

VERMONT

**Housing  
Safety and Accessibility Inspection  
Process**

Protocol

November 1, 2018



Department of Disabilities, Aging and Independent Living  
**Developmental Disabilities Services Division**  
**Adult Services Division**  
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## **Housing Safety and Accessibility Inspection Process**

### **I. Introduction**

A housing safety and accessibility inspection is conducted in all shared living homes funded by the Department of Disabilities, Aging and Independent Living (DAIL). DAIL provides oversight of this inspection process. The on-site inspections are conducted by a Housing Safety and Accessibility Consultant (Consultant) who contracts with DAIL, unless the home is required to be licensed or inspected by the Division of Fire Safety, the Division of Licensing and Protection, the Vermont Department of Labor and Industry, the Vermont State Housing Authority, Section 8 Housing or a local housing authority, in which case the authorized agency conducts or arranges for the inspection.

The inspection must be completed, and all identified deficiencies corrected, if any, prior to an individual moving into a shared living home.

In the event of crisis, emergency placements, prior to the completion of the safety and accessibility inspections, may be approved. Such a placement is rare, however, and should be an option of last resort. The requirements and the process for requesting approval for an emergency placement is explained later in this document under **Crisis Situations**.

### **II. Home Providers**

A home provider, or shared living provider, may be any individual who is 21 years or older, (except the individual may not be the parent, legal guardian, representative payee or spouse of the individual receiving DAIL-funded services), who successfully passes background checks required by DAIL. Additional information about requirements for home providers in Vermont can be found in the Vermont program-specific provider manual.

### **III. Safety Inspections**

The Designated Agency, Specialized Service Agency, Traumatic Brain Injury Provider Agency, or Adult Family Care Authorized Agency (Provider Agency) arranges for the housing safety and accessibility inspections.

Prior to scheduling the housing safety inspection, a Provider Agency staff member, with knowledge of safety issues, will perform a preliminary safety inspection of the home, using a copy of the inspection checklist. The staff member will review each area of the inspection with the prospective home provider to get a general sense of the safety of the

home and identify any areas that may need significant correction. A preliminary inspection is intended to increase the likelihood of a successful and timely safety inspection and give the prospective home provider an understanding of the safety issues that must be addressed if they are to become a home provider.

It is the responsibility of the Provider Agency to notify the Consultant about any DAIL-funded home that needs an inspection. All inspections must be scheduled with the Consultant by the Provider Agency. When an inspection is needed, the Provider Agency will instruct the service coordinator for the individual receiving DAIL-funded services to complete the first section of the electronic Safety and Accessibility Checklist form, and, after doing so, e-mail the form to the Consultant. Sending the Safety and Accessibility Checklist form to the Consultant will serve as notification that an inspection is needed. Within five (5) business days of receiving a request for an inspection, the Consultant will contact the Provider Agency to schedule the on-site inspection.

The Contractor will complete the onsite housing safety and accessibility inspection within ten (10) business days of receiving the Safety and Accessibility Checklist form from the service coordinator, unless the Contractor and the local service Provider Agency requesting the inspection agree to other arrangements in writing. Contractor will provide a copy of any such written agreement to the State when submitting its invoice for the inspection.

**The individual's service coordinator and the home provider must be present during the inspection.**

The individual's service coordinator from the Provider Agency will monitor the home for safety and accessibility issues that may arise after an inspection and will work with the shared living provider to resolve any identified issue(s). The service coordinator may contact the Consultant for advice and assistance as needed to resolve these issues.

Effective July 1, 2017, routine safety inspections shall be conducted every five (5) years in homes originally inspected on or after July 1, 2011. Additional inspections will be conducted when there have been significant alterations to the home since the previous inspection that may impact the safety of the individual living in the home. Home inspections may also be required if the DAIL Quality Management reviewer or service coordinator from the Provider Agency feels there are safety concerns in the home following a DAIL Quality Services Review and/or home visit.

