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MCKEAN COUNTY HOUSING AUTHORITY

LIVE-IN AIDE POLICY

It is the policy and intention of the McKean County Housing Authority (“MCHA”) to approve a Live-in Aide as a reasonable accommodation for MCHA clients who are elderly, near-elderly, or have a disability (“Care Recipient”) and need the assistance of a caregiver that lives in the client’s residence to provide essential care or services that are set forth in a third-party licensed professional’s verification (“Live-in Aide”). MCHA will approve Live-in Aides that perform skilled nursing care, as well as those who perform more mundane tasks of everyday living, as long as medical need is verified by the third-party licensed professional.

Live-in Aides must meet HUD’s definition of a “Live-in Aide” set forth in 24 C.F.R. §5.403: a person who resides with one or more elderly persons, near-elderly persons or persons with disabilities and who is: (1) 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. MCHA will not consider a Live-in Aide a “family member,” and the Live-in Aide has no occupancy rights of family members and no remaining family member rights to the unit or program benefits. MCHA will not take into account a Live-in Aide’s income or assets, and will not require the Live-in Aide to pay rent in order to live in the unit.

A Live-in Aide cannot presently be a member of the assisted family or household or a person who, during the past of six (6) months, was a household member. A Live-in Aide must continuously reside in the Care Recipient’s residence and cannot maintain and/or frequent another residence during the time that s(h)e is performing Live-in Aide services. Consistent with HUD guidance, MCHA prefers that Live-in Aides be selected at an “arms-length transaction” where the Care Recipient and the Live-in Aide normally would not be related and would have equal bargaining power. However, MCHA will approve a Live-in Aide



that is a family member of the Care Recipient, provided they meet other qualifying criteria, especially that they are not responsible for the care or support of the Care Recipient, were not a member of the household prior to the request, and that they initially have, and will be able to maintain, separate financial resources for their own support.

Individuals seeking a Live-in Aide must meet each of the following five (5) criteria:

(1) The individual must meet the age requirement of an elderly person (age 62+), near-elderly person (age 55+) – or – the individual is a person with disabilities (child or adult) who meets the following definition:

- Currently has a mental, emotional, developmental, or physical impairment that substantially limits one or more major life activities
- or-
- Has a record of having a disability in the past.
- or-
- Has been regarded as having a disability;

(2) The individual must be certified by a knowledgeable professional as permanently unable to care for his/her own health needs, or other requirements of daily life, on a daily basis;

(3) The individual permanently will require care or assistance in the individual's home;

(4) The individual permanently will require at least 16 continuous hours of care during a 24-hour period; and

(5) The individual's essential care must be provided by one select person during a 24-hour period.

Individuals seeking a Live-in Aide will be required to verify, through a knowledgeable, licensed third-party professional, that they have a disability and that there is a medical need for a Live-in Aide in order for them to fully enjoy MCHA's housing, services and/or programs. Verifications will be required at each regular re-examination. As a condition to approval of a Live-in Aide, MCHA will require the head of household and family member needing the Live-in Aide to



sign a Live-in Aide agreement and lease addendum. MCHA has the right to withdraw approval of Live-in Aides who do not conform to this policy or the Live-in Aide Agreement. MCHA will not approve requests where the family has not named or identified a specific person that already has agreed to perform the Live-in Aide services.

MCHA will perform the due diligence necessary to approve a proposed Live-in Aide, including performing a criminal records and background check, credit check, Department of Labor (DOL) or other employment check, any other screening criteria that MCHA employs to determine the suitability of occupants of MCHA's housing. The proposed Live-in Aide must sign all necessary written consents for MCHA to perform its due diligence.

Consistent with HUD guidance, MCHA will not approve as a Live-in Aide persons who will provide occasional, intermittent, multiple or rotating care. MCHA will not approve a proposed Live-in Aide that will not live in the Care Recipient's residence seven days each week as the Live-in Aide's primary residence. MCHA will not approve a proposed Live-in Aide if s/he has committed any of the following acts:

- (1) Was ever a convicted sex offender with a life-long registration requirement.
- (2) Was ever convicted of the manufacture, possession, or distribution of the drug methamphetamine ("meth").
- (3) Committed fraud" or "bribery," as those crimes are defined by state law.
- (4) Committed any "other corrupt or criminal act" in connection with any federal housing program.
- (5) Committed drug-related criminal activity or violent criminal activity; or
- (6) Currently owes rent or other amounts to MCHA or to another PHA in connection with Section 8 or public housing assistance.
- (7) Has previously been terminated, or evicted, from a MCHA program for a serious violation of the lease or program rules, or who, prior to a formal eviction, voluntarily left a MCHA program in bad standing after receiving notice of such violation.



