Elder Law NEWS

April 2024

HUD Housing Programs That Support Aging in Place

Ninety-three percent of adults 55 and older want to remain in their homes as they age, according to U.S. News & World Report. "Aging in place" involves growing old comfortably and safely in one's dwelling.

As adults age, they may want to remain in their homes and communities for several reasons. For one, remaining in one's own residence preserves independence.

When older adults remain in their home, they can continue local activities they enjoy and maintain their routines. They may be better able to maintain their quality of life. Staying in the same community fosters social support. It makes it easier to sustain relationships with friends, neighbors, and community members. Seniors who need long-term care services also may be able to receive at-home care.

Several barriers can prevent seniors from aging in place. Rising housing costs, home

Elder Law NEWS

April 2024

maintenance, and lack of accessibility can prompt older adults and their families to consider senior living options, such as assisted living.

The cost of housing can be a particular burden for retirees on fixed incomes. More than half of older adult renters are cost-burdened. This means that they spend more than 30 percent of their income on housing, per the Joint Center for Housing Studies of Harvard University.

The Department of Housing and Urban Development (HUD) administers programs that can help older adults age in place. HUD programs supporting seniors include the Section 202 Supportive Housing for the Elderly Program and the Section 8 Housing Choice Voucher Program. Note that moving residences to participate in one of these programs may be necessary. However, these programs can help older adults remain in communities rather than entering assisted living or long-term care facilities.

Section 202 Supportive Housing for the Elderly Program

The Section 202 Supportive Housing for the Elderly Program incentivizes the creation of housing for low-income older adults. The program funds eligible private and nonprofit sponsors to create senior housing.

Elder Law NEWS

April 2024

Section 202 housing provides support services essential to aging in place, such as cleaning, cooking, and transportation. This type of housing is available to households with at least one adult 62 years old or older. The individual or family must meet the program's income requirements. The household income must be less than 50 percent of the Area Median Income (AMI) for the property's location.

Residents of Section 202 properties typically pay 30 percent of their adjusted household income for rent. The federal government covers the remaining costs.

To find Section 202 properties, consider reaching out to a HUD-approved housing counselor for guidance. Note that, as HUD does not handle leasing, prospective renters must contact a property manager or owner directly.

Section 8 Housing Choice Voucher Program

Through the Section 8 Housing Choice Voucher Program, low-income renters who are older can select privately owned housing of their choice that meets program requirements. This gives older renters greater flexibility in choosing housing that meets their needs. For example, they may be able to look specifically for accessible housing.

Elder Law NEWS

April 2024

Public Housing Agencies (PHAs) administer this program under HUD. Participating households receive a voucher. The program pays a housing subsidy directly to the landlord for the participating family or individual.

To be eligible for Section 8 housing, families and single people must meet certain requirements. Generally, their income can be at most 50 percent to 80 percent of the median income for their region.

Apply for the Section 8 Voucher Program by contacting your local PHA. HUD offers an agency directory. While waiting lists for Section 8 Housing can be long, some PHAs prioritize older applicants. HUD permits PHAs to prioritize certain applicants, which can include older adults.

Speak to an Elder Law Attorney

Both Section 202 and Section 8 programs offer housing for low-income people. However, Section 202 specifically serves households with older adults. Section 8 housing is available to low-income households, including but not limited to families with older members.

LAW OFFICES OF
BARRY R. CRIMMINS P.C.

Phone: (781) 344-2886 Email: info@brc-law.com

Elder Law NEWS

April 2024

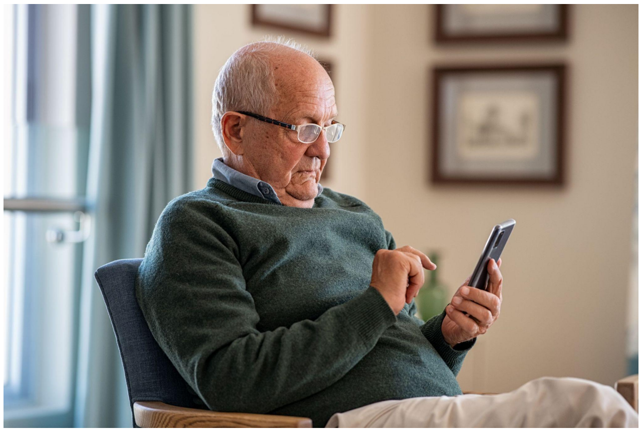
Section 202 participants are more limited in their housing choices. They must reside in specific approved properties. Meanwhile, Section 8 participants have greater housing choice.