If deficiencies are identified during any of the re-inspections described above, the Provider Agency and home provider will follow the process outlined below in the "Deficiencies" section of this document. The 30-day timeline to correct the deficiencies will be strictly monitored and enforced when the individual receiving DAIL-funded services is already living in the home. If the deficiency is determined to be an immediate safety issue for the individual the Provider Agency will be required to move

the individual into temporary respite or an alternative residence until the deficiency is corrected.

### ***Inspection Report***

The Consultant will conduct the inspection using the electronic inspection checklist form. The Consultant will complete the form and, within one (1) business day of the inspection, send a signed copy of the report to the individual's service coordinator or housing inspection contact at the Provider Agency and to DAIL. Within one (1) business day of receiving the report, the service coordinator or housing inspection contact at the Provider Agency will send a copy of the signed report to the home provider and will confirm that the home provider has received it.

### ***Deficiencies***

The Consultant's inspection report will detail any deficiencies and will specify the correction(s) necessary for the home provider to come into compliance with the applicable standards. All deficiencies noted on the housing safety inspection report must be corrected and completed within thirty (30) days of the date of the inspection, unless a variance waiving the specific standards has been requested and granted.

The home provider is responsible for correcting identified deficiencies and notifying the Provider Agency when the identified deficiencies have been corrected. The Provider Agency is responsible for monitoring the homeowner's progress and for confirming that the deficiencies are corrected by the established deadline. When the Provider Agency receives notification from the home provider that the deficiencies have been corrected, the Provider Agency will contact the Consultant to schedule a follow-up inspection. If, after the follow-up inspection, the Consultant agrees that the deficiencies have been adequately addressed, such that all applicable standards are met or a variance applicable to the deficiency has been granted, the Consultant and the housing inspection contact from the Provider Agency will sign the inspection report indicating the corrections have been made and will send an updated copy of the report to DAIL. At that point, the individual receiving DAIL-funded services may move into the home and the payment to the home provider may begin.

If DAIL has not received an updated copy of the inspection report verifying that all deficiencies have been corrected within 30 days of the date of the initial inspection, and a variance concerning the deficiency has not been granted, DAIL will send written notice to the Provider Agency that DAIL will be monitoring the status of the deficiencies and begin the process of suspending the funding for that home. Funding will be suspended 30 days from the date of the notice from DAIL, unless DAIL receives an updated copy of the inspection report verifying that all deficiencies have been corrected and the inspection process has been completed, or a variance applicable to the deficiency has been granted, **before** the effective date of the suspension of funding. If the Provider Agency has requested and been granted a variance from the appropriate DAIL Quality

Management staff for the specific standard applicable to the deficiency, funding for that home will not be at risk of suspension solely on the basis of that deficiency.

#### **IV. Accessibility Inspections**

Accessibility standards are designed to maximize an individual's independence and level of safety and are designed to provide workable and safe environments for caregivers as well. State and federal funds used for accessibility renovations are best utilized when the renovations meet the Americans with Disabilities Act (ADA) standards. **Accessibility renovations to DAIL-funded homes are required to meet the ADA standards.**

To maximize the individual's independence, all individuals receiving DAIL-funded services should be able to utilize all appropriate spaces in the home they share with a shared living or home provider. When an individual, who uses a wheelchair, a walker, or has other mobility or accessibility needs (e.g. low vision, hearing loss that affect the individual's ability to freely navigate the home environment), receives home supports funded by the state and/or federal government, **an accessibility inspection of the residence is required.** This requirement applies primarily to individuals who live in private shared living situations.

It is the responsibility of the Provider Agency to notify the Consultant when the individual requires physical environmental modifications and request that an accessibility inspection be done. The Provider Agency shall also notify the individual receiving DAIL-funded services and the shared living provider of the date and time for the accessibility inspection. The accessibility inspection is usually done in conjunction with the safety inspection, and the combined visit takes approximately 1½ hours. **As is required for safety inspections, the accessibility inspection and identified deficiencies, if any, must be corrected before the individual moves into the home.**

If the accessibility inspection is not performed in conjunction with the safety inspection, or if an individual receiving DAIL-funded services experiences a significant change in health or function requiring physical environmental modifications, the Provider Agency **must** schedule an accessibility inspection with the Consultant **immediately** upon becoming aware of the need for an inspection. The timeline for an accessibility inspection and the correction of deficiencies, if any, is the same as for an initial safety inspection as outlined above.

