



At the Center of it All

October 1

**MCOA
Housing Issues
Manual**

2015

Concise summaries about core housing dimensions and related resources for use by Council on Aging personnel who help older adults with numerous housing issues.

1st Edition



MCOA Housing Issues Manual – 2015 Edition, 1st Draft

Purpose: Develop concise summaries about core housing dimensions and related resources for use by Council on Aging personnel who help older adults with myriad housing issues.

Mission Statement: The Massachusetts Association of Councils on Aging and Senior Center Directors is a non-profit membership organization comprised of municipal Councils on Aging. Our mission is to support the independence of adults 60 and older by advocating for programs and services to meet their needs, promote the growth and quality of Councils on Aging and senior centers and strengthen the professional skills of Council on Aging staff.

Description: This *online Manual* provides guidance on how to help an older adult select a more appropriate housing option for themselves, explains ways to minimize housing related costs, and offers resources to which you may connect consumers for expert advice and/or assistance regarding important housing issues.

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Reviewers: The authors wish to express deep appreciation to the following individuals who provided invaluable feedback: Carole Malone, Assistant Secretary and Alice Bonner, RN, Secretary, Executive Office of Elder Affairs; Crystal Cote-Stosz, Assistant Director, Northampton Senior Services; Gretchen Smith, Benefits Counseling Program Manager, Franklin County Home Care Corporation; and Jan Stiefel, JD, Senior Supervising Attorney, West Mass Legal Services.

Workshop Description for October 7-9, 2015 MCOA Conference: Ms. Crimmins and Ms. Browne collaborated on the production of this housing counseling manual. They will host a workshop at the October 2015 MCOA Training Conference. Housing is one of the two most costly aspects of an older adult's budget (the other is health care costs); this new manual provides a comprehensive approach to counseling adults concerned about housing issues (e.g. suitability, affordability, and maintenance). Participants will leave this workshop with a new approach to housing issues and a comprehensive manual for counseling elders who need help modifying or choosing homes, finding more appropriate housing options, minimizing housing-related costs, and/or finding programs and resources for a wide range of housing-related issues.

Disclaimer:

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Feedback Welcome:

Please send your feedback and recommendations for additions to future editions to Mary Kay Browne, Director of Special Projects, MCOA, 116 Pleasant Street, Suite 306, Easthampton, MA 01027.



October 1, 2015

Dear Colleagues:

Transitions can be hard – especially when we focus mainly upon what we’ve lost instead of learning what the “new normal” may bring. It seems the best advice is to face present realities and embrace the future:

“Look on every exit as being an entrance somewhere else.”

-- Tom Stoppard, Playwright

“Learning to be a [joyful person in transition] without regrets requires embracing the season you are in. You have to let go of the past and live in the present as you lay hold of the future. You must move forward, facing the imperfections of your present, hoping for the future.”

-- Susan Detweiler, Author

This manual was designed for you, to give you a solid grounding in housing related issues so you may help others who face fearful, often multifaceted housing issues of affordability and suitability or realize they need to make significant changes in their living situation. *“How can I stay here – it’s become too expensive for me to heat! Or, it’s not physically suitable for me now! Where can I move to? What can I afford? How can I get help paying for modifications to my home? Is there financial assistance available that may help me make my home safe again?”*

A core function of MCOA is providing training and technical assistance to COA staff so they in turn may provide excellent information services, counseling and assistance to older adults who, over time, face transitions in every aspect of their lives. This manual, to be posted on the MCOA web site (www.mcoaonline.com), will be updated periodically to ensure you have the information you need to fulfill your professional mission. Please give us your feedback and suggestions for future editions.

Sincerely,

David P. Stevens
Executive Director

Mary Kay Browne
Director of Special Projects



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MCOA Housing Issues Manual

1. Introduction

The purpose of this manual is to provide an online, consumer-friendly, and easily accessible resource on an often difficult and confusing issue: safe, appropriate housing for older adults in Massachusetts. We created this manual so that Council on Aging (COA) outreach workers can easily access information online whenever and wherever they need, such as with their smart phones while conducting home visits or while meeting with older adults in their offices. Workers also have the option to print off a chapter or two and mail it an elder, or perhaps an elder's family or friends.

While we designed this manual with COA staffers in mind, we want the greatest possible number of people to access and use this information because housing issues can be complicated, confusing, and frightening. Thus, we encourage helpers to provide computer-literate older adults with the link to this manual.

We hope this manual will assist and empower older adults, family members, caregivers, and elder service providers who are grappling with issues related to aging in place, downsizing, or seeking more affordable and accessible housing. This manual is a unique tool that provides both nuts and bolts advice about specific housing issues as well as a broad perspective on current housing trends.

While the older adult population is rapidly increasing in size and longevity, the housing stock in Massachusetts, especially affordable housing, has not kept pace. Since there are no plans for construction of additional affordable housing on the horizon, we need to know how to support older adults as they make the often difficult decisions about where to spend their later years. Information is power -- and older adults and their helpers, once armed with this manual, will be in a better position to make these decisions.

2. Engagement Strategies – Talking About Housing

The first step in helping with housing decision-making is to know what questions to ask. It is important to engage with older adults about housing issues and ask the right questions in order to help them determine the best place to live. Helpful questions may include:

- How do you feel about your current living situation? What do you like? What do you dislike?
- Are you worried about being able to stay in your current situation? If so, what things concern you?
- How affordable is your current living situation?
- Do you have enough income or savings to repair it and maintain it?
- Does the cost prevent you from doing other things that you may enjoy?
- Do you have any health issues requiring housing remodeling or accommodations? Does your current living situation have those accommodations or might you need to make some changes in the bathroom, kitchen, doorways, etc.?

- What type of assistance do you anticipate needing in order to remain in your current living situation?

3A. Is the Current Home Suitable for the Long Term?

The issue of suitability comes up for many older adults when they begin questioning whether it makes sense to remain in their current home or to move. There are many issues to consider including finances, physical, mental and cognitive health status, the availability of helpful family or friends, social isolation, and changing preferences. When discussing these issues with older adults, encourage them to engage in both short term and long range planning regarding their current and future housing options.

Things to Think About:

I. Living Arrangements: Ask with whom the older adults currently live and with whom they may want to live with in the future. The answers to these questions can influence both housing affordability and the ability to age in place. With increasing age, older adults (primarily women) are more likely to live alone or with a relative other than a spouse. If an elder wishes to remain in her home but has financial constraints, ask her if she would consider taking in a housemate (boarder). If an elder has health issues, ask if he would consider hiring in home help or if he knows whether or not he is eligible for home care through a home and community based program.

Condition of the Home: Many older adults live in homes that have appreciated in value, but they have insufficient resources to maintain these homes. The first indications of visible problems often involve exterior maintenance such as peeling paint and unkempt yards. But these outward manifestations may mask other problems including leaking roofs, broken equipment such as toilets and heaters, faulty wiring, and cracks in the foundation. Lack of income is the primary reason that older adults do not maintain their homes. Poor housing conditions can not only result in unsanitary and uncomfortable living situations, but also serious health problems. Try to get a sense of the condition of the elder's home to help determine what repairs may be needed and whether it makes sense to invest money in needed repairs or to look for a new place to live.

Willingness to Move: Research suggests that older adults are unlikely to move into smaller dwelling or more communal housing options unless attractive alternatives are available nearby and barriers to moving, such as dealing with excess possessions, waiting lists, and managing the various steps necessary to find and move into new housing are removed. In addition, transportation issues should be factored in – is the new home accessible to public transportation or are there other options for getting around?

Physical Suitability: Housing suitability has received increasing attention lately as the number of persons in their eighties and nineties has increased. Older adults are more likely than their younger counterparts to experience chronic health problems such as arthritis, heart disease, and hearing and

visual impairment. These chronic conditions can translate into limitations in ability to carry out major functional activities such as climbing stairs, bathing, and cooking. Unfortunately, most current dwelling units were built for younger persons and their families with little foresight that the once young residents would "age in place." It is important to determine if an elder's current home is safe and accessible and, if not, what modifications need to be made to decrease health and safety risks. In addition, if an older adult's cognitive function declines, then myriad safety and independence issues arise, such as leaving the stove on too long or forgetting to unplug the coffee pot.

What is Home Modification? Home modification refers to converting or adapting an elder's home environment in order to make tasks easier, reduce accidents, and support independent living. This can include removing hazards (e.g., clutter, throw rugs), adding special features or assistive devices (e.g., grab bars, ramps), moving furnishings, changing where activities occur (e.g., sleeping on the first instead of second floor), and renovations (e.g., installing a roll-in shower).

Are there modifications that can be made to increase the safety and suitability of a senior's current housing? If so, then the older adult must hire a registered Home Improvement Contractor. The Office of Consumer Affairs and Business Regulation (OCABR) offers an excellent array of consumer fact sheets, information and referral services, and counseling about how to hire a reputable contractor and how to seek remedies should the contractor fail to fully deliver on the contract.

The OCABR regulates the registration of contractors performing improvements or renovations on detached one and two family homes. Prior to performing work on such homes, a contractor must be registered as a Home Improvement Contractor ("HIC"). For more information about hiring a home improvement contractor, visit: www.mass.gov/homeimprovement.

If an elder wants to find a HIC or file a complaint against a Home Improvement Contractor or use the consumer arbitration service, contact OCABR at 617-973-8787 for instructions. Contractors found in violation of the HIC Law may be fined, and/or have their registration suspended or revoked.

Here is a checklist for how to hire a HIC.

- Familiarize yourself with your project idea and related construction terminology.
- Think about specific design and materials.
- For accurate estimates, clearly describe the work on a specification sheet and provide copies to contractors.
- Interview at least three contractors.
- Check license and Home Improvement Contractor (HIC) registration.
- Check complaint history.
- Check and confirm references.
- Get the contractor's insurance information. Call insurance company to verify.
- Insist on a written detailed contract, including a payment and work schedule.
- Do not pay more than 1/3 of the contract price before work begins unless special order materials are needed
- Have both parties sign and date the contract before any work begins.

- Have the contractor apply for building permits and ensure the permit is on-site before work begins.
- Check with your local building department about any job-specific inspections.
- Put any change orders in writing.
- Check the work site on a daily basis and record progress and changes.
- Make final payment **ONLY** after the work is completed to your satisfaction and as outlined in the contract.