(8) Does not have sufficient separate, personal financial resources to support her/himself while serving as Live-in Aide.

MCHA's approval of a Live-in Aide will be contingent upon MCHA, the Head of Household, the Care Recipient, and the Live-in Aide signing a Live-in Aide Agreement and lease addendum. Approved Live-in Aides are entitled to have their own bedroom; however, MCHA will entertain a request for the Live-in Aide to have an alternative sleeping area/personal space so that the family can remain in their present unit, provided it does not violate MCHA's occupancy standards. Otherwise, MCHA's 504 Coordinator will approve a maximum of one (1) additional bedroom for a family with an approved Live-in Aide.

MCHA will not approve an increase in the bedroom size of a family's unit before a specific Live-in Aide has been identified, screened, and approved, all parties have signed the Live-in Aide Agreement, and the head of household has signed a lease addendum. Families will not be permitted to bring a Live-in Aide into an existing unit that will cause the family to violate MCHA's occupancy standards. In this circumstance, the family promptly will need to move to an appropriately-sized unit. If the family refuses to move promptly, then their request for a Live-in Aide or continued approval for a Live-in Aide will be denied.

Periodically, MCHA will inspect the unit to ensure that the Live-in Aide is currently present and working for the approved purpose, and that the bedroom allocated for use by the Live-in Aide actually is being used for the approved purpose. MCHA may perform an inspection at each regular inspection of the unit, or may perform an interim inspection of the unit for the above-mentioned purposes. If the Live-in Aide is not performing the approved care, and/or the additional bedroom is not being used by the Live-in Aide as his/her bedroom, then MCHA may take appropriate action, including the withdrawal of MCHA's approval of the Live-in Aide request in general, or of the specific person as the Live-in Aide, in particular. Depending upon the specific facts of the case, the family also may be in violation of program rules for fraud and may be subject to termination and/or eviction.

MCHA may withdraw approval of a Live-in Aide under the following circumstances:

(1) The Live-in Aide commits any of the acts set forth above that would have permitted the disapproval of the Live-in Aide in the first place.

(2) The Live-in Aide ceases to live in the unit seven days each week and/or fails to maintain the unit as his/her primary residence.

(3) The Live-in Aide fails to provide the essential care set forth in the Live-in Aide Agreement, or takes on another commitment (e.g., work, school, caretaking) that MCHA determines makes it improbable that the Live-in Aide can continue to diligently perform the essential care.

(4) The Head of Household, the Care Recipient, or the Live-in Aide (or any member of the Live-in Aide's family approved to occupy the unit) violates a material requirement of the Live-in Aide Agreement.

(5) The Live-in Aide (or any member of the Live-in Aide's family approved to occupy the unit) engages in criminal activity on or off MCHA property.

(6) The Live-in Aide (or any member of the Live-in Aide's family approved to occupy the unit) commits any act on or off MCHA property that threatens the health, safety, or welfare of MCHA residents, staff, or MCHA contractors, or threatens the right to peaceful enjoyment of the property of other residents.

(7) The Care Recipient or Head of Household no longer desire the services of the Live-in Aide and requests that MCHA withdraw approval.

(8) Other circumstances that warrant the withdrawal of approval.

To accommodate emergency needs where an existing Live-in Aide leaves abruptly or the need for a Live-in Aide arises quickly, MCHA may allow a temporary reasonable accommodation that considers a person who is providing emergency care as an Emergency Caretaker Visitor, for a period not to exceed 60 days from the time that the need for a new Live-in Aide arises. The Emergency Caretaker Visitor cannot be 1) a convicted sex offender, 2) a person convicted of the manufacture or distribution of the drug methamphetamine ("meth") 3) a

person convicted of a crime within the past 3 years; or 4) any person barred from any MCHA property. If, after 60 days, the family has not submitted a complete request for a new Live-in Aide, including the designation of a specific person for screening and approval, the Emergency Caretaker Visitor will lose his/her “approved” status as an Emergency Caretaker Visitor and must permanently cease living in the unit.

[MCHA’s general Reasonable Accommodations/Modifications Policy \(Form RA-1\) generally applies to this policy, and is fully incorporated herein by reference.](#)

A Head of Household has the right to dispute MCHA’s actions with regard to their request, the withdrawal of approval for a specific Live-in Aide or Emergency Caretaker Visitor, or other Live-in Aide-related action in accordance with MCHA’s administrative review policy. Live-in Aides, proposed Live-in Aides, and Emergency Caretaker Visitors have no recourse to MCHA’s administrative review process.