During an accessibility inspection, all areas of accessibility in the residence are evaluated, including, but not limited to, doorway widths, bathroom(s), and entrance to and egress from the home. When conducting the inspection, the Consultant will consider the needs of the individual receiving DAIL-funded services. The individual receiving DAIL-funded services **must** be present during the accessibility inspection unless a physical therapist (PT) has completed a home evaluation within thirty (30) days prior to the anticipated move-in date.

The Consultant must provide a completed and signed copy of the Accessibility Inspection report to the Provider Agency and DAIL within one (1) business day of the inspection. The report must identify all deficiencies and suggested renovations/modifications to correct them.

Upon receiving the Accessibility Inspection report, the Provider Agency will direct a licensed PT to perform a functional assessment of the individual and the individual's ability to maneuver and access all areas within the home, specifically in terms of the identified areas with deficiencies. The PT will submit to the Provider Agency a signed report regarding the individual's functional assessment and accessibility in the home, along with a plan to address areas of deficiencies, if any. The Provider Agency will send this report and plan to the appropriate DAIL Quality Management staff within thirty (30) days of the date of the accessibility inspection. The DAIL Quality Management staff will compare each deficiency identified by the Consultant, with the details in the PT's report, to determine if the deficiencies have been adequately addressed.

If the deficiencies have been adequately addressed, DAIL staff will instruct the Provider Agency to have the PT submit a letter to DAIL, certifying that the deficiencies identified during the inspection have been corrected and that the inspection is finalized.

If all of the deficiencies have not been adequately addressed, the Provider Agency must submit a plan to DAIL to address the remaining deficiencies and monitor progress in the same manner as described in Section III above. If corrections to address the remaining identified accessibility deficiencies are completed, the Provider Agency shall send an updated version of the Accessibility Inspection report to the Consultant, identifying which deficiencies had been addressed by the PT and which ones had been corrected by the home provider. The provider agency shall schedule a follow-up inspection with the Consultant to verify the work has been completed for the remaining deficiencies. If the Consultant finds that the remaining deficiencies have been adequately addressed, the Consultant will sign the appropriate section of the inspection report and will send a copy marked as "complete" for those items to the Provider Agency and DAIL.

All accessibility renovations and corrections of deficiencies must be completed within thirty (30) days of the date of the initial accessibility inspection, unless a variance requesting a waiver of specific accessibility standards is sent to the appropriate Quality Management staff at DAIL and a variance is granted.

## **V. Variance Process**

Variances for the applicable housing safety and accessibility standards will be considered for specific situations and circumstances but will rarely be granted.

### **Process for Housing Safety Inspection Variances**

If the Provider Agency disagrees with any of the findings on the Housing Safety Inspection report or believes items on the checklist should be waived via a variance, the

Provider Agency may submit a written statement regarding the findings and/or submit a written request for a variance to the DAIL Quality Management staff.

A request for a variance **must** include:

- The specific standard(s) which is (are) the subject of the variance request;
- A detailed rationale for the request;
- A statement from the individual receiving DAIL-funded services or their guardian (if applicable) acknowledging and supporting the request for a variance; and
- Documentation that supports the rationale for the variance request and confirms that:
  - the proposed solution will otherwise meet the goal of the relevant accessibility standard; and
  - the proposed solution will not result in less protection of the health, safety and welfare of the individual receiving DAIL-funded services.

A written decision regarding the requested variance will be made by the appropriate DAIL Quality Management Team Reviewer and forwarded to the requesting Provider Agency service coordinator within twenty (20) days of DAIL's receipt of the variance request.

