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From: Stephanie.Pastula@pha.phila.gov
Sent: Friday, July 24, 2009 5:12 PM
To: PW, asstdliving
Subject: PHA Comments to Draft Assisted Living Regulations, Regulation No. 14-514
Importance: High

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INDEPENDENT REGULATORY
REVIEW COMMISSION

July 24, 2009

Office of Long Term Living
Bureau of Policy and Strategic Planning
P.O. Box 2675
Harrisburg, PA 17105
Attention: Bill White

Sent via RA-asstdliving@state.pa.us

Re: Comments to Draft Assisted Living Regulations, Regulation No. 14-514

The Philadelphia Housing Authority ("PHA") appreciates the opportunity to provide comments on the Department of Public Welfare's ("the Department") proposed Assisted Living regulations.

PHA believes that it should be a goal of the Department for Assisted Living to be offered in conjunction with public and affordable housing, in order to make this long term care alternative available to low-income individuals. As PHA's previously submitted comments have indicated, providing for the effective combination of Assisted Living and affordable housing would significantly increase its availability to low-income persons.

PHA believes that public and affordable housing may be successfully combined with the provision of Assisted Living under the proposed regulations. It is our understanding that § 2800.18 of the regulations, which states, "[a] residence shall comply with applicable Federal, State and local laws, ordinances and regulations," will permit the effective combination of public housing subsidies, low-income housing tax credits, or other affordable housing subsidies with Assisted Living programming.

However, PHA strongly recommends adding an affirmative statement recognizing the Commonwealth's intent in order to clarify any ambiguity regarding the joint operation of Assisted Living and public and affordable housing.

PHA suggests that, at a minimum, DPW insert the following into the Statement of Policy preceding the Assisted Living regulations:

Use in Conjunction with Affordable Housing Programs

It is a goal of the Department to ensure low-income citizens of the Commonwealth have access to Assisted Living. In order to achieve this goal, the Department asserts that Assisted Living residences may be supported by affordable housing subsidies including, but not limited to: public housing operating subsidy, tenant based rental assistance, low-income housing tax credits, and other local, State, or Federal low-income housing subsidy.

Section 2800.18 of the regulations states, "[a] residence shall comply with applicable Federal, State and local laws,

ordinances and regulations", confirming that if an assisted living residence leverages affordable housing subsidy, it shall comply with both the requirements of 55 PA Code Ch 2800 ("this Chapter") and those governing applicable affordable housing programs.

In the event of a conflict between the requirements of this Chapter and Federal requirements applicable to admissions or continued occupancy of public or affordable housing, regulated pursuant to the United States Housing Act of 1937 as amended (codified as amended at 42 U.S.C. 1437 et. Seq.) and the regulations promulgated thereunder, Federal regulation prevails.

Finally, PHA strongly supports the requirements for units included in Sections 2800.101-102. It is the position of PHA that compliance with the American's with Disabilities Act (ADA) should be more explicit than is currently represented in the regulations. These standards reflect reasonable, modern standards for overall space requirements, as well as individual living, kitchen and bath facilities.

PHA looks forward to working with the Department to develop model affordable assisted living residences.