

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 966.4(a)(1)

The lease shall state:

- (v) The composition of the household as approved by the PHA (family members and any PHA-approved live-in aide).

HUD Regulation – 24 CFR 966.4(d)

Tenant's right to use and occupancy.

- (3)(i) With the consent of the PHA, a foster child or a live-in aide may reside in the unit. The PHA may adopt reasonable policies concerning residence by a foster child or a live-in-aide, and defining the circumstances in which PHA consent will be given or denied. Under such policies, the factors considered by the PHA may include:

- (A) Whether the addition of a new occupant may necessitate a transfer of the family to another unit, and whether such units are available.

- (B) The PHA's obligation to make reasonable accommodation for handicapped persons.

1. Reasonable Accommodation

HUD Regulation – 24 CFR 966.7

- (a) For all aspects of the lease and grievance procedures, a handicapped person shall be provided reasonable accommodation to the extent necessary to provide the handicapped person with an opportunity to use and occupy the dwelling unit equal to a non-handicapped person.

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.

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 960.102

(a) Definitions found elsewhere:

(1) General definitions. The following terms are defined in 24 CFR part 5, subpart A: 1937 Act, drug, drug-related criminal activity, elderly person, federally assisted housing, guest, household, HUD, MSA, premises, public housing, public housing agency (PHA), Section 8, violent criminal activity.

HUD Regulation – 24 CFR 966.4(d)(3)

(ii) Live-in aide means a person who resides with an elderly, disabled or handicapped person and who:

- (A) Is determined to be essential to the care and well-being of the person;
- (B) Is not obligated for the support of the person; and
- (C) Would not be living in the unit except to provide the necessary supportive services.

HUD Regulation – 24 CFR 966.53

(f) Tenant shall mean the adult person (or persons) (other than a live-in aide):

- (1) Who resides in the unit, and who executed the lease with the PHA as lessee of the dwelling unit, or, if no such person now resides in the unit,
- (2) Who resides in the unit, and who is the remaining head of household of the tenant family residing in the dwelling unit.

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

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.

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3. Programmatic Explanations.

A. Live-in Aides. Although a health care provider must document the need for a live-in aide (which would result in the issuance of an additional bedroom size voucher) the live-in aide must be identified by the family and approved by the PHA first.

Occasional, intermittent, multiple or rotating care givers typically do not reside in the unit and would not qualify as live-in aides. Therefore, an additional bedroom should not be approved for a live-in aide under these circumstances.

AHFC Policy

1. AHFC will screen all individuals who will live in the unit using its screening criteria in Chapter 2.
2. Persons serving as rotating or intermittent aides will not be screened by AHFC as they will not reside in the unit.
3. 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

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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

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

³ Public and Indian Housing Notice 2014-25, "Over Subsidization in the Housing Choice Voucher Program," issued October 16, 2014.

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

1. 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.
2. For voucher programs, AHFC will increase a family's subsidy standard by one level 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.

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.
3. 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