Fact Sheet: Beware of Home Repair/Home Improvement Scams

Many elders find themselves as the unsuspecting victims of Home Improvement Scams. It is important to know the signs so that you can easily avoid falling prey to these con artists.

Home Repair / Home Improvement Scams

Be on your guard if someone comes to your door offering any kind of home improvement or home repair services. They are typically unlicensed and unregistered. They are trying to scam you out of your money.

How It Usually Works:

- Many scam artists will go door-to-door “selling” substandard work (driveway paving/repairs, chimney repairs, etc.) in exchange for your hard-earned money.
- They often approach seniors claiming they have left-over materials from another job and offer services at a lower cost.
- This practice can leave you without the money you paid, with bad home repair work, and potentially costly repairs to fix what was supposedly fixed in the first place.
- These predators typically use high pressure tactics like “today only” deals or a claim that the need to repair is more serious than it really is. The purpose of the high pressure “sell” is to get you to agree to a verbal contract on the spot. The FTC “Cooling Off Rule” regulations require that someone selling door-to-door must inform you of your right to cancel the transaction if you notify the seller in writing within three days of the sale.

What Should You Do?

- If someone comes to your door selling home repairs, first ask to see their license and permit to be soliciting in your town. If they cannot provide either, it is most likely a scam.
- You may also want to call your city or town hall and verify that they are licensed and permitted to be working in your town. Ask them to wait outside and don’t let them in if they are not licensed.
- Don’t feel pressured to say yes or to make payment. Ask to see a sample contract and/or a list of their customer references and tell them that you’ll consider their offer and get back to them if everything checks out.
- Your home is your most valuable asset; always err on the side of caution when hiring repair people.

Source: Savvy Seniors: How to Avoid Financial Fraud, February 2015, MA Attorney General’s Office.

###

3B. Is the Current Home Affordable?

Massachusetts has some of the highest housing costs in the country, and these costs include the price of homes, property taxes, home heating fuel, as well as the full market cost of renting. There comes a time for many older adults when housing maintenance becomes physically unmanageable – home maintenance service costs can add up.

Costs of Core Maintenance: Average annual maintenance costs for keeping up a single family dwelling can mount quickly if you have to hire someone for every chore.

- **Lawn Maintenance:** Courtesy of Angie’s List, average yard care costs \$40 to \$60 per visit, and includes mowing, trimming, sidewalk edging, removal of limbs and debris from lawn areas, and blowing of grass clippings from curbs, walks, driveways, and patios.
- **Snow Removal:** According to Home Advisor, the typical homeowner pays between \$160 and \$250 per year for snow removal. However, this can vary significantly based upon the amount of snow fall, the number of times per season that plowing is needed, the length, pitch, and curviness of your driveway, and ancillary services such as shoveling your walkways. Also, some may come plow for a one time service, but that will cost more than if you have a contract for the entire season (in terms of per plow costs).
- **House cleaning services:** The cost of house cleaning varies according to frequency of service, and the condition and size of the home. Prices are generally based either on the number of rooms, the square footage, or by the hour. According to CostHelper, typical costs may be:
 - One-time cleaning of a 900-square foot two-bedroom apartment with five rooms costs **\$74-\$200**. A 1,300-square foot single-story home with seven rooms runs **\$95-\$300**. A 2,200 two-story three-bedroom home with nine rooms averages **\$149-\$400**.
 - Biweekly cleaning of the same five-room apartment costs **\$59-\$124**, the seven-room single-story home runs **\$79-\$150**, and the larger nine-room two-story home costs **\$104-\$180**.
 - Additional tasks, such as window cleaning or refrigerator cleaning, are not included.

Source: <http://home.costhelper.com/house-cleaning-service.html>.

Ways to Reduce the Costs of Owning, Maintaining or Repairing Housing

For those wishing to remain in their homes or apartments, there are a variety of options that can reduce the cost of owning and maintaining a home.

i. Earning Rental Income by Taking in a Boarder

One way for the financially struggling elder homeowner to generate income is to rent out space in the elder’s home to another person, or “boarder”. Boarders can help homeowners in a number of ways. While boarders can simply be roommates paying a monthly rent fee, they can also provide home care or companion services and assist with household tasks such as lawn maintenance, snow

removal, grocery shopping, or house cleaning. Legally, boarders and tenants are similar; both have lease agreements with a landlord, both must help maintain the property where they reside, and both pay to live in a residence owned by another. However, elder homeowners considering renting out space in their homes should be aware that boarders differ from tenants in certain ways. While tenants have private entrances to their residences with their own private living areas and kitchen facilities, boarders, on the other hand, share their residences and common spaces. Additionally, boarders have fewer rights than tenants in terms of privacy.

Both boarders and tenants have the right to security where they live. Neither has the right to change the locks without the landlord's knowledge and consent. However, tenants have the right to individual locks to their personal living spaces. Because boarders have a shared common area and residence, they do not have the right to locks on their personal bedroom doors unless the landlord consents. Nevertheless, landlords cannot simply enter the personal bedrooms of boarders whenever they wish; landlords must inform boarders before they enter, just as they would with tenants.

ii. Property Tax Relief – 5 Programs to Reduce Real Estate Taxes

The MCOA Property Tax Relief Task Force is a group of COA directors, town assessors, and consumers working together to seek new and expanded local property tax relief via state legislation. The Task Force's goal is to promote a "menu" of property tax relief options cities and towns in Massachusetts may offer to residents. For more information about the Taskforce and property tax relief programs, go to: <http://www.mcoaonline.com/member-services/pages/property-tax-relief>.

While cities have realistic budgetary concerns about expanding property tax exemptions and deferrals to help older adults, cities also understand that providing older adults on fixed incomes with some means to remain in their homes benefits the entire city. Older adults who continue to reside in a community provide price stability to the city's housing stock. Older adults often serve on city committees and volunteer for local government and community organizations. Also, maintaining older adults in their communities and within close proximity to their extended families and friends reduces the burden on city and state social services budgets while helping older adults and their families enjoy a better quality of life.

The Task Force has worked with state legislators and city assessors to enact several property tax enhancements during its thirteen years in action.

Economic caseworkers must be familiar with each property tax enhancement in order to properly inform older adults of critical potential strategies for significantly cutting household costs!

1. The Circuit Breaker Tax Credit

Older adults age 65 and older in Massachusetts may be eligible to claim a refundable credit on their state income taxes for the real estate taxes paid for their homes they own or rent and occupy as their principal residence. The maximum credit allowed for both homeowners and renters is \$1,050.

To qualify, for tax year 2014, a taxpayer's "total income" cannot exceed:

- \$56,000 for a single individual who is not the head of a household;
- \$70,000 for a head of household;
- \$84,000 for married couples filing a joint return.

For tax year 2014, the assessed valuation of a homeowner's principal residence, before the residential exemptions but after abatements, may not exceed \$700,000

Here is an example of how to estimate the size of the circuit breaker credit: (INSERT)

Example of Circuit Breaker Credit for a Homeowner:

| | |
|---|------------------|
| Assessed value of home as of January 1, 2014 | \$688,000 |
| Single taxpayer's total income less certain deductions and exemptions | \$47,000 |
| Real estate tax paid plus 50% water and sewage charges | (\$5,800) |
| 10% of total income (\$47,000 x .10) | \$4,700 |
| Real estate tax paid | <u>(\$5,800)</u> |
| Real estate tax exceeds 10% total income | (\$1,100) |
| 2014 refundable credit limitation | (\$1,050) |
| Tax Due | \$0 |
| Total Refunded | (\$1,050) |

For all the rules and forms relevant to the Circuit Breaker Tax Credit, go to the Massachusetts Department of Revenue website for the Circuit Breaker Credit at:

<http://www.mass.gov/dor/individuals/filing-and-payment-information/guide-to-personal-income-tax/credits/real-estate-tax-credit.html> .

2. Property Tax Work-Off Programs

Taxpayers over 60 may be eligible for a Senior Citizen Property Tax Work-Off Abatement. Under this program, taxpayers volunteer their services to their municipality in exchange for a property tax relief abatement of up to \$750 - \$1,000/year. Each city decides if it will offer such a program and if so, the number of volunteer hours required and/or the maximum annual deductible amount. Check with your local tax assessor's office to see if your city participates in such a program.

3. Local Property Tax Exemptions – Clauses 41, 41B, 41C, 41C1/2

Cities may give property tax exemptions to certain individuals (older adults age 65+ or 70+; veterans; and others) as defined by state law and enacted by the city or town. An exemption relieves a taxpayer from the legal obligation to pay all of their local property tax.

The amount of the relief depends upon which program the local city or town has enacted. These programs provide between \$500 and \$1000 per year in property tax exemptions to older adults who meet specific ownership, residency, income, and asset requirements. Others may give an exemption of between 5% to 20% of the average assessed valuation of residential property in the elder's city.

Older adults must qualify for the exemption (by age) and own and occupy the property as their domiciles. You must file an application each year with the assessors in the city or town where your property is located. The application for Clause 41C exemptions are due on December 15th each year, or 3 months after the actual tax bills are mailed, whichever is later. For the exact eligibility requirements of your city or town and application information, especially due dates for applying, check with the tax assessor in your city or town – or see:

<http://www.mass.gov/dor/docs/dls/publ/brochures/elderly.pdf>

4. Local Property Tax Deferrals (Clause 41A)

Perhaps the most valuable property tax relief offered to older adults is the option of deferring some or all of the annual property tax, until the property is ultimately sold by the homeowner during their lifetimes or transferred to an heir after their death.

Under Clause 41A, older adults may also be able to delay (defer) payment of their property taxes. A property tax deferral does not discharge the tax obligation like an exemption. Instead, it defers payment until the senior sells the property or passes away. A deferral allows older adults to use resources that would go to pay taxes to instead defray living expenses. Taxpayers who qualify for personal exemptions under other clauses in M.G.L. c. 59, § 5 (for example, for older adults, disabled veterans, blind persons, or surviving spouses) may defer all or part of the balance of their reduced taxes. Interest on deferred taxes accrues at 8%, or a lower rate if voted by the legislative body of your city or town before July 1 of the tax year.

