

525-RICR-20-00-3

## TITLE 525 – GOVERNOR'S COMMISSION ON DISABILITIES

### CHAPTER 20 – CIVIL RIGHTS AND CERTIFICATION

#### SUBCHAPTER 00 – N/A

#### PART 3 – Rhode Island Livable Home Modifications

### 3.1 Statutory Authority

R.I. Gen. Laws 42-51-13. Livable home modification program.

### 3.2 Purpose

- A. People with disabilities, who remain active in their community do not utilize health care services as they would in assisted living, nursing homes or other institutions.
- B. One of the keys for the individual with a disability to remain in her/his community is the ability to get into and out of their own home and navigate safely in their home, with or without assistance.
- C. Renovating a home or an apartment by removing barriers allows the family member with significant disabilities to stay safely, independently and out of long-term care facilities. It also can reduce falls and related emergency care facilities, hospital and rehabilitation expenses.
- D. The Rhode Island Livable Home Modification Grants assists homeowner and renters modify residences to nationally recognized accessibility standards.

### 3.3 Incorporation by Reference

- A. These Regulations hereby adopt and incorporate:
  - 1. Uniform Federal Accessibility Standards, 41 C.F.R. Part 101-19.6, App. A., <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas> [access-board.gov] by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these Regulations, and
  - 2. The Fair Housing Accessibility Guidelines (1991) [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/hefhag](https://www.hud.gov/program_offices/fair_housing_equal_opp/disabilities/hefhag) by reference, not including any further editions or amendments thereof and only to the extent that the provisions herein are not inconsistent with these Regulations.

### 3.4 Definitions

A. As used in this Regulation:

1. "Accessibility features" means and includes the following:
  - a. Accessible route to a zero (0) step entrance on firm surface that is no steeper than a 1:12 slope from a driveway or public sidewalk;
  - b. Zero (0) step entrance;
  - c. Doorways that are usable by the individual's mobility device and at least thirty-two inches (32") of clear width;
  - d. Hallways and passages that are usable by the individual's mobility device and at least thirty-six inches (36") of clear width;
  - e. Accessible light switches, electrical outlets and environmental controls;
  - f. Accessible bathroom;
  - g. Accessible and useable kitchen facilities;
  - h. Handrails and grab bars;
  - i. Purchase and permanent installation of a backup electric generator for life sustaining electric-powered medical equipment in their homes for devices such as respirators, oxygen concentrators, and/or dialysis machines;
  - j. Installation of a permanent home monitoring system for residents with any form of dementia; and
  - k. Modifying of an existing unit shall also include permanently installed lifts or elevators. The modification of these features must meet the specifications of an existing standard.
  - l. Appliances or alarms that can be easily reinstalled in another residence would not meet the definition of an accessibility feature.
2. "Building codes" means Rhode Island State Building & Fire Code Regulations, including but not limited to the State Buildings Code; State Fire Safety Code; State Rehabilitation Building and Fire Code for Existing Buildings and Structures; and State Elevator Safety Code (<http://sos.ri.gov/divisions/Open-Government/State/rules-and-regulations/building-and-fire-codes>).

3. "Commission" means the Governor's Commission on Disabilities.
4. "Countable income" means the resident with the disability's taxable income as reported on the prior year's 1040, 1040A or 1040EZ, minus withdrawals from a retirement account or pension fund for medically necessary expenses.
5. "Dependent" means the same as 26 C.F.R. § 1.152-1 – "General definition of a dependent" claimed as a dependent on the resident with a disability's Federal Tax Return (<https://www.irs.gov/forms-pubs/about-publication-929>).
6. "Disability" means the same as defined by R.I. Gen. Laws § [42-87-1](#) ("definitions of disability"), except for R.I. Gen. Laws §§ 42-87-1(1)(ii) through (iv).
7. "Existing standards" means and includes adaptability features prescribed by the Rhode Island State Building Code, the Uniform Federal Accessibility Standards, incorporated above, or Fair Housing Accessibility Guidelines, incorporated above.
8. "Health care facility" means an institution licensed by the Rhode Island Department of Health that provides health care services in a health care setting, including but not limited to hospitals and other licensed inpatient centers, skilled nursing facility, hospice and palliative care, residential treatment centers, and rehabilitation and other therapeutic health settings.
9. "Modify", "modification", or "modifying" means the alteration, construction, installation, and/or renovation of accessibility features and/or sensory modifications to the residence.
10. "Needs assessment" means an evaluation of:
  - a. Balance, coordination, endurance, safety awareness, strength, attention, problem solving, vision, communication, and many other functions while the individual performs daily tasks;
  - b. The home environment to identify barriers to safety, functional mobility and self-care activities;
  - c. How a person interacts with the environment to complete a task or activity; and
  - d. Through this process, modifications and intervention strategies are selected to improve the fit between these elements, with a goal of maximizing safety and independence in the home. The intervention plan may include but is not limited to strategies such as adaptive equipment, lighting, family caregiver training, or remodeling.