### **Process for Housing Accessibility Inspection Variances**

If the Provider Agency disagrees with any of the findings on the Housing Accessibility Inspection report or believes items on the checklist should be waived via a variance, the Provider Agency may submit a written statement regarding the findings and/or submit a written request for a variance to the DAIL Quality Management Team Reviewer. In support of a request for a variance, the Provider Agency may work with a licensed PT to perform a functional assessment of the individual and develop a written plan that demonstrates that compliance with a specific standard is not necessary and/or appropriate as to the specific individual. The assessment and plan will be sent to the appropriate DAIL Quality Management Team Reviewer in support of the variance request, along with a copy of the original inspection report form.

A request for a variance **must** include:

- The specific standard(s) which is (are) the subject of the variance request;
- A detailed rationale for the request (e.g., “the basement doorway does not need to be widened because the basement is only used for storage and the individual moving into the home will not need to access the basement...”);
- A statement from the individual receiving DAIL-funded services or their guardian (if applicable) acknowledging and supporting the request for a variance; and
- Documentation that supports the rationale for the variance request and confirms that:
  - the proposed solution will otherwise meet the goal of the relevant accessibility standard; and



- the proposed solution will not result in less protection of the health, safety and welfare of the individual receiving DAIL –funded services.

The DAIL Quality Management staff will review the plan to confirm it adequately addresses the deficiencies. If it does, the DAIL Quality Management staff will instruct the Provider Agency to have the PT sign the appropriate section of the inspection report form, certifying that the inspection is complete and finalized. The Provider Agency shall send copies of the final signed report to the Consultant and to DAIL.

### **Crisis Situations:**

Emergency home placement of an individual may be made on a case-by-case basis. Crisis or emergency placements are defined as the **unexpected and imminent** homelessness of an individual that would put their health and safety in jeopardy due to no fault of their own. Approval of such emergency placements, without prior inspection of the home, may be granted only by the appropriate DAIL Quality Management staff (i.e., the DDS Quality Management Team Leader for DDS funded homes or the ASD Quality and Provider Relations Program Director for ASD funded homes), after a review of the individual circumstances and documentation of all efforts to complete the required inspections and place the individual in the home within standard timelines.

In the case of a crisis or emergency placement, the Provider Agency shall conduct a preliminary safety inspection, using the inspection checklist, before the individual moves into the home. The Provider Agency must also notify the Consultant immediately that there has been a crisis or emergency placement and request a Home Safety and Accessibility inspection. The Consultant must complete the inspection within thirty (30) days of the individual moving into the home.

The timeline for the correction of deficiencies, if any, is the same as for an initial safety inspection as outlined above. The 30-day timeline to correct the deficiencies will be strictly monitored and enforced when the individual receiving DAIL-funded services is already living in the home. If the deficiency is determined to be an immediate safety issue for the individual the Provider Agency will be required to move the individual into temporary respite or an alternative residence until the correction has been made.

## **VI. Appeals**

If an individual receiving DAIL-funded services or the individual's representative, disagrees with a decision made by the DAIL Quality Management Team regarding housing safety and accessibility relative to the inspected residence, the individual or their representative may request a Commissioner's Hearing. At the Commissioner's Hearing, the individual or their representative may present any evidence they wish the Commissioner to consider before the Commissioner makes a final decision regarding the housing safety and/or accessibility issue relative to the inspected residence. To appeal to the Commissioner, the individual receiving DAIL-funded services, or their representative, must contact the DAIL Legal Unit within 30 days of the date of decision

issued by the DAIL Quality Management Team. An appeal may be requested by calling (802) 241-0353 or writing to:

Commissioner's Office  
Department of Disabilities, Aging and Independent Living  
Legal Unit  
HC 2 South  
280 State Drive  
Waterbury, VT 05671-2020

The Commissioner's decision will be forwarded to the individual or their representative within 30 days of receipt of the request for an appeal in the Commissioner's Office or the DAIL Legal Unit.