The homeowner must enter into a written “tax deferral and recovery agreement” with their local assessors. The assessors will record a statement at the local Registry of Deeds to continue the lien that exists on your property by law to secure payment of the deferred taxes. Anyone else with an ownership interest in the property (e.g. joint owners, remaindermen, and mortgagees) must also give prior written approval.

APPLICATIONS - You must file an application each year with the assessors in the city or town where your property is located. The application is due on December 15, or three months after the actual tax bills are mailed, whichever is later. Filing on time is required. By law, the assessors may not

waive this filing deadline nor act on a late application for any reason. Filing an application does not entitle you to delay your tax payment.

ELIGIBILITY REQUIREMENTS - You must satisfy tests relating to age (65+), domicile, ownership, occupancy, and annual income. All eligibility requirements must be met as of July 1 of the tax year. (The fiscal year of cities and towns begins July 1 and ends the following June 30.)

For further eligibility and application information, especially due dates for applying, check with the tax assessor in your city.

5. Financial Hardship Exemptions

Under MA General Laws Chapter 59, § 5, CLAUSE 18, there is a “Financial Hardship Exemption” for certain property owners who are either in active military service or are older and infirm. Eligible persons can apply to be exempt in that year (e.g. pay no property tax). The text below comes from the instructions for the tax form applicants use to apply for an exemption from their local tax assessor’s office. The full form can be found at: <http://www.mass.gov/dor/docs/dls/ptb/pdfs/form-98.pdf> .

TAXPAYER INFORMATION ABOUT FINANCIAL HARDSHIP EXEMPTION

FINANCIAL HARDSHIP EXEMPTION. You may be able to reduce all or a portion of the taxes assessed on your domicile if you do not have the financial resources to pay them because (1) you were called into active military service (not including initial enlistment), or (2) you are older and suffer some physical or mental illness, disability or impairment. Qualifications are established locally by the board of assessors. More detailed information may be obtained from your assessors.

WHO MAY FILE AN APPLICATION. You may file an application if you owned and occupied the property and meet all qualifications for a financial hardship exemption as of July 1.

WHEN AND WHERE APPLICATION MUST BE FILED. Your application must be filed with the board of assessors by December 15 or 3 months after the actual bills were mailed for the fiscal year, whichever is later. THIS DEADLINE CANNOT BE EXTENDED OR WAIVED BY THE ASSESSORS FOR ANY REASON. IF YOUR APPLICATION IS NOT TIMELY FILED, YOU LOSE ALL RIGHTS TO AN EXEMPTION AND THE ASSESSORS CANNOT BY LAW GRANT YOU ONE. AN APPLICATION IS FILED WHEN RECEIVED BY THE ASSESSORS.

PAYMENT OF TAX. Filing an application does not stay the collection of your taxes. Failure to pay the tax when due may also subject you to interest charges and collection action. To avoid any additional charges, you should pay the tax as assessed if possible. If an exemption is granted and you have already paid the entire year’s tax as exempted, you will receive a refund of any overpayment. If you are unable to make your payments, inform the assessors when you file your application.

ASSESSORS DISPOSITION. Upon applying for a financial hardship exemption, you may be required to provide the assessors with further information and supporting documentation to establish your eligibility. The assessors have 3 months from the date your application is filed to act on it unless you agree in writing before that period expires to extend it for a specific time. If the assessors do not act on your application within the original or extended period, it is deemed denied. You will be notified in writing whether an exemption has been granted or denied.

APPEAL. In order to obtain a review of the assessors' decision on your application for a financial hardship exemption, you must bring a civil action in the Superior Court or Supreme Judicial Court. This action must be brought within 60 days of the decision.

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iii. Energy Cost Reduction Strategies

Another way to reduce household costs is to try to reduce energy costs. There are a number of programs that help homeowners and renters manage their energy costs. These programs include fuel assistance, utility discount rates, and energy efficiency services.

1. Low-Income Home Energy Assistance Program (LIHEAP): LIHEAP is a federally-funded program that provides financial assistance to help eligible households pay their winter heating bills. Assistance is based on annual household income and the number of family members in the household. Payments are made directly to either the primary heating vendor (if heat is paid for separately from rent) or the individual (if the heating bill is included in their rent). To be eligible, your income must fall at or below 60% of the estimated state median income. In 2015, household income levels for the LIHEAP eligibility were:

1 person household: \$32,618

2 person household: \$42,654

3 person household: 52,691

For more information, visit your local Community Action Agency. A full list of CAA is at:

<http://www.mass.gov/hed/economic/eohed/dhcd/contacts/community-action-agency-listing.html>.

2. Weatherization and Buying Energy Efficient Utilities: All households (at any income level) can have a free home energy audit. Then, households may have many energy saving measures installed (such as light bulb upgrades, attic, ceiling and wall insulation, and sealing of air leaks, etc.) either for free or at a steeply discounted price. In addition, large rebates (in some regions) are provided to buy a new energy-efficient refrigerator, freezer, heating system, and/or window air conditioning unit if the existing appliance is deemed eligible and inefficient.

<http://www.mass.gov/hed/community/energy/weatherization-assistance-program-wap.html>. To find out more about these programs or to apply, contact MassSave at 866-527-SAVE (7283).

3. Utility Discounts for Eligible Households: Utilities offer discounted rates that lower what you are charged for the energy you use. If you qualify for LIHEAP (Fuel Assistance), you will automatically be referred to your local gas and/or electric utility for a discount on your utility bills. In addition, utility companies offer a Residential Discount Rates to low income customers who apply if they receive benefits from one or more of the following programs or agencies:

- a. Fuel Assistance
- b. Public/Subsidized Housing
- c. MassHealth (formerly Medicaid)
- d. Supplemental Security Income (SSI)
- e. Massachusetts State Supplement Program (SSP)

- f. SNAP (Food Stamps)
- g. Head Start
- h. Massachusetts Commission for the Blind
- i. National School Lunch/Breakfast Program
- j. Veterans Chapter 115 Benefits
- k. Veterans Non-Service Pension Programs
- l. DIC for Parents of Veterans
- m. Transitional Aid to Families with Dependent Children (TAFDC)
- n. Emergency Assistance to the Elderly, Disabled, and Children (EAEDC)
- o. Other programs may become available. Contact your local Community Action Agency at: (<http://www.mass.gov/hed/economic/eohed/dhcd/contacts/community-action-agency-listing.html>) for current eligibility guidelines.

To apply for a discount, consumers must mail or fax a completed application to their utility company's Customer Service Center.

iv. Home Loans and other Funds/Resources for Rehabilitation/Renovations

There are many agencies that offer resources for home repairs and renovations. This resource list was developed by the US Department of Housing and Urban Development.

- **MassHousing** - home improvement, septic system repair, and lead paint removal loans
- **Massachusetts Affiliates of Habitat for Humanity** - through volunteer labor, builds houses for families in need
- **Rebuilding Together, Inc.** - assists low-income, elderly and disabled homeowners in Boston with home repairs
- **Massachusetts Rehabilitation Commission** - home modification loan program for persons with disabilities
- **Veterans Affairs Regional Loan Center** - loans and grants to qualifying veterans to adapt existing dwelling to meet specific needs
- **MA Chapter 115 Benefits for Veterans** – emergency home repair funds for veterans, surviving spouses, or parents of veterans meeting financial eligibility criteria.
- **USDA Rural Development Office** - home improvement loans and grants to low-income homeowners in rural areas
- **Department of Public Health** - lead poisoning prevention program
- **Make your home more energy efficient** – Weatherization and appliance replacement discount programs.

Partial List of Programs by City/Town

- **Adams**
- **Arlington**

- **Boston**
- **Brockton**
- **Brookline**
- **Cambridge**
- **Fall River**
- **Fitchburg**
- **Framingham**
- **Gardner**
- **Gloucester**
- **Haverhill**
- **Holyoke**
- **Hull**
- **Lawrence**
- **Leominster**
- **Lowell**
- **Lynn**
- **Malden**
- **Marlborough**
- **New Bedford**
- **Newton**
- **Peabody**
- **Pittsfield**
- **Plymouth**
- **Quincy**
- **Salem**
- **Salisbury**
- **Somerville**
- **Southbridge**
- **Springfield**
- **Taunton**
- **Waltham**
- **West Springfield**
- **Weymouth**
- **Worcester**
- **Yarmouth**

Other Local Resources

- **Boston Building Materials Cooperative** - discounted building materials, advice and technical assistance
- **Boston Building Resources** - discounted building materials, advice and home improvement classes
- **Title 5** - information about septic system repairs in Massachusetts
- **Consumer Affairs and Business Regulation** - file a complaint against a licensed contractor

- **Find your local Better Business Bureau** - check out Massachusetts contractors before starting home repairs

Source: US Department of Housing and Urban Development.

(<http://portal.hud.gov/hudportal/HUD?src=/states/massachusetts/homeownership/homerepairs>)

v. Reverse Equity Mortgages

These types of mortgages can be very useful for older adults who have specific needs. However, they are complicated products and not for everyone. Taking out a reverse mortgage is a big decision and a senior should be fully informed about the pros and cons of such a decision as well as know what red flags to watch out for.

To qualify, borrowers have to be at least 62, own their home outright or carry a mortgage small enough to be paid off by the proceeds. There are no income or credit qualifications, although homeowners are responsible for paying the annual taxes, property insurance and maintenance.

No loans have to be repaid until the owners move or die, in which case the bank takes its share and anything left goes to the heirs. However, if the owner fails to pay insurance and property taxes, the reverse mortgage is deemed in default and the owner is in danger of foreclosure.

Issues to Consider Before Deciding on a Reverse Mortgage

These are complicated products with even more complicated documents involved. Before signing anything, make sure that you have in-person counseling from a designated Housing Counseling Agency. (See [HECM Counseling Agency List](#))

- Have you considered all of the less costly options available to you? Is a reverse mortgage the only remaining option to deal with your financial issues?
- Have a list of questions for the counselor and bring a trusted family member or friend to the session
- Ask the counselor how to interpret the loan documents.
- Make sure you understand your obligations under the loan, i.e. to pay taxes, insurance, and maintain the property in a satisfactory condition. Failure to fulfill these obligations may constitute a default and possibly lead to foreclosure action.
- A typical reverse mortgage loan has upfront fees and costs which may amount to thousands of dollars and increase the amount owed on the loan. It is important to understand the total costs associated with the loan by asking questions and insisting on answers.
- Obtain independent legal and other financial advice prior to signing loan documents and retain your own legal representation at closing of the loan.

