

## THE INTERSECTION OF LONG-TERM CARE AND HOUSING

Stetson University  
National Conference on Special Needs  
Planning and Special Needs Trusts

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## Test Your Knowledge

Do you know how to get Medicaid to have this installed?  
How about *Medicaid* paying for *this service*?



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## Test Your Knowledge

You'll never be a know-it-all

- a. There are many programs
- b. Various agencies are running them
- c. They can be private, private, or combined

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## LTCSS The 3-legged

### Care

- a. Some means by which the resident can provide themselves healthcare or day to day attendant care

### Money or some substitute

- a. Some means of purchasing necessities like food, clothing, furnishings, travel, entertainment, etc.

### Shelter (often overlooked)

- a. Shelter must be affordable, accessible, located correctly (e.g. near public transportation, safety services, sources of food, etc.).



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## How to Learn about Housing

### Tips and Advice

Build relationships with the big players to discover the housers

- a. They will be in more than one place

Then build relationships with the housers

- a. They will vary by program

Volunteer with housing organizations

- a. Get to know the operation and the 'tricks'



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## The Community Housing Paradigm

Think about housing differently than you are

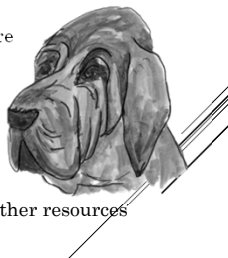
- a. It's not all Section 8

Don't quit when you find a waiting lists

- a. Projects
- b. Special Vouchers
- c. Not invariably linked to HUD housing

Housing managers and builders cobble together resources

Learn how to "sniff out" program



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## The Role of Medicaid

Olmstead v. LC 1999

- a. Foundation of the right to receive services in the community

Social Determinants of Health (SDOH)

- a. State Director Letter 2021
  - Major implications for Medicaid
- b. This program relies heavily on this document

Waiver and State plan (and mixed)

- a. Some waivers draw on state plan money

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## CMS Approved Housing Expenditures 3 Major Categories

Expenses in transitioning from institutional setting

Tenancy sustaining support

Modifications



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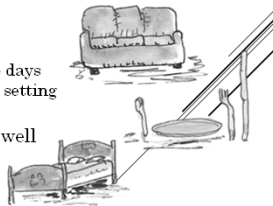
## Money Follows the Person

Provides Medicaid funding for people residing in a facility setting who are transitioning to a community setting

To be eligible, one must:

- a. Be enrolled in Medicaid
- b. Resided in a facility for 60 consecutive days
- c. Actively transitioning to a community setting

There may be state specific criteria as well



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## Using Medicaid Waivers

- 1115 Demonstration waivers
- 1915(b) Managed care waivers
- 1915(c) HCBS waivers
  - a. The one you surely know
- 1915(i) Using state plan dollars for ABD
  - a. See rule of construction
- 1915(j) Self directed personal assistance services (PAS)
- 1915(k) Community First Choice state plan

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## Using Medicaid State Plan

Section 1905 state plan services

Note: These may look and smell different than waiver services

- a. What housing services that might be available
  - Rehabilitation – e.g. regaining skills necessary for community living
  - Targeted case management – e.g. building a plan for integration

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## HUD Housing HOTMA

### Changes in Eligibility Rules

- a. HUD is not requiring HOTMA compliance until July 1, 2025
- b. See HUD Notice H 2023-10 as updated for guidance

Trust distributions from an irrevocable trust that is not controlled by a family member...

- a. Are income to the family if they were income to the trust
- b. Are not income to the family if they came from principle

Hard asset cap at \$100,000

- a. Revocable trusts are always an asset

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## HUD Housing

Some advantages for elders and people with disabilities

Reduction in income of \$525, indexed to inflation

Reductions from countable income

- a. Unreimbursed medical expenses exceeding 10% of income
  - These expenses include costs of caregivers and equipment necessary to maintain employment
  - Costs of related to equipment, property modifications, assistance animals and attendant care that allow a person with a disability perform day-to-day tasks independently

Income of a live-in aid is not included in family income

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## HUD Housing

Specific Housing Types and Vouchers

Section 811 Supportive Housing for People with Disabilities

Section 202 Supportive Housing for the Elderly

Two specialized vouchers for people with disabilities

- a. Section 8 Mainstream
  - Historically underutilized
  - Requires active advocacy
- b. Non-elderly disabled (NED) vouchers
  - Often wrapped into the Mainstream voucher pool

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THANK YOU!

QUESTIONS?

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