You may wish to remain in your home for as long as you can do it safely. As you consider housing options for aging in the community, an elder law attorney can help. They can assist you in identifying relevant housing programs and applying for Section 202 or Section 8 housing. Find a qualified elder law attorney near you today.

Elder Law NEWS

April 2024

Medicaid Spend Down: Pay for More Than Just Medical Bills



Since the 1960s, Medicaid has provided health care coverage for low-income people across the United States. For millions of seniors, Medicaid offers financial assistance, helping them to cover the cost of long-term care services. Today, this joint federal-state program also benefits other qualifying populations with limited income, including children and people with disabilities.

Qualifying for Medicaid

You may not foresee yourself applying for Medicaid in the future. Yet in reality, research shows that roughly one in seven seniors are likely to require long-term care at some point later in life. Long-term care can be extremely costly; this is why many people have come to rely on the Medicaid benefits that cover these costs.

Given these sobering statistics, consider gaining a better understanding of Medicaid and shaping your plans sooner rather than later. To qualify for Medicaid, you may need

LAW OFFICES OF
BARRY R. CRIMMINS P.C.

Phone: (781) 344-2886 Email: info@brc-law.com

to carry out certain actions at least five years prior to when you apply. That's because most state Medicaid agencies will look back at the five years leading up to when you submit your application for the program.

If you happened to make certain purchases or gifts during this so-called “lookback” period, you could end up facing a penalty. Unfortunately, these penalties could mean you have to wait months, or even years, before you become eligible for Medicaid.

Medicaid is for people living on limited incomes. So, among the main criteria to qualify for Medicaid is that you have limited income and assets. Generally, you must have no more than $2,000 in your name to be eligible for this public benefits program. (Note that this limit can vary according to state, however.)

If you have more than that, you may find yourself having to “spend down” your extra assets to meet the $2,000 limit. Only after you have fulfilled this (and other) requirements would Medicaid begin paying for basic long-term care expenses.

The upside, however, is that not all your assets count against you in the eyes of Medicaid. For example, your primary home is typically exempt. You also can own one

Elder Law NEWS

April 2024

car without worrying about exceeding Medicaid's asset limits. And, depending on your state, you may be able to spend your excess money on certain items that help make your life more comfortable.

Medicaid Spend Down

As mentioned above, each state dictates what the income and asset limits are for Medicaid applicants. These figures also tend to shift a bit every year. Check out the current asset limits in your state or inquire with your local Medicaid agency.

Take note that not every state allows for a Medicaid spend down. These so-called "income cap" states follow different rules.

Also, take care that items you do decide to buy as part of your spend down are specifically for the Medicaid applicant.

So, What Can You Pay For?

All that said, Medicaid applicants can generally spend down their excess income in several ways. Paying off credit card debt or medical bills is one possibility. Prepaying for your funeral services is often a legitimate spend down option, too. Admittedly, these

Elder Law NEWS

April 2024

sorts of payments might not bring you much enjoyment, but they still may be able to count toward your spend down amount.

In many cases, you can spend down your surplus assets on medical services, equipment, or health insurance premiums.

Perhaps you have come to rely on a wheelchair or cane or could benefit from hearing aids. You may want to have an eye doctor check your vision. If your prescription eyeglasses are out of date, you may be able to purchase a new pair. These are all medical expenses that could potentially be part of your spend down efforts.

At the same time, your excess income can go toward much more than unpaid medical debt or other bills. Purchases that help improve your quality of life tend to be permissible. Here are five tangible types of items you may be surprised to find you can legally purchase as part of your Medicaid spend down:

- **A new vehicle** – You may need a reliable car or a wheelchair accessible vehicle to get to medical appointments. Keep in mind that some states place a limit on the value of your one vehicle. For example, you might not want to plan on

Phone: (781) 344-2886 Email: info@brc-law.com

Elder Law NEWS

April 2024

purchasing an RV camper for road trips if you are seeking Medicaid assistance.

- **Electronics** – In some states, upgrades to your smartphone, laptop, television set, or another communications device may be a possibility.
- **New clothes** – It might be an ideal time for you to stock up on new socks, pajamas, or other clothing necessities.
- **Books or subscriptions** – Sources of entertainment can boost your quality of life, too. You may prefer books or magazines, or subscriptions to streaming services like Netflix.
- **Towels and bedding** – Check with a professional to see whether you can refresh your bedding or towel supply as part of your spend down. If moving to a long-term care facility, ask whether they provide these types of items for you.
- **Furniture** – You may be moving to a facility that allows you to bring along certain preapproved furnishings. For example, you might benefit from a recliner chair with a power lift in your new space.
- **Home improvement** – Even if you'll receive long-term care at home, you might be able to spend your excess income on modifying your residence. Maybe you need to invest in fixing your plumbing, paving your driveway, or installing a wheelchair ramp.