Avoid Reverse Mortgage Scams

Deceptive advertising and fraud have become increasingly prevalent. These are a few tips to avoid being scammed:

- Be suspicious of anyone trying to sell you something like a new roof or long term care insurance by suggesting you pay for it with a reverse mortgage.
- Don't get pressured by a lender into purchasing additional financial products.
- Be suspicious of ads oversimplifying reverse mortgages as "free money". This marketing tactic intentionally omits information about the fees and other risks associated with taking out a reverse mortgage

The bottom line: If you do not understand the cost or features of a reverse mortgage or any other product offered to you – or if there is pressure or urgency to complete a deal – walk away and take your business elsewhere.

Whether or not a reverse mortgage is right for you is a big question. Consider all of your options. You may qualify for less costly alternatives.

vi. Assistance in Paying for Long Term Services and Supports a Home

Long term care services and supports can be quite costly. Presently, over 40,000 people are living at home and receiving in-home support from the Mass Aging Services Access Points (ASAP) network, in addition to the 10,000+ people enrolled in Program for All-inclusive Care of the Elderly (PACE) Programs and the nearly 40,000 enrolled in Senior Care Options (SCO) programs in Massachusetts. Over 20,000 people insured under MassHealth hire personal care attendants (PCAs) to provide supports.

There are several programs which provide home based community services and supports to older adults who need assistance with activities of daily living and instrumental activities of daily living (grocery shopping, meal preparation, house cleaning, and much more), including:

1. State Home Care Program - There are 26 ASAPs statewide in exclusive geographic areas. ASAPs are private, non-profit agencies with a focus on providing older adults with support and services that enable them to live independently in their homes and also prevent/postpone the need for institutional care. Home Care Program benefits include a full range of services such as case management services, adult day care, home delivered meals, and chore services. The Enhanced Community Options Program (ECOP) provides a greater array of support services to older adults at home, who would otherwise need nursing home care. Services can be free of charge or can require co-payments, depending on the older adult's income. <http://www.mass.gov/elders/homecare/>

2. Frail Elder Waiver - This is a MassHealth program administered by the ASAP network that allows older adults who would otherwise require nursing home care to receive intensive services within

their own homes. A recipient must meet financial as well as clinical eligibility standards to qualify. To qualify, a senior must be age 60 or older; receive services through an ASAP; be medically eligible for nursing home placement; and have a countable-income amount less than or equal to 300% of the federal benefit rate (FBR) for an individual, or \$2199 as of January 1, 2015.

3. Program of All-Inclusive Care for the Elderly (PACE) - This program is administered by MassHealth and Medicare to provide a wide range of medical, social, recreational, and wellness services to eligible participants who reside in the community but are nursing home eligible. The goal of PACE is to allow participants to live safely in their homes instead of in nursing homes. A person must be aged 55 or over, reside in a geographical area served by a PACE provider, and be eligible for MassHealth Standard. See: <http://www.mass.gov/eohhs/docs/masshealth/pace/ltc-guide-to-program-of-all-inclusive-care.pdf>

4. Senior Care Options Program (SCO) - This program is administered by MassHealth and Medicare to provide a wide range of medical, social, recreational, and wellness services to eligible participants who reside in the community. Enrollees may or may not be nursing home eligible. This program is for older adults age 65 and over. SCOs are required to contract with State ASAP providers as part of the SCO care management team, which delivers home and community-based services as part of an integrated model of care. See: <http://www.mass.gov/eohhs/provider/insurance/masshealth/senior-care-options/senior-care-options-sco-and-providers.html>

5. MassHealth Personal Care Attendant (PCA) Program

For older adults with permanent disabilities who need assistance with personal care, there is a program that allows MassHealth recipients to hire and manage their own personal care givers. This is known as the PCA program. There are Personal Care Management (PCM) agencies throughout the state that will do an assessment to see if someone medically and financially qualifies for a PCA. The PCM can also assist an older adult with managing and paying the PCA. A good resource for additional information is the PCA Consumer Handbook

<http://www.mass.gov/eohhs/docs/masshealth/memlibrary/pca-consumer-handbook.pdf>

For an older adult who may need assistance finding and hiring a PCA, there are agencies, such as Rewarding Work, that will help find PCA's. <http://www.rewardingwork.org/State-Resources/Massachusetts.aspx>

4. Options To Consider Once The Decision is Made to Change One's Housing Situation

A. Independent Living

There are several options available for older adults who want or need to move out of their current homes. The desirability of these options depends upon each elder's needs involving finances, health and desired preferences.

i. Downsizing to Another Home

For many older adults who find their current home either too expensive or too big to continue to take care of, one option is to downsize to a smaller home, condominium, or apartment. Downsizing is a wonderful opportunity to look for housing that will allow someone to "age in place." Before downsizing, ask the following questions:

- Is the new home affordable now and will it remain affordable in the future?
- Is it accessible if health care needs change in the future?
- Is it near desired venues such as friends, family, shopping, doctors, etc.?
- Would you be willing to move in with a friend or companion?

ii. Accessory Apartments (aka "In Law Apartments")

Some interesting "downsizing" options include an "Accessory Apartment" or an "Elder Cottage Housing Opportunity" (ECHO) unit. Accessory apartments are often created out of extra spaces, such as a garage or basement, that are converted into complete private living units that include a private kitchen and bath. Typically, an extra door is added to the accessory unit so it has a private entrance. For older adults who have family members or friends willing to create this type of space, this option that can encourage economic and personal support between two households while at the same time allowing considerable privacy.

Older adults may also consider creating such a space in their own homes, but should understand that the outlay to create an accessory unit can be expensive, depending on the work that needs to be done and the relevant building codes. In addition, renting out an accessory unit puts the owner in the position of landlord, which may be an unfamiliar role for older adults. If an older adult is considering this option, it is important to check with the city she wishes to live in to see if accessory apartments are allowed and if there are any restrictions. See:

<http://www.masshousingregulations.com/pdf/accessory.pdf>

ECHO units differ from accessory units in that they are small manufactured homes that are spatially separated from the main house and can be removed when they are no longer needed. The average cost of a unit is approximately _____ INSERT, including shipping, concrete block foundation,

and utility hook-up. ECHO units are intended to allow older adults to live alongside their relatives but in a separate dwelling. Again, it is important to check with the city in which the elder intends to live to make sure the local zoning laws allow ECHO apartments.

iii. Public and Subsidized Apartments for Low Income Older adults

For low income older adults and people with disabilities, searching for affordable and accessible housing can be challenging. There are many types of affordable state and federal housing options, and it is important to understand the different programs in order to begin a successful housing search. See: http://portal.hud.gov/hudportal/HUD?src=/topics/information_for_senior_citizens

i. The Difference between Public and Subsidized Housing

- Public Housing – State
 - The state public housing program for older adults and people with disabilities is known as Chapter 667. An applicant may apply through a town’s local housing authority. Apartments are usually studios and one-bedroom units, although there are a few two-bedroom apartments. The housing authority manages the building and serves as the landlord. There are 253 local housing authorities in Massachusetts.
- Public Housing – Federal
 - Federally funded public housing for older adults and people with disabilities is available to households where the head of household or spouse is at least 62 years of age or has a disability and is income eligible. Apartments are usually studio or one-bedroom apartments, although there are a few two-bedroom apartments. The two most common programs are Section 202 – supportive housing for the elderly and Section 811 – supportive housing for people with disabilities.
- Subsidized Housing
 - Unlike public housing, subsidized housing is owned and operated by private owners who receive subsidies in exchange for renting to low- and moderate-income tenants. Owners may be individual landlords or for-profit or nonprofit corporations.
- Vouchers
 - Subsidized housing can be obtained through vouchers, where the subsidy is used by a tenant to find rental housing in the private market and paid to a private landlord. This subsidy stays with the tenant. The Section 8 Housing Choice Voucher Program and HOME Tenant-Based Rental Assistance are two well-known federal voucher programs. The Massachusetts Rental Voucher Program is a state subsidized voucher program.
- Multifamily Subsidized Housing

- The subsidy is given to the owner who provides affordable housing. This subsidy stays with the property. Multi-family state programs include MassHousing Section 13A Interest Subsidies and Project-Based Mass. Rental Voucher Program (Project-Based MRVP).

ii. The Application Process

Your chances of getting public or subsidized housing are greater if you apply to as many places as possible. In addition, you should always apply to the local housing authority and subsidized housing in your community, since many housing authorities give priority to local residents on their waiting lists.

To apply for Section 8 housing, you may apply to any one of the regional non-profit agencies. If you apply to one of the regional housing agencies, your name will be placed on a statewide Section 8 waiting list maintained by the Department of Housing and Community Development. You may also call any local housing authority to find out how to submit an application. There is now a centralized waiting list in which 93 local housing authorities participate. You need only to apply to one of these authorities to be considered by all 93 authorities. To obtain an application or to apply online for the centralized waiting list, visit www.section8listmass.org.

iii. Waiting Times

The length of time a person may have to wait to get approved for public or subsidized apartment depends on the waiting list at the housing authority they have applied to and on the applicant's circumstances. There are preferences based on whether there is an emergency need, veteran status, residency, or other factors.

It's important for you to be aware of the current waiting list length (number of individuals) as well as the estimated wait time, so you can both counsel older adults accurately and inform local leaders of the demand for affordable housing.

iv. Accessibility Issues in Rental Properties for People with Disabilities

The MassAccess Housing Registry (MassAccess) at <http://www.massaccesshousingregistry.org/> helps people find affordable rental and homeownership opportunities in Massachusetts. A key aim of the Registry is to highlight homes for people with disabilities who need accessible or barrier-free housing. Consumers may search locations of housing by city or town, rent level, number of bedrooms, particular adaptable or accessible features, and vacancy status.

