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U.S. Department of Housing and Urban Development
San Francisco Regional Office, Region IX
450 Golden Gate Avenue
San Francisco, California 94102-3448

FEB 07 1991

Mr. Jeffrey M. Sulenski, Attorney At Law
Pahl and Gosselin
111 West St. John Street
Ninth Floor
San Jose, CA 95113

Dear Mr. Sulenski:

SUBJECT: Live-in Aide Policy
Mayfair Golden Manor

Thank you for your letter of December 4, 1990 wherein you explained the live-in aide policy at the above-referenced project.

After giving considerable thought to your explanation, and consulting our legal staff on this matter, we suggest that your live-in aides should not be required to reapply every three months. We believe they should be certified/reviewed annually like all other "household members" listed in Appendix 1 of HUD Handbook 4350.3 (page 1-8). Contrary to your statement on page 3 of your letter stating that a "live-in aide is in essence a temporary guest", we see nothing in Appendix 1 or in paragraph 2-2 c. of the Handbook that assigns a "guest" status to live-in aides. Moreover, that would run counter to the definition of Live-In Aide/Attendant (paragraph 2-2 c.) which says that this person "qualifies for occupancy...as long as the individual needing supportive services does..." (emphasis added). They are "temporary" only to the extent that they may not live in the unit longer than the person for whom the aide provides supportive services, i.e., a live-in aide "does not qualify for continued occupancy in his or her own right as a remaining member of a tenant family" (Federal Register, page 34111, September 9, 1987).

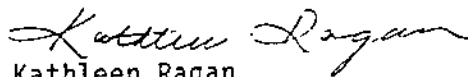
HUD's regulations clearly place an importance on the elderly or handicapped person being able to live independently, with or without attendant care. An applicant or resident who demonstrates a need for an aide should not in any way be deterred in having such assistance. Your present policy, despite its good intention, could possibly serve to discourage someone from applying for such assistance. To repeat the live-in aide application process four times a year seems somewhat excessive or severe. From the enclosures you have submitted, there seems far too much focus on (and paperwork connected with) this one small area of Occupancy. We believe proper screening and/or periodic reviews could prevent the abuses which concern you.

Included with your letter were various forms relating to live-in aides. One such form (rejection letter) states that "If you should request any further explanation of this rejection, please submit such a request in writing to the management office of Mayfair Golden Manor."

We ask you to revise this form (and any similar form in use) so that the reasons for the rejection are given in that correspondence (see paragraph 2-21 of the 4350.3), not deferred or at some later date.

You are correct in stating that our regulations do not provide specific guidance concerning the admittance of live-in aides. With that latitude understood, we can not force the project to desist in making live-in aides reapply every three months. We would hope, however, that you would adjust your policy to conform with our thinking on the subject. With specific guidance lacking, our comments above represent what we believe to be reasonable or sensible treatment of those applying for the assistance of a live-in aide.

Very sincerely yours,



Kathleen Ragan
Chief
Loan Management Branch

cc: Mr. Jeffrey Hoffman, Attorney at Law
Senior Adults Legal Assistance
160 East Virginia Street, Suite 260
San Jose, CA 95112

Ms. Modesta Gatihi, Office Manager
Mayfair Golden Manor
2627 Madden Avenue
San Jose, CA 95116