

# 2712

**From:** Stephanie.Pastula@pha.phila.gov  
**Sent:** Monday, September 15, 2008 7:59 PM *NR'd IRRC*  
**To:** IRRC  
**Subject:** Comments to Pennsylvania Bulletin, Regulation No. 14-514  
**Attachments:** PHA Position Paper to IRRC 9.15.08.doc

The Philadelphia Housing Authority (PHA) appreciates the opportunity to provide comments on Pennsylvania's proposed assisted living regulations to the Independent Regulatory Review Committee. PHA intends this letter, in conjunction with the attached Statement of Position, to constitute its comments on the proposed rulemaking.

PHA is disappointed that the proposed regulations do not incorporate many of its recommendations, which would have guaranteed that assisted living services could be provided to eligible consumers living in public and affordable housing developments, including those financed with low-income housing tax credits (LIHTC).

Under the current proposed regulations, PHA believes that assisted living services may still be successfully combined with public and affordable housing to serve Pennsylvania's low-income consumers, but greater detail and clarification is essential to ensure assisted living is within reach to all eligible consumers.

If the proposed regulations are revised in a number of areas, the combination of assisted living and subsidized, affordable housing would be more straightforward and cost effective. The following provisions are of particular concern to PHA, greater detail can be found in the enclosed Statement of Position:

1. The assisted living regulations must make specific reference to Federal requirements of public and affordable housing admissions and continued occupancy to avoid conflict with those Federal regulations, which govern public and affordable housing developments.

It is PHA's understanding that § 2800.18, which states "[a] residence shall comply with applicable Federal, State and local laws, ordinances and regulations", would permit the effective combination of public housing subsidies, LIHTCs, and other affordable housing subsidies with the provision of assisted living services.

PHA believes this section should clarify that, in the event of a conflict between the State regulations and Federal requirements, Federal requirements of public and affordable housing admissions and continued occupancy would prevail. This would ensure Federal subsidization of the housing development is not jeopardized.

2. PHA strongly endorses a "floating bed" model for assisted living units that receive Federal housing subsidies. The "floating bed" model of licensing would allow services to be provided to only a portion of the beds in a specific facility, allowing the designated units to "float" throughout the facility. The number and exact location of assisted living-dedicated units would be flexible, depending upon the needs of the residents. Under this model, elderly residents of a new or existing public housing or other affordable housing development would be able to use assisted living services when needed, without having to relocate to a different facility or unit. While PHA would prefer that this model be specifically permitted in the regulations, it believes the regulations, as drafted, would permit it.

3. PHA strongly endorses the use of the "cluster" model of assisted living service delivery for units that receive Federal-housing subsidies. The cluster model would enable public housing agencies to create assisted living opportunities for eligible residents in their communities.

The cluster model would allow PHA to select certain units throughout its housing stock, including LIHTC-financed properties, for licensing as assisted living. Licensing units in this manner allows eligible consumers to remain integrated within their community, while still receiving assistance with ADLs and IADLs. This model allows eligible public housing residents to age-in-place in a home and community-based setting without the disruption of moving, as their service needs change. PHA believes this model would provide the same level of service as the traditional model, but more cost-effectively.

To facilitate this model, PHA suggests revising the definition of the term “license” so that it is not limited to a residence in which every unit is licensed for assisted living services.

4. PHA recommends changing the term “home” to “assisted living residence” in §2600.56. This will clarify that an assisted living residence administrator can effectively serve a cluster of assisted living units in the community by spending 20 hours per week on the entire cluster, as opposed to each individual building or unit contained within that cluster.

5. PHA strongly supports greater physical requirements for units included in §2800.101 and §2800.102. The proposed regulations should be revised to explicitly require compliance with accessibility requirements that reflect reasonable, modern standards for overall living space, kitchens, and bath facilities.

Again, PHA very much appreciates the opportunity to work with the IRRC on these regulations and looks forward to working with the Office of Long Term Living to develop model, affordable assisted living residences.

Submitted on behalf of Carl R. Greene, Executive Director

Enclosure(s):

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