Options counselors at ASAPs or housing coordinators at a local Independent Living Centers (ILC) can help access the housing information which Mass Access collects. They will help you with the application process and give you information on tenant rights, civil rights, and home modifications. See: <http://www.masilc.org/membership/cils> (list of Massachusetts ILC's)

For contact information and a complete listing of Cities/Towns served by each center click on their names below:

- [Ad-Lib, Inc.](#) - Pittsfield
- [Boston Center for Independent Living](#) - Boston
- [Cape Organization for the Rights of the Disabled](#) - Hyannis
- [Center for Living and Working, Inc.](#) - Worcester
- [Independence Associates, Inc.](#) - Brockton
- [Independent Living Center of the North Shore and Cape Ann Inc.](#) - Salem
- [MetroWest Center for Independent Living](#) - Framingham
- [Multi-Cultural Independent Living Center of Boston](#) - Boston
- [Northeast Independent Living Program](#) - Lawrence
- [Southeast Center for Independent Living](#) - Fall River
- [STAVROS](#) - Amherst

B. Supportive Housing Options

i. Supportive Housing in Public Housing Sites

The Supportive Housing Initiative was developed by the Executive Office of Elder Affairs and the Department of Housing and Community Development (DHCD) to create an "assisted living like" environment in state funded public elderly/disabled housing. This housing allows frail, low-income older adults an opportunity to access a model of affordable supportive housing that promotes independence and aging in place. Like traditional assisted living, services are offered on an as needed basis, 24 hours per day. Residents who do not qualify for state funded home care services based on their frailty level and income are able to privately purchase the entire package of supportive services or some of the services based upon their needs. Residents who are home care eligible receive all or some of the services at no additional cost. The following are some of the services that are available to older adults participating in this program: service coordination, case management, 24-hour personal care/on-site, on-call person, homemaker services and laundry, medication reminders, social activities, and at least one meal per day. Download a list of sites across the Commonwealth <http://www.mass.gov/elders/housing/supportive-housing/program-sites.html> .

ii. Congregate Housing Sites

Congregate Housing is a shared living environment designed to integrate the housing and services needs of elders and younger disabled individuals. The goal of Congregate Housing is to increase self-sufficiency through the provision of supportive services in a residential setting. Congregate Housing is neither a nursing home nor a medical care facility. It does not offer 24-hour care and supervision. Services are made available to aid residents in managing Activities of Daily Living in a supportive, but not custodial environment. Each resident has a private bedroom, but shares one or more of the

following: kitchen facilities, dining facilities, and/or bathing facilities. Throughout the state there are many variations in size and design.

A Service Coordinator is employed and spends time on-site in the congregate to coordinate the activities of the local housing authority/housing agency, the local ASAP, and the other service provider agencies in order to bring about and maintain a well-organized housing and services program. The Service Coordinator will develop individual service plans based on each resident's need for social supports, and collaborate with other residents' service coordinator's to ensure service plans fit with the needs and requirements of the congregate housing residents (i.e., cleaning of shared spaces, preparation of shared meals, contributions to common expenses).

iii. Assisted Living - Assisted living (AL) is a housing option that offers professionally managed supportive services and meals in a group setting for older adults who may need assistance with activities of daily living, but who do not require serious medical care. Some AL's have specialized units ("memory units") for persons with dementia. ALs emphasize privacy, autonomy, and control. Residents usually live in their own units that include bathrooms and small kitchenettes. They can lock their doors and have choices about the types of activities in which they participate. See <http://www.mass.gov/elders/docs/assisted-consumer-guide.pdf>

i. Costs of Assisted Living: The cost of ALs vary due to the location, the size of the apartment, and the services included. The average monthly fee for ALs in Massachusetts in 2015 is \$5,300. See: <http://www.assistedlivingfacilities.org/directory/ma/>. The majority of AL residents pay privately, but there are a few ways to receive third party assistance:

a. Group Adult Foster Care (GAFC) - This program, funded by MassHealth, pays for the service component of the AL cost. To be eligible, an individual must qualify financially for MassHealth and also demonstrate their need for assistance with at least one Activity of Daily Living (e.g., dressing, bathing, eating, and ambulation.) Not all ALs have GAFC funded slots, so it is important to inquire about this if you are interested in moving into an AL. See: <http://www.mass.gov/eohhs/gov/laws-regs/masshealth/provider-library/provider-manual/group-adult-foster-care-manual.html>. For a list of ALs that participate in the GAFC program, call the Elder Affairs' Information and Resources unit at 1-800-243-4636.

Many people who are eligible for Medicaid can also receive SSI-G - a subsidy of up to \$1,000 per month from Social Security to cover rent in assisted living.

b. ElderCHOICE Program - A few ALs provide reduced rates for lower income residents. An example is ALs that receive funds from MassHousing through a program called ElderCHOICE. At least 20% of the units within ElderCHOICE ALs are reserved for low-income residents. Again, you should inquire as to whether the particular residence you are considering offers reduced rates.

List of ALs: Consumers may view of list of ALs in Massachusetts (222 as of May 2014) at: <http://www.mass.gov/elders/housing/assisted-living/assisted-living-residence-list.html>.

i. Resident Service Plan -Before a resident moves in, each AL must conduct an initial screening to determine the resident’s service needs. This screening includes an evaluation by the resident’s doctor of physical, cognitive, and psychosocial condition. Service plans must be kept on file and updated by the AL every six months.

ii. Resident Rights - Residents of ALs are considered “tenants” and their tenancy is governed by Massachusetts landlord/tenant law. In addition, residents have the right to keep and use the personal property in their residence; the right to privacy within their residence; the right to engage with their own health care providers; and the right to have visitors. All ALs must have a written agreement or contract which sets out both parties’ rights and obligations.

iii. Assisted Living Ombudsman Program: The Office of Elder Affairs (Elder Affairs) also runs an Assisted Living Ombudsman Program. While Elder Affairs does not make recommendations, you may contact the Assisted Living Ombudsman Program to inquire if any complaints have been filed against any one AL. The assisted living ombudsman also acts as a mediator and attempts to resolve problems or conflicts that arise between an AL and one or more of its residents. Anyone can bring a complaint before the ombudsman. To contact an Assisted Living Ombudsman, you may call Elder Affairs at (617) 727-7750 or 1-800-AGE- INFO (1-800-243-4636).

iv. Continuing Care Retirement Communities (CCRCs) - CCRCs are different from other types of senior housing as they provide a continuum of care from independent living to assisted living to memory care and skilled nursing. CCRCs offer the convenience of having healthcare and support services in one primary location where older adults can easily transition from one residential care setting to another as their need for care changes and “age in place.” CCRCs can be quite costly, though. There is often a one-time entrance fee plus monthly charges involved. It is important to read the CCRC contract carefully and understand all of its terms before signing on.

As of June 2015 there are 32 CCRC. For a full list of sites and comprehensive information about CCRCs, see: <http://www.mass.gov/elders/housing/ccrc/>.

v. Rest Homes - Rest Homes are licensed by the Department of Public Health and provide housing, meals, 24-hour supervision, administration of medications, and personal care to individuals who do not routinely require nursing or medical care. Because rest homes are not medical facilities, they are not financed through private medical insurance or MassHealth. Residents either private pay or receive governmental assistance through the Supplemental Security Income Program and the Emergency Assistance to Elderly, Disabled and Children Program.

vi. Nursing Homes - While there are many options available to keep older adults living in the community, there are situations when an elder or a person with a disability requires 24 hour care that only a nursing home can provide. If you are thinking about moving into a long term care facility, talk with a Long Term Care Ombudsman.

Individuals may require only a short term stay for rehabilitation or a longer term stay when they cannot return to the community. Residents may pay for nursing home care with their own funds or, for those who have limited assets or who “spend-down” assets on their care; they can become eligible for MassHealth. Medicare provides limited coverage for some nursing facility care for shorter-term stays following a hospitalization. Some nursing facilities have special units for residents with dementia or Alzheimer’s disease.

In Massachusetts, nursing facilities are licensed by the Division of Health Care Quality at the Department of Public Health (617-493-8333). For more information about nursing home regulations, quality of care, and more see:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/healthcare-quality/nursing-homes/>

Long Term Care Ombudsman for Residents of Nursing Homes and Rest Homes

A Long Term Care Ombudsman is an advocate for residents living in long term care facilities, both nursing homes and rest homes. Ombudsmen offer a way for residents and their loved ones to voice their complaints and have their concerns addressed so that residents can live their lives with dignity and respect.

The Executive Office of Elder Affairs, through 24 Local Program Areas, administers the Massachusetts Long Term Care Ombudsman Program. Ombudsmen work within the system to improve the quality of life and care of residents. Ombudsmen volunteers and staff are certified by the State Ombudsman and visit nursing and rest homes on a regular basis.

The goals of the Long Term Care Ombudsman are to:

- Receive, investigate and work to resolve concerns of residents.
- Educate residents, families and providers about resident rights.
- Refer individuals to other appropriate agencies for assistance when resolution of a concern is not possible through the Ombudsman Program.
- Advocate for positive change to the long term care system in Massachusetts.
- Provide information and assist consumers in selecting a long term care facility.
- Keep the identities of residents and complainants confidential unless the person making the complaint consents to having such information released, or abuse or neglect are involved.

C. Housing Concerns of LGBT Older Adults

The Special Legislative Commission on Lesbian, Gay, Bisexual and Transgender Aging (“LGBT Aging Commission”) issued its report to the Commonwealth of Massachusetts on the needs and concerns of LGBT older adults. The key areas of investigation and recommendations include housing, senior centers and civic engagement, long term services and supports, legal rights, and public health areas.

The LGBT Aging Commission reported that LGBT older adults across the country have fears related to having a lack of safe housing options. Discrimination and exclusion has been their lived, life-long experience, and the intolerance of LGBT adults is still strong among many in their older adult age cohort.

Regarding housing needs and concerns, the LGBT Aging Commission made recommendations in 3 areas, with specific activities under each area (some highlighted here):

1. The need to develop LGBT friendly housing options in MA
 - a. Create small group homes under a Medicaid long term services waiver
 - b. Consider launching a pilot that would create of a naturally occurring retirement community (NORC) in a village/neighborhood which could serve as a model for other neighborhoods in MA.
2. The need to make existing public housing safe and welcoming for all people, including LGBT elders
 - a. Develop a training for all housing management and staff
 - b. Prevent bullying and harassment of LGBT elders in senior housing, via the promotion of open and affirming support groups in senior housing, similar to the Gay Straight Alliances in high schools.
3. The development of a ranking system that would track and identify welcoming housing options and the commitment [by staff and management] to the safety, inclusion, and wellbeing of all adults living in them.
 - a. Develop a ratings system that evaluates the level of inclusiveness and commitment to diversity for all senior housing buildings in Massachusetts. Such a ranking system would provide critical information to seniors as they plan for future moves. Several factors regarding fair treatment for LGBT elders might include: policies prohibiting discrimination based upon sexual identify or gender identity, existing diversity statements, programs or resources specifically for LGBT older adults and caregivers, cultural competency training for staff, management and other consumers.

