3 for detailed guidance on this subject.

Numbered Memo

18-16 Exhibit 2-8, Live-In Aide