

Exhibit 5-2 Live-In Aide

Live-in aides help people who are elderly or disabled accomplish activities of daily living, including personal care, which the individual is not able to perform because of his/her disability or age. Some people may require assistance during the night as well as during the day. An individual who has a live-in aide may also have other aides who provide assistance throughout the day.

For purposes of rental assistance, AHFC is concerned with a live-in aide whose primary residence will be in an assisted unit. In some circumstances, AHFC may provide additional assistance for elderly or disabled persons who require assistance around the clock from a state funded agency.

As a reasonable accommodation, a disabled or elderly family may request that AHFC assign a larger unit or voucher size than what is required by the occupancy standard in Public Housing and Section 8 New housing or the subsidy standard established in the Housing Choice Voucher program.

Refer to Chapter 1 for an in-depth discussion of Reasonable Accommodations and Reasonable Accommodation Requests.

5-2.1 DEFINITIONS

5-2.1.A HUD Live-In Aide (24 CFR 5.403)

A live-in aide is defined as a specific person who resides with one or more elderly, near-elderly, or disabled persons or multiple or rotating caregivers provided through state-funded agencies and meets all of the following conditions:

1. Is qualified to provide the needed care recommended by a medical professional as essential to the well-being of the household 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;
4. Establishes the unit as his/her primary residence;
5. Was not living with the elderly or disabled person as a family member receiving assistance prior to becoming the aide; and
6. Will not be eligible to continue to receive the benefit of assistance if the elderly or disabled person is no longer eligible to receive assistance.

5-2.1.B Family Member as a Live-in Aide

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

If a proposed live-in aide is a relative of a family member, staff may ask the proposed live-in aide to provide verification of his/her prior residence.

5-2.1.C State-Funded Agency Live-In Aides

The Move-To-Work Plan approved by HUD on July 31, 2009 expanded the regulatory definition of a "live-in aide" to include multiple or rotating caregivers provided through a state-funded program. There are instances where the source for the live-in aide is an agency licensed and funded by the State of Alaska Senior & Disabilities Services.

5-2.2 VERIFICATION PROCEDURES FOR LIVE-IN AIDES

The applicant or participant must request a deviation from the occupancy or subsidy standards in order to gain an additional bedroom for a live-in aide. Staff must verify the need for such care before approving additional subsidy for the family. AHFC must approve an individual live-in aide for occupancy in the unit.

The criminal and drug-related screening requirements required of a voucher holder shall apply to an individual live-in aide before and during their occupancy of an assisted unit. Staff shall perform a screening check on the individual prior to approval. The live-in aide must pass criminal and drug screening requirements.

1. If it is not apparent to staff that a family needs a live-in aide, send the *Medical Verification for a Live-In Aide*, form PW-VF231, to the appropriate medical professional to establish the need for live-in care.
2. Once the need for the aide has been established, staff must screen the aide for suitability for the unit. To collect the information necessary for screening the aide, the aide must complete the *Live-In Aide Application and Personal Declaration*, form PW-VF230. For all aides not referred by an agency:
 - a. Run a public records check for criminal activity.
 - b. Run a sex offender registration requirement check.
 - c. Check the aide against AHFC records to ensure the aide does not have a previous debt owed to AHFC.

- d. Check the aide against AHFC records to ensure the aide does not have a previous history with AHFC that would fail the screening process, such as evicted from a public housing unit in the last 12 months.

Documentation to Add a Specific Live-In Aide

1. Approved *Request for Reasonable Accommodation*, form RA800. If the family member has an apparent disability, this may not be necessary.
2. *Medical Verification Form for Live-In Aide*, form PW-VF231.
3. *Live-In Aide Application and Personal Declaration* form PW-VF230.
4. Post the live-in aide in the family screen with relationship code "T".

3. Aides provided through the state-funded program are screened for criminal activity including sex offender registration by the agency.

Documentation to Add a State-Funded Agency Live-In Aide

1. Approved *Request for Reasonable Accommodation*, form RA800. If the family member has an apparent disability, this may not be necessary.
2. *Medical Verification for a Live-In Aide*, form PW-VF231.
3. *Agency-Funded Rotating Live-in Aide Verification*, form PW-VF237

AHFC may conduct an interim inspection to verify that the unit is actually used for the reason that an increased subsidy was granted. Staff may schedule such an inspection using the *Inspection Appointment*, form PW320.

5-2.3 DENIAL OF AN INDIVIDUAL LIVE-IN AIDE

AHFC may refuse to approve a particular person as a live-in aide or may withdraw such approval if:

1. The person commits fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. The person commits drug-related criminal activity or violent criminal activity;
3. Is a registered sex offender; or
4. The person currently owes rent or other amounts to AHFC or to another PHA in connection with Section 8 or public housing assistance under the 1937 Act.

Staff must notify the family if a live-in aide is not approved for residency in the unit. Send the *Notice of Ineligibility*, form PW-AP110 and attach any supporting

documentation for the family's review. The family is eligible to grieve the aide's denial under AHFC's grievance procedures.

5-2.4 SUBSIDY LEVELS FOR A LIVE-IN AIDE

Under HUD regulations, the addition of a live-in aide entitles the family to additional subsidy in order to provide the live-in aide with his/her own bedroom. The addition of a live-in aide must not result in overcrowding in the existing unit. Once a live-in aide has been approved for a family, the subsidy/occupancy standard will be increased by one (1) bedroom size to allow the live-in aide to reside with the family.

If a live-in aide has family members that will also reside in the unit, the family is responsible for accommodating the live-in aide's household appropriately. AHFC will not provide additional subsidy to a family to house a live-in aide's family members.

5-2.5 ANNUAL VERIFICATION PROCESS

AHFC is required to examine the family's composition each year to ensure that the subsidy is appropriate for the family size and composition.

5-2.5.A Recertification

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. The family will complete and sign the *Recertification for Live-in Aide* (form PW-VF238). Staff will file this form with the income certification documentation.

5-2.5.B Change of Live-in Aide

If a family wants to change the person serving as the live-in aide, the family must complete the verification process for the new live-in aide. AHFC must screen the live-in aide for suitability before the live-in aide moves into the unit.

The family does not have to wait until the annual examination in order to change the live-in aide. Make changes in the data base and note screen.

5-2.5.C Change of Agency-Funded Aide

If an agency is providing the live-in aide or if an agency provides multiple or rotating aides, the family does not need to re-verify its need for the aide or aides

5-2.5.D 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 the services of a live-in aide.

To change an aide, the new live-in aide must complete the verification process before moving into the family’s unit. If an agency is providing a new aide, no documentation is required.

In the Housing Choice voucher program, AHFC will reduce the family’s subsidy standard and corresponding payment standard if the family fails to find a replacement at the next recertification date. Send the *Possible Subsidy Reduction* (form PW323) to the family.

In Public Housing and Section 8 New, AHFC will adhere to the *Transfer Policy* if the family is considered over-housed.

5-2.6 LIVE-IN AIDE 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. Please see Chapter 3 for detailed guidance on this subject.