

**State of Vermont
Division of Disability and Aging Services
TBI Program**

**STATE OF VERMONT
DIVISION OF DISABILITY AND AGING SERVICES
HOUSING SAFETY AND ACCESSIBILITY REVIEW PROCESS**

January 2010

Housing safety and accessibility reviews are conducted by the Division of Disability and Aging Services (DDAS) to assess the safety and accessibility of 24 hour residential support homes. Residential reviews should occur prior to the person moving into the home. In addition, Developmental Services agency community support sites attended by four or more people are required to be reviewed.

Review schedule

A safety review and accessibility review (if applicable) is required by the Division of Disability and Aging Services of 24 hour residential support homes not required to be licensed by the Division of Licensing and Protection, Vermont Department of Labor, Vermont State Housing Authority or Section 8, a local housing authority, and for community support sites of designated developmental services agencies. When possible, prior to the person moving into the home or the agency opening a community support site, the agency requests a safety and accessibility review. The provider and agency agree to maintain all the items on the review checklist. Additional inspections may occur if there are going to be significant alterations to the community support site or home that would impact on the safety of the consumer(s). It is the responsibility of the agency to notify the Division of Disability and Aging Services of any home or developmental disabilities community support site that is in need of a safety and accessibility review, which include “drop in sites”, that are funded by the Division.

Division Report

At the time of the actual review, the agency representative and home provider are given a copy of the Housing/Safety and/or Accessibility Report, which details the deficiencies, if any, and the standard for the correction(s) necessary. The report also specifies that all corrections noted on housing/safety reviews and need to be completed within thirty (30) days from the date of the inspection. The identifying data and date of review are entered into the Division’s database. If the completed report is returned to the Division within the thirty (30) days, then the information is recorded and a hard copy of the corrections is kept on file. The accessibility review findings must be resolved within ninety (90) days of the initial review. See Attachment A for the complete accessibility review process.

Agency Response

Agencies are required to insure and verify the completion of all corrections through a follow-up housing inspection from the Division’s housing/safety specialist. Some agencies have been approved to conduct the re-inspection of the housing/safety review themselves and must forward verification of the completion of the checklist to the Division.

Housing Inspections: If the agency has not verified that the corrections have been made within the above timeframes (30 days), a written notice will be sent to the agency. If after a minimum of fifteen (15) days from the date of the written notice the completed report has not been completed and returned, a second written notice will be sent to the agency, notifying the agency they have an additional fifteen (15) days to complete and return the form. If after a minimum of sixty (60) calendar days from the date of the initial inspection the completed report has not been returned, and the agency has received two (2) notices, the funding paid to the agency for that home may be suspended until such time that the corrections have been completed. If the funding is suspended, the agency will receive a suspension letter.

Accessibility Inspections: If the agency has not verified that the corrections have been made within the above timeframes (90 days), a written notice will be sent to the agency. If after a minimum of fifteen (15) days from the date of the written notice the completed report has not been completed and returned, a second written notice will be sent to the agency, notifying the agency they have an additional fifteen (15) days to complete and return the form. If after a minimum of one-hundred-twenty (120) calendar days from the date of the initial inspection the completed report has not been returned, and the agency has received two (2) notices, the funding paid to the agency for that home may be suspended until such time that the corrections have been completed. If the funding is suspended, the agency will receive a suspension letter.

Appeal Process

An agency may submit to the Division a detailed written request for a variance if they disagree with any of the findings on the checklist. All items on the checklist that have not met the standards and are not being appealed **must be** corrected and the completed checklist submitted to the Division within the prescribed timeframes before an appeal will be considered.

If an agency disagrees with a decision made by the Division's Housing/Safety supervisor in regard to the appeal, then the agency may submit a written appeal with supporting documentation to the Director of the Division. The decision of the Director of the Division shall be final.

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ACCESSIBILITY REVIEW PROCEDURES

Guiding Principles

All individuals have a right to utilize all appropriate spaces in order to maximize their independence in the home they own, rent, or share with another individual/family. Accessibility standards are designed to maximize *all* individuals' independence and level of safety and are designed to provide workable and safe environments for caregivers as well.

In some programs there may be funding available to assist with accessibility renovations. Generally, accessibility renovations utilize the Americans with Disabilities Act (ADA) standards. With that in mind, accessibility will be reviewed taking the person's individual needs into consideration. Homes will not have to meet all ADA Standards, but must accommodate individual needs.

The following procedures apply to:

- **Individuals who receive Community Supports funding through the Traumatic Brain Injury Program**
- **Individuals who receive 24 hour residential funding**
- **Developmental service agency community support sites**

Procedures

1. Whenever a person who uses a wheelchair, walker, or has other mobility impairments receives 24 hour home supports funded by DDAS, an accessibility review must be completed. It is the responsibility of the services coordinator to notify the Housing Safety and Accessibility Consultant that the individual may require physical environmental modifications and to also notify other relevant individuals (e.g., individual with a disability, developmental home/shared living provider, etc.) that an accessibility review will be completed. The complete accessibility review is typically done at the same time as the housing safety review and the combined visits require approximately one and one-half (1½) hours.
2. The individual receiving services is required to be present during the review unless a previous assessment of the individual's accessibility needs has been completed by an occupational or physical therapist. All areas of accessibility are evaluated, including doorway widths, bathroom(s), and entrance and egress from the home.

3. The services coordinator is responsible for providing an accessibility rehabilitation plan within thirty (30) days of the date of review. This plan should respond to all areas of the accessibility review. All accessibility renovations are completed within ninety (90) days of the initial review, unless a waiver of specific renovations is requested.
4. A written request for a waiver of specific renovations may be submitted with a specific rationale for the request (e.g., “the basement doorway does not need to be widened because the basement is only used for storage...”).
5. Requests to modify or waive accessibility requirements will be reviewed by the housing safety supervisor. After consultation with the housing safety consultant, a written decision will be forwarded to the requesting service coordinator within twenty (20) days of the request.
6. Disputes concerning accessibility requirements or needs that are not resolved at the above level may be appealed to the Deputy Commissioner of the Department of Disability, Aging and Independent Living (or a designee) in writing for resolution. The appeal needs to be submitted within thirty (30) days of receiving written notification of the decision in No. 5, above. The Deputy Commissioner’s decision will be forwarded to the service coordinator within fifteen (15) days of receipt of the appeal and is final.