Housing Discrimination

The Fair Housing Act, also known as Title VIII of the Civil Rights Act, ensures that individuals and families are able to seek and secure the housing of their choice without regard to, for example, their race, where they came from, or if they have a disability. Specifically, the Fair Housing Act makes it illegal to discriminate against someone in the sale or rental of housing because of a person's race,

color, religion, sex, familial status (e.g., children or marital status), national origin, or handicap/disability.

In addition to the federal Fair Housing Act, **Massachusetts has enacted additional protections against housing discrimination.** The Massachusetts Antidiscrimination Law, M.G.L. c. 151B, prohibits discrimination in public housing, and actions taken by realtors, landlords, mortgage lenders and brokers. Under this state law, it is illegal to discriminate against someone in the advertising, sale or rental of housing because of a person's membership in one of the following protected classes:

- Race
- Color
- Religious creed
- National origin
- Ancestry
- Sex
- Marital status
- Veteran status
- Age
- Handicap/disability
- Gender Identity
- Sexual orientation
- Children
- Public assistance
- Children/Lead Paint
- Public Assistance Recipient (e.g., Section 8 voucher holder or MRVP voucher holder)

If someone believes they have been a victim of housing discrimination, refer them to the Civil Rights Division of the MA Attorney General's Office at (617) 727-2200 or file a civil rights complaint. In addition, they may file a complaint with the Massachusetts Commission against Discrimination, (617) 994-6000.

Source: MA Attorney General's Office, www.mass.gov/ago

Additional Housing Related Legal Assistance Resources - Pending Evictions or Tenancy Loss

Greater Boston Legal Services - (617) 371-1234

Office of Consumer Affairs and Business Regulation - 1-888-283-3757

Additional Resources Regarding LGBT Aging Issues

The LGBT Aging Project, at Fenway Health– 857.313.6590

The LGBT Aging Project is a non-profit organization dedicated to ensuring that lesbian, gay, bisexual and transgender older adults have equal access to the life-prolonging benefits, protections, services and institutions that their heterosexual neighbors take for granted. The LGBT Aging Project was founded in 2001 by a group of advocates from both the aging service network and the LGBT community who recognized that lesbian, gay, bisexual and transgender elders are invisible to mainstream elder service providers and that older LGBTs are often invisible within the LGBT community as well. In 2013, the LGBT Aging Project became part of The Fenway Institute at Fenway Health, helping to strengthen training, outreach and educational efforts for LGBT older adults at both organizations.

D. Assistance with Shedding and/or Moving Belongings

The decision to stay or to move may involve throwing away or organizing personal belongings in order to make the new or current living space clean, adequate, and more livable.

Professional organizers typically give this tip: set up four boxes (or corners) in the room you need to declutter. Label them as:

- trash
- sell
- donate to friend or charity for use/recycling
- keep and relocate (to a more proper storage or place in home).

Then, organizers advise owners to assess each and every item in a room and place it into one of the four categories. No item should be passed over.

Once the sorting is complete, owners should then:

- Bag up or box the trash and move it out of the home (via normal trash pick-up or larger “junk” pick up services)
- Move the items you are keeping into their proper storage areas or placement. Put furnishings back in their proper locations.
- Organize how to give away the rest of items. This chore is often the most daunting because it can involve so many steps.
 - i. Make gifts to family and friends,
 - ii. Sell items via a yard sale, on line, at a local consignment shop, or via a professional estate sales company
 - iii. Make donations.

The following fact sheet provides ideas for how to dispose of one’s excess or unwanted possessions.

Fact Sheet: How to Give Away Personal Belongings That Are No Longer Needed

Making Gifts to Family and Friends: Call or write and offer an item with a time limit for accepting the gift. It is fun to give away items during your life to intended recipients. You get to share their joy in receiving cherished items, be it a rug, an afghan or pillow, tablecloth, special bowl or china set, knickknack, carving, painting, or print, etc.

Selling Items: Hiring an estate sales company or bringing clothes, jewelry, and furniture to a local consignment shop are two easy ways to generate income for some items. And, for those who are computer savvy, eBay and Craigslist are popular online options to sell items. Yard sales entail a lot of work for low reward, but some will want to try this route before making a full charitable donation of the items.

Giving Away Items: This chore is most daunting because each type of possession has a different system of willing recipients. The list below provides tips for each type of item in a household.

Donating Clothing and Furniture

Here are few organizations to consider. You may have others in your area that may have drop off spots or arrange for a pick up at your home.

Planet Aid - find a drop box at www.planetaid.org. Planet Aid is a 501(c)3 nonprofit organization that collects and recycles used clothes and shoes and supports development projects in some of the poorest parts of the world. The projects empower people and create momentum to improve health, increase income, aid vulnerable children, train teachers, and enhance the overall quality of life. Planet Aid's bright yellow boxes can be found across many major metropolitan areas of the United States.

Vietnam Veterans of America – <http://www.schedulepickup.com/Donation-Program> - Donations of clothing and household items to the Vietnam Veterans of America (VVA) generates over 50 % of the funding for programs to help all veterans throughout the country.

Salvation Army of Massachusetts – www.use.salvationarmy.com and <http://satruck.org/> are websites that explain how to drop items off, have a truck scheduled to pick up items, and how to donate a car. “Nearly 30 million Americans receive assistance from The Salvation Army each year through the broadest array of social services that range from providing food for the hungry, relief for disaster victims, assistance for the disabled, outreach to the elderly and ill, clothing and shelter to the homeless and opportunities for underprivileged children.”

Big Brother Big Sister Foundation - www.bbbsfoundation.org. “Donations help to support more than 16,000 children in the Greater Boston area & Southern New Hampshire by providing them with one-to-one friendships with adult mentors. We donate 100% of the net profits from your donations to mentoring programs across MA & Southern NH.”

Donating Cars

Many non-profits now accept car donations. Conduct an internet search for local charities that do so in your area.

Donating Books, CDs, DVDs and Records

An organization called “Got Books?” have local containers for dropping off books and musical recordings in various formats. Go to www.gotbooks.com to find a local drop off location.

Your local Library may also accept some books and recordings. Call them for details.

Donating Used Appliances

Goodwill -- <http://www.goodwillmass.org/donations/donation-centers-and-hours.html>.

Best Buy – www.bestbuy.com

Donating Computer Equipment

Goodwill -- <http://www.goodwillmass.org/donations/donation-centers-and-hours.html>. In addition to clothing, furniture, and small appliances, Goodwill also accepts computer equipment from individuals and families for recycling (through Dell Reconnect) such as Monitors Scanners, Mice, Printers, Keyboards, Laptop Batteries, Ink/Toner Cartridges, Computers, Hard Drives, Speakers, and Cords & Cables. Visit their website to find store locations, attended donation locations and unattended donation locations across all of eastern Massachusetts.

Note: Remind anyone making donations of computer equipment to remove all personal data from hard drives before donating computers or hard drives. Residents are further advised to wipe their hard drives before donation. A number of programs are available online. Neither Goodwill nor Dell is liable for data removal or protection.

Staples – www.staples.com

Best Buy – www.bestbuy.com

Recycling Electronic Items, like TVs, Camcorders

Best Buy – www.bestbuy.com

How to Shred Paper containing Confidential Personal Information

Stapes, Office Max, MailBox, and many other stores now offer paper shredding services, which are useful for safe destruction of old mortgage statements, payroll slips, health claims, and any other paperwork with personal information that could be misused for credit or identify theft.

Donating Assistive Technology Devices

Assistive Technology Exchange in New England & New York – at <http://www.getatstuff.com/home.php>. The goal of Get AT Stuff is to provide Assistive Technology

devices that are no longer being used to people who need and can benefit from them. Categories of devices listed on the Assistive Technology Exchange in New England & New York are:

- Vision (Desktop & Portable Video Magnifiers, etc.)
- Hearing (Assisted Listening/Alerting Devices, Amplified Phones, etc.)
- Speech Communication (Communication Devices, etc.)
- Learning, Cognitive, Developmental (Literacy Software, Photo Phones, Portable Word Processors, etc.)
- Mobility, Seating & Positioning (Power & Manual Wheelchairs, Scooters, Walkers, Ramps, Canes, etc.)
- Daily Living (Bathing/Toileting Aids, Lift Chairs, Patient Lifts, Adjustable Hospital Beds, Standing Frames/Aids, etc.)
- Environmental Adaptations (Electronic Aids for Daily Living, Environmental Control Units, Telephone Systems, Stair Lifts, Home Modification/Adaptation Items, etc.)
- Transportation and Vehicle Modifications (Accessible Vans, Wheelchair/Scooter Lifts/Carriers, etc.)
- Computers and Computer-related (Accessible Workstations, Adjustable/Ergonomic Chairs, Computer Access Equipment, etc.)
- Recreation, Sports, and Leisure (Hand cycles, Adaptive Exercise Equipment, 3 Wheel Bikes, Pool Lifts, etc.)
- Other (Accessible Homes, Therapy/Rehab Devices, etc.)

Donating Medical Equipment

Contact your local COA, Independent Living Center, or Hospital to find out who accepts used durable medical equipment to be recycled back into the community.

Condensing Photographs into Electronic Files

There are many companies that scan old photos as well as videos into electronic files.

Junk Removal (for items that are not accepted as donations and/or are large and bulky)

Cleanout service companies have employees who come and haul away large, bulky, and heavy items and other large items such as pool and deck tear downs. They can clear out attics, basements, yards, and garages of any unwanted and unused items.

Dumpsters and large “Bagsters” can be rented quite easily for homeowners to use if they have the crew to discard items. Home improvement stores sell the Bagsters, which a large waste management company will retrieve once it filled.