Elder Law NEWS

April 2024

Consult with an experienced in your area attorney to understand what is and is not permissible. (A bonus is that you may in fact be able to include legal fees as part of your spend down process.)

Why It's Key to Work With Your Elder Law Attorney

The rules regarding Medicaid get complicated quickly. Be sure to talk to an elder law attorney in your area with expertise in Medicaid planning. Discuss your needs with them and ask what your options might be for spending down your assets. They can identify strategies to help preserve your hard-earned savings while avoiding potential Medicaid penalties.

Whatever you do choose to purchase, keep all your receipts and detailed documentation in case any questions come up. You don't want to break the rules by accident and end up facing a Medicaid penalty period. Find an elder law attorney near you today.

Phone: (781) 344-2886 Email: info@brc-law.com

Elder Law NEWS

April 2024

A Patient Advocate Can Support Your Health Care Journey

More than 70 percent of adults in the U.S. report being dissatisfied with the health care system, according to TIME Magazine. Navigating the medical services network can be stressful and overwhelming, particularly for older adults facing increasingly complex health needs.

The American Psychological Association reports that distress is common following a diagnosis. Those experiencing additional stressful life events or who have a history of depression have even higher levels of distress.

Often, responding to a diagnosis or managing a chronic condition involves coordinating care with multiple providers and working with insurance companies.
Patients should always be prepared to advocate for themselves. Self-advocacy can include:

- Coming to appointments with a list of questions and current medications

LAW OFFICES OF
BARRY R. CRIMMINS P.C.

Phone: (781) 344-2886 Email: info@brc-law.com

Elder Law NEWS

April 2024

- Completing paperwork in advance
- Researching what their insurance covers

These tasks can be challenging for individuals facing the stress of a new diagnosis or handling a chronic condition. Some illnesses, such as dementia, may affect a patient's ability to self-advocate.

Patient Advocates

When someone struggles to assert their needs or feels confused by the health care system, patient advocates can provide crucial support. Championing the patient's best interests, a patient or health care advocate works to ensure that the patient receives appropriate care.

A family member, a close friend, or a hired professional can fill the role of a patient advocate. Generally, there is no formal licensing for health care advocates. Still, hired advocates may have backgrounds as health care providers, social workers, nurses, or professionals in related fields. Many hospitals have on-staff patient advocates.

Elder Law NEWS

April 2024

Why Patient Advocacy Can Be Useful

Health care advocates can help with tasks that may be challenging for someone facing a severe illness. This might include coordinating care, completing paperwork, and filing insurance claims.

An advocate can guide you throughout the health care process. Before an appointment, a patient advocate may assist with completing paperwork and verifying insurance coverage. Working with the patient, the advocate can help come up with a list of questions for the provider.

When attending appointments, the advocate may listen to the physician, ask questions, and take notes for later review with the patient. After the appointment, the advocate can help the patient understand the doctor's instructions and manage treatment.

In some cases, a patient advocate can also help identify clinical research opportunities and assist with evaluating whether to take an experimental medication or participate in a research study. Some researchers provide patient advocates as part of the study.

LAW OFFICES OF
BARRY R. CRIMMINS P.C.

Phone: (781) 344-2886 Email: info@brc-law.com

Elder Law NEWS

April 2024

How to Find a Patient Advocate

While a family member or friend can be a patient advocate, sometimes, no one is available to help. If you have no one to advocate for you, you can find help through your hospital or by researching advocates online.

To find a professional patient advocate, contact your hospital and ask if there is an advocate on staff. VA health facilities have advocates on staff as well. You may also want to visit the Patient Advocate Foundation website. This nonprofit provides case management services that help patients access and afford health care services.

When looking for a patient advocate, be cautious of scammers. Be wary of people who seem to be making unrealistic promises or pressuring you.

Consider an Attorney

While patient advocates can help with the basic tasks of navigating the health care system, an attorney can assist with specific legal issues.

For example, a qualified local attorney may be able to assist by handling communications with a private insurance company or Medicare. Elder law and estate

Elder Law NEWS

April 2024

planning attorneys can also help you create an estate plan, which includes planning health care decisions. If your health care provider makes a mistake in your care, an attorney can work to protect your rights.

Having an attorney, in addition to a patient advocate, can provide an extra layer of support and protection. Find an attorney near you today.

LAW OFFICES OF
BARRY R. CRIMMINS P.C.

Phone: (781) 344-2886 Email: info@brc-law.com