11. "Qualified healthcare professional" includes, but is not limited to, a physician, physical therapist, occupational therapist, audiologist, or certified aging-in-place specialist, capable of conducting an assessment of a resident who has a disability.
12. "Resident who has a disability" means an individual who has a physical or mental impairment that substantially limits one (1) or more of the major life activities of such individual.
13. "Sensory modifications" means alarms, appliances and controls designed to assist sensory disabled persons that are structurally integrated into the residential unit. Built-in appliances would meet this definition.
  - a. Accommodations or features that can be removed and reinstalled in another residential unit and so reused at another location are not considered to be sensory modifications for the purposes of this program.
  - b. Appliances or alarms that can be reinstalled in another residence would not meet this definition.

### **3.5 Livable Home Modification Grants**

- A. Any resident who has a disability who modifies or hires someone to modify an existing residence shall be eligible for a livable home modification grant of fifty percent (50%) of the total amount spent upon meeting the qualification criteria for modifying an existing residence, not to exceed four thousand five hundred dollars (~~\$4,000.00~~\$4,500.00), provided that the modification of the existing residence meets:
  1. The qualification criteria as established in § 3.6 of this Part; and
  2. The eligibility requirements established in § 3.8 of this Part.
- B. The grant shall be allowed for the State fiscal year in which the residence has been awarded and the modification has been completed.
- C. The grant requires an application by the resident who has a disability, guardian or power of attorney as provided in § 3.7 of this Part.

### **3.6 Qualifications for Grant**

- A. Modifying an existing unit. In order to qualify for the grant, the modification of an existing residential unit must include at least one (1) accessibility feature as defined in § 3.4 of this Part and meet the requirements of an Existing standard as defined in § 3.4 of this Part, or provide Sensory modifications as defined in § 3.4 of this Part.

- B. Grants shall be allowed under this Regulation for the modification of residential rental property provided that the owner of the rental property has submitted an affidavit declaring that the residential unit's accessibility features shall be maintained accessible for ten (10) years from the date the modification was completed.
- C. Excluded from the grants are entities that are:
1. Eligible for the Federal disabled access credit established under the Internal Revenue Code, 26 U.S.C. § 44 (<https://www.irs.gov/forms-pubs/about-form-8826>) and R.I. Gen. Laws § [44-54-1](#), disabled access credit for small businesses;
  2. Limited liability companies or foreign limited liability companies, as defined in R.I. Gen. Laws § [7-16-2](#);
  3. S Corporations established under Subchapter S of Chapter 1 of the Internal Revenue Code (26 U.S.C. § 1361 *et seq.*) (<https://www.irs.gov/businesses/small-businesses-self-employed/s-corporations>);
  4. Cooperative housing corporations, as defined in R.I. Gen. Laws § [7-6.1-4](#); or
  5. Corporations or foreign corporations, as defined in R.I. Gen. Laws § [7-1.2-106](#).
- D. Accessibility modifications that are eligible to be funded through other local, State or Federal programs are not eligible for grants.
- E. No grant shall be allowed for the purchase or construction of residential rental property.
- F. No grant shall be allowed if the modification is eligible for reimbursement, in whole or in part, by any healthcare insurance policy to which the individual with a disability is a beneficiary.
- G. In no case shall the Commission issue any grant relating to transactions or dealings between affiliated entities.
- H. In no case shall the Commission issue any grant more than once to the same or different persons relating to the same modification project.

### **3.7 Application**

- A. Eligible residents, their guardian, or healthcare power of attorney shall apply for the grant by making application to the Commission, which shall issue a Livable

Home Modification Grant Award Letter for an approved application to the resident who has a disability, guardian or power of attorney.

1. Accessibility modification of the residence or residential structure must not begin until the Livable Home Modification Grant Award Letter has been issued.
  2. Only in the following circumstances may the modification have begun prior to the issuance of the Livable Home Modification Grant Award Letter:
    - a. The applicant would not have been discharged to a private residence from a Health care facility; or
    - b. The applicant would not have been able to attend healthcare appointments following their diagnosis; or
    - c. The applicant would not have been able to return to a private residence following the qualifying diagnosis.
- B. A Needs assessment of the resident who has the disability's need for the livable home modification grant to remain in community settings. The Needs Assessment must be conducted by a Qualified healthcare professional, not employed by the proposed accessibility modification contractor/installer, in either:
1. The Needs Assessment section of the application or
  2. A copy of a Needs Assessment, as defined in § 3.4(A)(10) of this Part, prepared within six (6) months prior of the application date.
- C. A contractor/installer's quote or estimate total cost of the accessibility features and/or sensory modifications to the residence must be attached to the application.
1. The contractor/installer must submit an affidavit declaring that all required building code permits shall be obtained prior to the modification begins.
  2. The cost of any renovations not included in the definitions of the "Accessibility features" or "Sensory modifications" must be listed separately on the quote or cost estimate.
- D. Proof on income of the resident who has the disability, must be attached to the application.
1. The prior year's W-2 Forms; or
  2. The prior year's filed and signed Federal Tax Return and Documentation of the medically necessary expenses that required withdrawals from a retirement account or pension fund.

