

**Free Sample Issue**

## Use AHMI Form to Verify Status of Resident in Hospital or Nursing Home

When one of your assisted residents gets confined to a hospital or nursing home, you must decide whether the absence is “temporary” or “permanent.” That’s because whether a household member is temporarily or permanently absent will determine whether you must count him as a household member when you recertify the household—and whether you count his income or allowances when calculating household income and rent.

Unfortunately, it’s not always clear whether an absentee’s confinement is temporary or permanent. And, in fact, there’s no hard-and-fast definition of these terms in this context. So you’ll need to ask households the right questions to get enough information to make a decision. You’ll also need a record of the answers to those questions to use when it’s time to recertify. And it’s a good idea to have documentation for your decision handy in case HUD questions your judgment.

We spoke with affordable housing experts Mark S. Alper, senior trainer for the National Center for Housing Management, and Roxie Munn, vice president of regulatory compliance at RealPage. With their help, we’ve put together a Model Form (see p. 4) that you can adapt and use to help you determine whether you must count an

absentee as a household member when the absentee is confined to a hospital or nursing home. Once you make your decision, you’ll have a record to remind you and your staff. Plus the absentee status form will provide the backup you’ll need if you run into trouble with HUD.

### Basics on Absentee Rule

HUD rules require you to calculate income for every household member, says Alper. But sometimes it’s not clear whose income to count when a household member gets confined to a hospital or nursing home. For instance, an elderly resident may suffer a stroke and be forced to live in a nursing home for an indefinite amount of time. Or a resident may spend a month or two in a hospital because of injuries in a car accident. To calculate the household income, explains Alper, you must determine whether to treat the absentee as a household member. The HUD Handbook says that if a resident is temporarily absent, you must still consider the resident a household member [Handbook 4350.3, par. 3-17]. But, if a resident is permanently confined to a hospital or nursing home, the household gets to decide whether you should treat the resident as a household member [Handbook 4350.3, par. 3-18].

**AHMI Says:** If you’re required to treat an absentee—temporary or permanent—as a household member, you must count all of the absentee’s income, says Alper. According to the HUD Handbook [Handbook 4350.3, par. 3-17], this is so even if part of the income won’t be available to the household, he adds. For example, a household member who’s temporarily hospitalized may get workers’ compensation to pay for the hospitalization. Even though this part of the member’s income may not be available to the entire household, you must still count it as part of the household’s income when you recertify.

### How to Decide Whether Absence Is Temporary or Permanent

Whether an absentee’s confinement in a hospital or nursing home is temporary or permanent isn’t always clear, says Munn. That’s because sometimes, even the household isn’t sure how long the absentee will be confined. For example, when a resident falls into a coma after an automobile accident, doctors may not be able to say when the resident can return home. They may predict an absence of anywhere from a week to a number of years. The HUD Handbook doesn’t define the terms temporary or permanent, says Alper. So you’ll have to

make your best determination based on the information you have. And you'll need to ask households the right questions to get all available information to make your decision. Then you must decide the correct absentee status using the information you have.

An absentee doesn't have to be confined to a hospital or nursing home forever to be considered permanently absent. As a rule of thumb, if the absentee has been confined for an indefinite amount of time, and it could be many months or years until the absentee returns to the site, you should treat the absentee as a permanent absentee, explains Munn.

### **How to Explain Options to Household**

If it's up to the household to decide whether to count an absentee as a household member, you should explain the consequences of the decision to the household. Here are six key points you should cover:

**1) Effect of counting household member's income.** Tell the household that if it counts the absentee as a household member, you must count his income as part of the household's income. But explain that the household may also be entitled to allowances for the absentee that can lower the household's adjusted income and rent.

**2) Household's right to remain in unit.** If the household already lives at the site, let the household know that it may remain in the unit whether or not it decides to have you count the absentee as a household member. But explain that if the household chooses to keep the absentee as a household member and this causes the household's income to increase, it may have to pay more rent.

**3) Effect on household's assistance.** Explain that if the household's income exceeds the site's eligibility limits, you'll have to terminate its assistance and the household will have to pay the full market rent for the unit. Also, explain that if it chooses not to count an absentee as a household member, the household could lose allowances that lower its rent.

**4) Moving to smaller unit.** Tell the household that HUD rules require you to reevaluate whether the unit size is still appropriate for the household if it chooses not to count the absentee as a household member. So the household may have to move to a smaller unit.

**5) Selection of new household head.** If the absentee was the household head and the remaining household members choose not to count the absentee as a household member, tell the remaining household members that they must select a new household head. Then require the new household head to fill out and sign new recertification paperwork and a new lease for the household.

**6) Effect on households applying to live at site.** If the household is applying to live at the site, check to see if counting the absentee will affect whether the household meets the site's income limits, suggests Alper. If the absentee's income would bring them over the income limits, tell them they won't be eligible to live at the site if they count her. If, on the other hand, the household needs the absentee's allowances or the larger household size to qualify to live at the site, say so. And explain that the household may not name the absentee as the household head, spouse, or cohead.

**AHMI Says:** Don't go beyond laying out the consequences—that is,

don't try to convince a household not to have you count a permanent absentee as a member, warns Alper. You must comply with the HUD Handbook, which requires the household to make the decision on its own. If the household—for whatever reason—chooses to have you count an absentee as a member, you must accept its decision.