5. Crises in Homeownership Preservation

i. “Underwater” Mortgages

For homeowners who have mortgages that are “underwater” (meaning the mortgage is larger than the current value of the house or who may be at risk of foreclosure), there are some refinancing options available. If you meet certain criteria, your underwater loan may be eligible for a refinance through the federal Home Affordable Refinance Program, or HARP. The program allows qualified borrowers to refinance a loan that is from 105% to as high as 125% of a home's value. However, the homeowner must satisfy two basic conditions: The homeowner must not be on the road to foreclosure because of any delinquent payments in the past twelve months AND either Fannie Mae or Freddie Mac must own the loan. You can find a loan lookup tool and other calculators at the government's Making Home Affordable Web site at <http://www.makinghomeaffordable.gov/pages/default.aspx>.

If the homeowner not only has an underwater mortgage but also has missed payments, the homeowner may qualify for HAMP, the federal Home Affordable Modification Program available through mortgage lenders. To qualify, the homeowner must demonstrate financial hardship that puts the mortgage in imminent danger of default. The mortgage must be owned by Fannie Mae, Freddie Mac, or by others signed up with the U.S. Treasury to qualify for HAMP. (Call the loan servicer to find out if it is participating.) HAMP is not a refinancing program – it is a change to contract terms which may lower the mortgage payments.

With so many financial terms to remember and a process that can be complicated, you would benefit greatly from the help of a housing expert from a HUD-approved housing counseling agency. There is no charge to work with a HUD-approved counseling agency. A housing counseling expert can provide a range of services, including the following:

- Identifying mortgage assistance options that are suitable for your situation.
- Explaining required documents and, in many cases, submitting those documents to your mortgage company for you.
- Helping you create a budget that supports your mortgage and other expenses.
- Providing information about local resources that may also be helpful to you.

To contact a housing counselor, call 888-995-HOPE (4673) or TTY 877-304-9709. The HUD-approved housing counselor will help you understand your options and prepare your application.

ii. Foreclosure Prevention

For a senior who has fallen behind on mortgage payments and whose home is at risk of foreclosure, it is important to understand the process and to know how to get help. First, it is important to know who the lender is, why the lender is seeking to foreclose, and the time lines involved in the process.

In addition, the bank can only foreclose if they give the homeowner the right notices, record the notices and publish the auction in the newspaper. If a homeowner receives notices from a bank, they should immediately begin looking for help. You can start by calling the Massachusetts Mortgage Foreclosure Assistance Hotline toll-free at (800) 495-2265 for assistance and guidance

Additional resources include the Attorney General's HomeCorps Hotline at 617-573-5333. The Massachusetts Division of Banks seeks delays from mortgage lenders for any Massachusetts homeowner facing imminent foreclosure who has filed a complaint with the Division. The Division has halted foreclosure proceedings for a period of 30- to 60-days for more than 1,700 homeowners. If a foreclosure is scheduled in the next seven days, you can contact the Division of Banks directly at 1-800-495-2265 for help in securing a delay in the foreclosure process.

iii. Preventing Utility Shutoffs

Ensuring ongoing utility services is critical to an older adult's health and safety. Sometimes it is very difficult to keep up with utility payments on a fixed income. If unpaid utility bills pile up then an older adult is threatened with the loss of electricity, gas, or water. However, there are protections for older adults in Massachusetts who may find themselves in this situation.

- **Preventing Shutoffs:** Under certain circumstances, a gas or electric provider is not allowed to shut off your heat, even for non-payment. You must be unable to pay your bill because of financial hardship and certify to one of the following circumstances:
 - Everyone in the household is over 65, or
 - All adults living in the home are over 65 and a minor child resides in the home, or
 - You or someone who lives in the home is seriously ill, or
 - There is a child under the age of 1 living in the home.

Qualified customers should contact their utility company and explain the situation. The company is likely to ask for a copy of the child's birth certificate or other pertinent information such as written proof of illness from a physician and/or proof of inability to pay based upon income.

There is also a winter moratorium in place every year from November 15 to March 15. During those months, gas and electric companies cannot shut off service because of an inability to pay. However, this moratorium does not apply if service was shut off for non-payment before November 15.

- **Third-Party Notification:** Missing a payment can happen to all of us, but it is a special concern for elderly customers, those who are seriously ill and in the hospital, those with a reading or language difficulty, and those who frequently travel out of the country. Third-Party Notification can help avoid any misunderstanding and serves as a safety net to keep your power from being disconnected.

This free service can be set up by you or someone who cares about you (with your permission, of course) and provides you with peace of mind that someone will be notified if your electric service is going to be disconnected for nonpayment. Through the Third-Party Notification process, a copy of your disconnection notice will be forwarded to a friend,

relative, neighbor, or any person you designate. Your designated contact will not be responsible for paying your bill but they can help remind you that your bill is due. Contact the Customer Service department of the utility company.

- **Payment Arrangements:** There may be times when making ends meet is a struggle. Payment Plans and/or Arrearage Management Programs are offered by Massachusetts gas and electric utility providers. They will work with customers to spread out payments on overdue portions of their bill. Furthermore, many of the gas and electric utility providers offer an Arrearage Management Program in which past due balances over a certain amount are forgiven if the customer adheres to a structured payment plan. To take advantage of these programs, please contact your gas and/or electric utility provider directly.
- **Set up a Steady and Predictable Monthly Billing System:** By enrolling in Budget Billing, you will receive a bill each month for the same amount. Based on past billing records, the utility provider divides your annual usage into eleven equal payments. On the twelfth month, it will settle your account, adding in any over or under payments. The utility will review your utilization every year and adjust your payments based on how much electricity you use and the current rates. With this system, the consumer can avoid seasonal highs that may cause a hardship.

iv. Property Tax Arrearages Leading to Loss of Home

More cities and towns in Massachusetts are selling property tax liens to for-profit companies who charge exorbitant interest and can attempt to foreclose on the properties. It is important to pay attention to any notices that you receive about unpaid property taxes and try to work with your town to come to an agreement around re-payment. Remember the tax credits, exemptions, and abatements mentioned earlier in section.

v. Other Homeowner Issues to Watch Out For

Older adults across America are swindled out of 2.9 billion dollars per year according to a recent MetLife study. For many older adults, their home is their primary asset and may be quite valuable. There are many ways that older homeowners can be financially exploited.

- Reverse mortgage scams were covered in an earlier section.
- There are also con artists who walk around neighborhoods posing as developers and looking for older adults who they may con into selling their home for far less than fair market value.
- There are also situations in which family members or friends defraud an older adult into transferring their home. Once you transfer your home – it is no longer yours and you can actually be evicted by the new owner.

It is extremely important to be aware of various ways that one's home and its equity value can be put at risk. There is assistance available in the form of adult protective services which are housed in the ASAP's and investigate situations of elder abuse including financial exploitation. See Section ____ of this Manual for details about financial exploitation of elders and Adult Protective Services

for older adults in Massachusetts, and visit this web site: <http://www.mass.gov/elders/service-orgs-advocates/protective-services-program.html> .

vi. Homesteads – An Essential Protection

The Homestead Act allows homeowners to protect up to \$500,000 of equity in their principal place of residence from collection actions that might otherwise force the sale of a home to pay an outstanding debt. Ordinarily, if a person owes money and does not pay, a creditor can go to court to begin a lawsuit to force the debtor to pay. At the same time, the creditor can “attach” any real property the debtor owns. The attached property cannot be sold until the lawsuit is over. If the court decides that the debtor really does owe the creditor money, the creditor can “levy on the execution” or force the sale of property to pay the debt. If the debtor has protection under the Homestead Act, then his or her home is safeguarded to a certain degree from attachment or forced sale. For elderly couples who are each age 62 or older, the protection is \$500,000 each.

It is important to note that The Homestead Act will not protect you from certain debts including:

- Local, state, and federal taxes, assessments, claims, and liens
- Court ordered support payments (e.g., alimony, child support)
- First or second mortgages
- Debts incurred prior to the homestead declaration being

Homestead forms may be obtained at www.sec.state.ma.us/rod and most Registries of Deeds. Or, ask an attorney to prepare a homestead declaration for you and file it with the Registry of Deeds. Each homestead must be filed in the county or district Registry of Deeds in which the residence is located.

6. Crises in Tenancy Preservation for Renters

When an elderly or disabled tenant is faced with the possible loss of tenancy through the eviction process in Massachusetts, it is referred to as “Summary Process.” There are multiple steps that a landlord must take to legally evict a tenant. The steps in the process differ somewhat depending upon whether a tenant has a lease.

The Eviction Process

For tenants with a lease, the lease generally lasts until the end date stated in the lease. If a landlord wants to evict a tenant before the end date, the landlord may evict only for: violating a term of the lease, (lease violations may include disturbing other tenants; creating unsafe conditions in your apartment such as hoarding; having someone else live in the apartment with you without the landlord’s permission; and destroying property), or not paying rent pursuant to the lease, or using the apartment for illegal purposes.

If you do not have a lease and are a tenant at will, a landlord does not have to state any reason for beginning an eviction and does not have to prove that the tenant did anything wrong.

An eviction begins with a written notice from the landlord called a “Notice to Quit.” This notice tells the tenant that he or she must “deliver up” or “vacate” the apartment by a certain date. Many tenants believe that they must move out by this date – They Do Not! If tenants are still in the apartment, the next step is for the landlord to file a Summons and Complaint in court. The tenant will be served a copy by a Constable, and the Summons will have the time and date of the court hearing as well as the reason for the eviction. A tenant has the right to file an Answer by the Answer date listed on the Summons and Discovery documents. If Discovery is filed, the trial date will be delayed by two weeks to give the landlord an opportunity to respond to the discovery. The Answer is the tenant’s opportunity to tell his or her story and list legal defenses to the eviction. A tenant can also include Counterclaims against the landlord in the Answer. Examples of legal defenses include “the landlord did not properly terminate the tenancy,” “there are bad conditions in the apartment which violate the state sanitary code,” discrimination; and requests for a reasonable accommodation.

It is very important that a tenant come to court on the scheduled trial date. If you do not appear, you will be defaulted, which means that you lose your case. Once in court, your case will be called before the judge and this is your opportunity to tell your story and assert any legal defenses or counterclaims that you may have.

