

811PRA Live-In Aide Requirements

➤ Definition of Live-in Aide: 24 CFR 5.403:

A person who resides with one or more elderly persons or nearly-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.

➤ Essential Care:

A medical doctor, psychiatrist, or a non-medical agency that provides services to people with disabilities, such as a Center for Independent Living will have to provide written documentation to MSHDA that the 811PRA participant needs the services of a live-in aide. The recommendations should be from a professional that is familiar with the participant and have direct medical or professional experience in the areas related to the participant's disability.

The written documentation needs to define:

- the duration of the services (short-term or long-term care), and
- level of daily care that the person with a disability needs to be able to live in an independent apartment or home setting (i.e. hours of care needed in a 24 hour period), and
- skill level of live-in aide (i.e. any specialized medical certification or training needed by the live-in aide to meet the needs of the participant)

The written documentation needs to be on official letterhead from the medical professional or agency making the recommendation. The documentation need to be date within 60 days from the date that the services of the live-in aide will be required. The documentation should also give full contact information if MSHDA has questions concerning the recommendations.

➤ Determining the Residence of the Live-in Aide:

MSHDA requires that the services of the live-in aid must be at an “arms-length transaction” between the participant and the live-in aide. The live-in aide must not have been a member of the participant's household prior to becoming the live-in aide.

➤ Relatives as Live-In Aides:

A person that was or is a member of the participant's household does not qualify as a live-in aide. If the participant wants to engage the services of a relative, MSHDA requires that the participant certify that:

- The live-in aide is qualified to provide the needed care.
- The live-in aide was not part of the household prior to the participant enrolling in the 811PRA program.
- There is no other reason for the live-in aide to reside in the unit other than to care for the participant (i.e. the individual can demonstrate they have a previous residence they left in good standing).
- The live-in aide and the participant will maintain separate finances.

➤ Definition of Disabled Household: 24 CFR 5.403:

A disabled household is defined as a family whose head, spouse, or sole member is an adult with a disability. It may include two or more adults with disabilities (either related or unrelated) living together, or one or more adults with disabilities living with one or more live-in aides.

➤ Eligibility and Screening of Live-in Aide:

MSHDA will conduct criminal background checks of all live-in aides that a participant(s) wishes to engage in services at the HUD 811 Program assisted rental unit. The following criteria will be used to evaluate the live-in aide before and during the service of the live-in aide at the HUD 811 Program assisted unit.

1. No history of fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program;
2. No drug-related criminal activity or violent criminal activity
3. No debts owed for rent or other amounts to MSHDA or any other Public Housing Authority in connection with Section 8 HCVP or public housing assistance under the 1937 Act
4. Not subject to any lifetime registration requirements under a State Sex Offender Registration program
5. U.S. citizen or have eligible immigration status

➤ Income Exclusions:

The income of all approved live-in aides will be excluded when calculating a household's income and determining the total tenant payment and subsidy amount. In addition, if the household is paying the live-in aide directly and receives funds specifically to cover the cost of these services, then this income will be excluded from the household income as well.

➤ Allowances for Participant's Expenses:

If the household uses their own funds to pay the live-in aide to enable a family member (including the household member with a disability) to be employed, then these funds can be deducted from the medical expense deduction in the rent calculation. This is only if these funds are not reimbursed by other sources such as Medicaid or other insurance coverage.

➤ Bedroom Size:

MSHDA will add an additional bedroom for an approved live-in aide if their services are required by the disabled participant for more than 6 hours per day.

➤ Temporary Aides:

MSHDA will not increase the number of bedrooms if the live-in aide is only needed for a short period of time (90 days or less). MSHDA will allow the live-in aide to reside in the household but will not increase the number of bedrooms during that period. If the services of the live-in aide are needed beyond 90 days, then MSHDA will request that the owner place the household on the property's Wait List for a larger unit. If there are no larger units available at the property the household is currently living at, then MSHDA will place the household on the HUD 811 Wait List for the next available unit that meets their bedroom size and location requirements.