

RCPA Comments Regarding Draft Room and Board Bulletin – August 2021

Thank you for the opportunity to submit comments regarding the draft Room and Board Bulletin. We have several comments after discussing the draft with our members.

- “Room and Board may not be collected for individuals who are receiving the Supported Living service”
*This rule is based on the inaccurate service description for Supported Living that assumes that in order to receive minimal supports in an individual’s home they must directly rent the apartment/living space from the landlord. **The service description should be rewritten to allow for the amount and type of support provided be the distinguishing factor instead of who signs a lease.** Often landlords are more willing to lease to individuals with ID/A if the actual lease is signed by a provider. This assures that landlord that the rent and utilities will be paid, and that the provider will be available to assist with problem solving. For individuals who do not have a credit history, and leasing history, it is sometimes difficult to find a willing landlord. This limits options for some individuals and we should not be placing obstacles in the way of more independent living arrangements.*
- “All individuals and the appropriate representatives must receive notification that there will be a change in the room and board amount. Notification must be sent at least 15 days in advance of the change in the room and board amount. A new room and board agreement that reflects the new cost of room and board may not be effective until the first day of the following calendar month after the notification.”

This provision will cause a problem at the beginning of each calendar year. Frequently the announcement from Social Security regarding an increase does not reach providers until mid-January even though the change takes place at the beginning of the year. This means that the rent increase based on the 72% of the maximum SSI rate may not be able to be calculated in advance. It often means a corrected rental payment. And if the rental amount needs to be reduced due to lowered costs, or individuals being away from the home for extended periods of time, you can’t notify the individual in advance.
We recommend that this be changed to state that notification of a change in room and board amount should be provided in a timely manner.
- “In accordance with §6100.685, the provider must deduct the value of benefits, such as energy assistance (known as Low-Income Energy Assistance Program (LIHEAP)), rent rebates, food and nutrition assistance (such as Supplemental Nutrition Assistance Program (SNAP) benefits) or similar benefits, from the actual room and board costs. The provider also may not use the value of these benefits to increase an individual’s share of room and board costs above the cost of room and board. The provider is also responsible for assisting the individual in applying for these benefits or similar benefits”

This requirement causes concern from families and representative payees who are not employees of the agency. Their concern has been that rental rebates are intended to refund the individual for partial expenses, and should be the individual's funds to use as they choose. It is also a great deal of work for the provider to apply for all of these benefits and manage them every month (SNAP benefits that could change each month based on changes in income from jobs, etc.). When family members are acting as representative payee, they sometimes refuse to turn this money in to the provider.

- Items that are included as room and board costs as defined in §6100.684(d). The individual must be offered choice based on the individual's preferences and interest regarding the types of the following items included in room and board:
 - Standard (everyday life products) toiletries, towels, and bedding. Some example of toiletries are items that are used while taking care of one's body such as soap, shampoo, deodorant, and toothbrush and toothpaste. Towels could include standard bath towels and washcloths. Bedding could include standard pillow cases, sheets, and blankets. Please see paragraph below about if the individual wants to buy a specific more expensive item.
 - For example, an individual may choose a certain color/pattern of bedding, a certain fragrance of shampoo, or a brand of soap that may not be the same as his or housemates.

*This requirement goes well beyond what would be expected in any other room and board arrangement. This in essence is allowing each individual to make a choice of what they consider to be standard. And all individuals involved in oversight to have their own opinion of what meets the definition of "standard." **The basic requirements should include a list of what is and isn't included, and a reasonable limit of choices should be permitted. Individuals should be able to choose to purchase their own items if they desire something that is not "the basic".** In the webinar an example was given of individuals wanting various patterned bedding. Most frequently "basic bedding" comes in limited selections. This example could be misleading and interpreted by some to mean that providers must buy whatever the individual prefers even if it is not available in the same price range as others.*

"Toiletries" needs to be clearly defined. Does it include cosmetics such as make up, perfume, cologne, razors, electric razors, powder, lotions, etc.

Cable television needs to be addressed in a similar manner to internet service. We recommend that basic cable service be included in the rent, but any premium channel that an individual specifically wants, should be their expense.

- "In accordance with 55 Pa Code Chapter 6100 regulations, the individual's share of room or board costs may be modified"

These directions are very confusing, and difficult to follow. We recommend that a work group that includes residential providers be organized to provide more detailed feedback in the development of a room and board contract.

Thank you,

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