### **Why Use Absentee Status Form?**

By using an absentee status form like ours, you'll benefit in three ways. First, you can be sure you're asking all the right questions to get the information you need, says Munn. By using the same form each time, you make it easy for your staff to be consistent with each absentee. Second, you won't have trouble remembering your decision when you recertify the household later, because you'll have it written down on the form. Third, by completing the form, you'll automatically be creating backup to support your decision in case HUD should challenge it.

### **How Staff Can Use Form**

To get the full benefit from your absentee status form, give copies to your staff members to keep with their other management forms. This way, when staff members talk with households about an absentee, they won't have to remember what to ask. And they can fill out the form while they talk to the household—staff members should never send the form to the household to complete.

Once a form is complete, place it in the file for the appropriate household, suggests Munn. This way, your decision and the information you used to reach it are documented and easily accessible. When you or a

staff member needs to know whose income to count, the answer will be in the file. You'll also be able to show the form to HUD if it questions your decision.

### **What Form Should Ask**

Like our Model Form, your absentee status form should ask for the following information:

**Household name and unit number.** Have your staff write down the household name and the unit number where the absentee lives [Form, item 1].

**Absentee's name.** Get the full name of the absentee [Form, item 2].

**Where absentee is confined.** Ask staff to indicate whether the absentee is confined in a hospital or nursing home by checking the correct box. Then have them write the name of the institution in the space provided. The name of the particular hospital or nursing home should have no effect on the absentee's status. But writing down this detail will give your completed form more credibility if HUD challenges your decision [Form, item 3].

**AHMI Says:** Don't ask the household why the absentee has been con-

fined to a hospital or nursing home. You may think it's logical to want this information because it's relevant to deciding whether an absence is temporary or permanent and it will add credibility to your form as a backup. But asking households about a member's disability invites fair housing trouble, warns Alper. If a household offers your staff information about why an absentee was confined, you don't need to worry. But your staff shouldn't follow up with any questions, he adds.

**Date absentee left site.** Have staff ask the household when the absentee was confined and write it down [Form, item 4].

**When absentee will return to site.** This last question is key to helping you determine whether an absence is temporary or permanent. Have staff ask the household for the date range during which it expects the absentee to return to the site and indicate whether this date range is exact or just an estimate. If the household can't give a range, staff should check "Can't determine" and explain the reason in the space provided [Form, item 5]. This explanation can help you make your decision. For example, if the house-

hold can't say, because the absentee is in a coma that might last for years, this suggests that you should treat the absence as permanent.

**Status determination.** After getting the information, the staff member should determine whether the absence is temporary or permanent and check the appropriate box [Form, item 6]. If the absence is permanent, HUD Handbook 4350.3, par. 3-18 requires the household to choose whether to count the absentee as a household member. So your staff may need to call the household back to complete this final part of the form after you've made your determination. Then check the box to indicate the household's response [Form, item 7].

**Staff member's signature.** After a staff member fills out an absentee status form, she should write her name at the bottom, along with the date. 

#### **AHMI Sources**

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## MODEL FORM

## Get Information You Need to Determine Absentee Status

Our Model Form was prepared with the help of two affordable housing experts—Mark S. Alper, senior trainer for the National Center for Housing Management, and Roxie Munn, vice president of regulatory compliance at RealPage. Your staff can use the form to ask households the right questions to determine whether an absence is temporary or permanent. After completing the form, the staff member should place the form in the appropriate household file. This way, when your staff calculates income for the household, it will know whether to count the absentee as a household member. Also, you can use the form as backup if HUD challenges your decision.

The absentee form asks for identifying information about the absentee and the household, where the absentee is confined, when

the absentee's confinement began, and—most important—approximately when the household expects the absentee to return to the site, if it can say. The form doesn't ask why the absentee was confined, because asking the household questions about the absentee's disability could lead to a discrimination lawsuit under the Fair Housing Act.

Once a staff member has spoken with the household and determined the absentee's status, the staff member can check off the correct status box on the bottom of the form. If the staff member's determination requires the household to choose whether to treat the absentee as a household member, the staff member must contact the household for the answer.

### ABSENTEE STATUS FORM: HOSPITAL OR NURSING HOME CONFINEMENT

1. Household name/Unit #: \_\_\_\_\_

2. Absentee's name: \_\_\_\_\_

3. Where is the absentee confined?

Hospital: \_\_\_\_\_

Nursing home: \_\_\_\_\_

4. When did the absentee's confinement begin? \_\_\_\_\_

5. When is the absentee expected to return to the site? \_\_\_\_\_

[Insert range of weeks or months; e.g., 4-6 weeks]

Can't determine because [insert reason] \_\_\_\_\_

This date range is:  Firm  Estimated

6. Type of absence. Based on the information the household has given us, we have determined that the absentee's confinement is:

**Temporary.** Therefore, the absentee must be treated as a household member and we must count the absentee's income and allowances when recertifying the household [Handbook 4350.3, par. 3-17].

**Permanent.** Therefore, the household must choose whether we should treat the absentee as a household member [HUD Handbook 4350.3 (par. 3-18)].

7. Household decision (for permanent absence only). On \_\_\_\_\_, the household instructed us to treat the absentee as a:

**Household member.** Therefore, we will count the absentee's income and allowances as part of the household's income when recertifying the household.

**Nonhousehold member.** Therefore, we will not count the absentee's income as part of the household's income when recertifying the household nor may the household claim the absentee's allowances.

Staff member: \_\_\_\_\_ Date: \_\_\_\_\_