### 3.8 Financial Eligibility

- A. Eligibility is determined by the income in the prior year of the resident who has the disability, not the household income.
1. If the resident who has the disability was not required to file a Federal tax return in the prior year:
    - a. The resident, legal guardian, or power of attorney must submit an affidavit declaring that the resident was not required to file a Federal tax return in the prior year; then
    - b. The resident would be eligible for a Livable Home Modification Grant, provided the resident meets all the other requirements in:
      - (1) § 3.6 of this Part, Qualifications for Grant; and
      - (2) § 3.7 of this Part, Application.
  2. For residents who have a disability and filed a Federal tax return in the prior year, that resident's countable income must not be greater than income in the table below.

Income Eligibility	
Number of dependents of the resident, as defined in § 3.4(A)(5) of this Part	The resident who has the disabilities' countable income
The resident (no dependents)	\$78,700.00
1 dependent	\$89,950.00
2 dependents	\$101,200.00
3 dependents	\$112,450.00
4 dependents	\$121,450.00
5 dependents	\$130,450.00
6 dependents	\$139,450.00
7 dependents	\$148,450.00

### **3.9 Application Approval**

- A. A Livable Home Modification Grant Award Letter shall:
1. Be sent by US Postal Service to the mailing address on the application;
  2. The modification must not begin until the Commission issues a Livable Home Modification Grant Award Letter.
  3. The Award Letter shall include the maximum reimbursement available for the modification, based on the contractor/installer's quote or estimate total cost of the accessibility features and/or sensory modifications to the residence.
  4. The Commission must be notified of any projected increase in modification costs, in excess of amount included in the Livable Home Modification Grant Award Letter:
    - a. Unless an Amended Livable Home Modification Grant Award Letter increasing the maximum reimbursement is issued, the Commission will not reimburse the beneficiary any costs exceeding the original Award Letter's maximum reimbursement.
  5. The Livable Home Modification Grant Award expires one hundred twenty (120) days after the award letter is mailed, unless the Commission has received:
    - a. The post modification claim for reimbursement described in § 3.11 of this Part.
    - b. Notice that the accessibility modification has begun; or
    - c. A signed copy of construction and/or installation contract for the modification.

### **3.10 Termination of a Grant Award**

- A. The Commission shall send a Livable Home Modification Grant Award Termination Letter by U.S. Postal Service to the mailing address on the application, after the one hundred twentieth (120<sup>th</sup>) day.
1. The award termination letter will inform the recipient that:
    - a. She/he may reapply by submitting a new application to the Commission; and
    - b. Any modification must not begin until the Commission has issued a new Livable Home Modification Grant Award Letter.



### **3.11 Filing a Claim for Reimbursement**

- A. Post modification documentation must include:
  - 1. Before and after photographs of the area modified;
  - 2. A scope of work and work specifications;
  - 3. Copies of purchase contracts, invoices, cancelled checks, construction contracts, etc.;
  - 4. Certification from a Qualified healthcare professional that the modification meets the Existing standards for adaptability features; and
  - 5. Copies of all post modification building permits/certification of occupancy.
- B. Supporting documentation must be attached to the Livable Home Modification Grant Post-Modification Claim form.
- C. In addition, documentation certifying that the modifications were paid for by or on behalf of the applicant must be included to be eligible for the Livable Home Modification Grant reimbursement.
- D. The Livable Home Modification Grant Post-Modification Claim form must be submitted to the Commission, upon completion of the modification, no later than July 10<sup>th</sup> for all projects completed prior to the end of the State's fiscal year, June 30<sup>th</sup>.
  - 1. The Commission does not guarantee reimbursement for grant awards approved in one (1) State fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup> of the following calendar year) will be available after July 1<sup>st</sup> (the start of the next fiscal year).
  - 2. All reimbursements for modifications completed in subsequent fiscal years will be based on that fiscal year's appropriation.

### **3.12 Application Denial and Appealing an Application Denial**

- A. An application will be denied if it does not meet the requirements of:
  - 1. The qualification criteria as established in § 3.6 of this Part; or
  - 2. The application requirements and deadlines established in § 3.7 of this Part; or
  - 3. The financial eligibility limits established in § 3.8 of this Part.
- B. A letter denying an application for a Livable Home Modification Grant must:

1. Be sent by USPS Certified Mail letter with Return Receipt to the mailing address on the application;
2. Indicate the provision(s) of this Part that are the reason for denial; and
3. The letter of denial must include the procedure for appealing the denial.

C. An appeal letter must:

1. Be sent by USPS Certified Mail letter with Return Receipt;
2. Be postmarked within thirty (30) days of receipt of a denial letter; and
3. Indicate the grounds for the appeal.

D. An appeal hearing will be conducted by the Commission's R.I. Gen. Laws § [42-51-6.1](#). Hearing Board.

1. The Hearing Board shall conduct the appeal hearing in accordance with R.I. Gen. Laws § [42-35-9](#). Contested cases – Notice – Hearing – Records, *et. al.*
2. The decision of the Hearing Board shall conform to the requirements of R.I. Gen. Laws § [42-35-12](#). Orders.
3. Decisions of the Hearing Board may be appealed in accordance with R.I. Gen. Laws § [42-35-15](#). Judicial review of contested cases.