Source: <http://www.masslegalhelp.org/fighting-an-eviction-in-court>

Health and Safety Violations - Tenant Rights

If a tenant reports that there are conditions in the apartment that jeopardize the health or safety of its residents, the tenant should contact the landlord immediately to report all of the conditions. If the landlord has been alerted and has not responded, the tenant should next call the Board of Health in the town in which he or she resides. A housing inspector will inspect the apartment to see whether there are any code violations. The Massachusetts Department of Public Health has regulations called the state sanitary code at <http://www.mass.gov/eohhs/docs/dph/regs/105cmr410.pdf>.

The state Sanitary Code ensures that all rental housing meets minimum standards regarding upkeep and safety to protect tenant's health, safety, and well-being. If there are violations, an inspector has the power to order your landlord to make repairs within a certain period of time.

7. Homelessness

All of the information covered thus far has been focused on ensuring that older adults have stable housing which meets their financial and health needs. Unfortunately, there are situations when older adults find themselves homeless or at risk of imminent homelessness. While this can happen to anyone, there are several specific risk factors that make some people more susceptible.

- Poverty – Older adults who are poor and who have spent some of their lives in poverty are at risk for homelessness.
- Prior Imprisonment - Roughly half of older homeless men and one-fourth of older homeless women report prior imprisonment. Criminal records often preclude older adults from obtaining public or subsidized housing as all potential landlords run CORI (Criminal Offender Record Information) checks and often deny admission to applicants with criminal records.
- Substance Abuse – Present or past abuse of substances creates a heightened risk for homelessness in older age.
- Mental health issues – Rates of mental illness among people who are homeless in the United States are twice the rate found for the general population.
- Older adults who are “doubled-up” in housing that cannot accommodate them;
- Older adults who leave institutions such as hospitals or nursing homes with no housing in place.

Services for Homeless Older adults in Massachusetts

Shelters - There are homeless shelters for homeless adults throughout the state. See the attached link for a list of shelters across Massachusetts. See: <http://www.homelesshelterdirectory.org/cgi-bin/id/city.cgi?city=Boston&state=MA>. Many shelters provide food, access to social work services, and referrals to local ASAPs.

Housing Search - Local CAP (Community Action Program) agencies can assist older adults and people with disabilities with the housing search. See: <http://www.masscap.org>.

Homelessness Prevention - Housing Consumer Education Centers Listing - The Housing Consumer Education Centers (HCEC) are funded by the MA DHCD; they educate housing consumers on how to acquire the necessary tools or resources to keep their current housing, or find new housing, and how to become or remain financially self-sufficient. Each HCEC provides: housing-related training/education for consumers; information and referral about affordable housing options in the region; mediation/negotiation assistance with current landlords; and community outreach. For more information, call 1-800-224-5124 or else call/visit the regional Housing Consumer Education Centers, listed below.

HCEC Directory:

Berkshire Housing Development Corporation
1 Fenn St. 3rd Floor
Pittsfield, MA 01201
413-499-1630 x-108
HCEC website:
website: www.berkshirehousing.com

Community Teamwork, Inc.
155 Merrimack St.
Lowell, MA 01852
978-459-0551
website: www.comteam.org

Franklin Regional Housing Redevelopment Authority
42 Canal Road
Turner Falls, MA 01376
413-863-9781
website: www.fchra.org

Housing Assistance Corporation
460 West Main Street
Hyannis, MA 02601
508-771-5400 x-287
website: www.haconcapecod.org

HAP, Inc.
322 Main Street, Suite 1
Springfield, MA 01105
413-233-1600

1-800-332-9667

website: www.haphousing.org

Metropolitan Boston Housing Partnership, Inc.

125 Lincoln Street, 5th Floor

Boston, MA 02111

617-425-6700

website: www.mbhp.org

RCAP Solutions

12 East Worcester Street

Worcester, MA 01604

978-630-6600

800-488-1969 ext. 6791

website: www.rcapsolutions.org

South Middlesex Opportunity Council, Inc.

300 Howard Street

Framingham, MA 01702

508-872-0765

website: www.smoc.org

South Shore Housing Development Corporation

169 Summer Street

Kingston, MA 02364

781-422-4222

800-242-0957

website: www.southshorehousing.org

8. Hoarding

Sometimes, local Boards of health receive a complaint about a homeowner or tenants hoarding behavior. People who hoard often face a range of legal issues. Of particular concern are legal proceedings that threaten hoarders with the loss of stable housing. Hoarding homeowners, once the home's condition has come to the attention of public health or other government officials, may face condemnation and eviction by court order. While the threat of an eviction or condemnation is no doubt extremely frightening, it also creates a unique opportunity to try to get someone actual, useful help that they may accept.

The MassHousing and the Massachusetts Statewide Steering Committee on Hoarding (SSCH) released in February 2015 extensive information about how to address hoarding, including a new Directory of Hoarding Resources in Massachusetts. (Find it at https://www.masshousing.com/portal/server.pt?open=514&objID=3089&parentname=CommunityPage&parentid=0&mode=2&in_hi_userid=2&cached=true)

The Directory is organized into 4 sections:

- PART 1 - Hoarding Clinical Mental Health Services (e.g. LICSW, LMHC, PHD and LCSW under the supervision of an LICSW) ;
- PART 2 - Social & Medical Services Addressing Hoarding Other Than Clinical Mental Health (e.g. a Social Worker, Nurse, Occupational Therapist trained to assist in sorting and discarding as they provide other services) ;
- PART 3 – Hoarding-Informed Sorting, Organizing & Cleanup Services ; and
- PART 4 - Hoarding Emergency Clean-Out Services

Fact Sheet on Hoarding in Massachusetts: Some Basic Information from the Massachusetts Housing Finance Agency (2008)

1. Hoarding is low incidence (about 2-3%) but demands attention because of its high costs.

Residents face threats to housing stability (most eventually lose their housing) and to health from falls, lack of egress in emergencies and refuse, mold and vermin-related health problems. Housing providers and municipalities bear high costs in time and money (up to \$20,000/per incident) of removing the hoarded material. Older adults end up in nursing homes and children in shelters or foster care.

2. **There is now accumulated knowledge, both clinical and practical, that offers some success at containing hoarding.** Randy Frost, PhD of Smith College and Gail Steketee, PhD. of the Boston University School of Social Work (see their fact sheet, below) nationally recognized hoarding experts, have shared their knowledge generously. Several regions in Massachusetts have put together good packages addressing parts of the problem. No region applies all of what has been learned in a concerted manner.

3. **All hoarding must be dealt with in a multi-disciplinary manner** – housing provider, local health department, usually court, provider of therapeutic services, provider of clean-up services, long term case management and/or monitoring. The sufferers themselves and their family members are of course part of the equation.
4. **Aging Services Access Points (ASAPs), COAs, Subsidized Housing Providers, Housing Courts and Municipal Health Departments generally understand the complexity of the necessary approach to hoarding**, but most clinicians, DSS, DMH, DMR and other service staff generally do not know how to address hoarding or the housing stability implications. They do, however, know they have clients who hoard and greatly desire training.
5. **Some funding sources exist.** Protective Services for Older adults and sometimes DSS can provide and arrange services without regard to income. Title III of the Older Americans Act funds and HUD Resident Opportunity Supportive Services grants to housing authorities have also been used. The biggest gap is money for cleanup involving dumpsters and other removal; sometimes service agencies can use their funds this way.
6. **Securing effective therapy has been a problem.** Persons on MassHealth and most health insurance with mental health coverage should be able to get coverage for at least some therapy, but most clinicians have not had training in such treatment.
7. The consensus is that **when hoarding has reached health code violation levels, health department citations or other enforcement action and/or court involvement is usually necessary to get the person's attention** focused on the necessity for reducing the materials and keeping what remains in a safe manner.
8. **Ongoing monitoring with a trusted person is necessary and can be effective.** The assisted living experience may offer some insight into this.
9. **Front line staff of all affected organizations need training in recognizing and responding to hoarding and its health and housing implications.** In the last several years, local health departments, housing courts, elder services, some housing providers and Boston University School of Social Work and Smith College have sponsored training for small combinations of affected parties, including hoarding sufferers and family members. In December 2007 MassHousing and a collation of co-sponsors sponsored a comprehensive multi-disciplinary conference with over 500 attendees and 100 turned away. The evaluations overwhelmingly asked for more training, both agency-specific and multi-disciplinary. Large numbers of participants volunteered to work on regional issues.

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9. Unique Needs of People with Cognitive Impairments and other Issues

Jeopardizing Independence

The lack of cognitive health—from mild cognitive decline to dementia—can have profound implications for an individual’s health and well-being. Older adults and others experiencing cognitive decline may be unable to care for themselves or conduct necessary activities of daily living, such as meal preparation and money management. Limitations with the ability to effectively manage medications and existing medical conditions are particular concerns when an individual is experiencing cognitive decline or dementia.

i. What is Cognitive Impairment and How Prevalent is it?

Cognitive impairment is when a person has trouble remembering, learning new things, concentrating, or making decisions that affect their everyday life. Cognitive impairment ranges from mild to severe. With mild impairment, people may begin to notice changes in cognitive functions, but still be able to do their everyday activities. Severe levels of impairment can lead to losing the ability to understand the meaning or importance of something and the ability to talk or write, resulting in the inability to live independently.

What are some key signs for Mild Cognitive Impairment?

Cognitive impairment is not caused by any one disease or condition, nor is it limited to a specific age group. Alzheimer’s disease and other dementias in addition to conditions such as stroke, traumatic brain injury, and developmental disabilities, can cause cognitive impairment. A few common signs of cognitive impairment include the following:

- Memory loss.
- Frequently asking the same question or repeating the same story over and over.
- Not recognizing familiar people and places.
- Having trouble exercising judgment, such as knowing what to do in an emergency.
- Changes in mood or behavior.
- Vision problems.
- Difficulty planning and carrying out tasks, such as following a recipe or keeping track of monthly bills.

How Prevalent is MCI? In 2009, according to the CDC:

- The percentage of adults aged 18-49 years with perceived cognitive impairment ranged from approximately 4% in Iowa to 8% in Michigan and California.
- The percentage of adults aged 50 or older with perceived cognitive impairment ranged from approximately 9% in Iowa and Louisiana to 15% in Michigan.
- The dramatic aging of the U.S. population will result in substantially increased numbers of individuals in states with cognitive impairment.

How Can the Risk of MCI be reduced?

While age is the primary risk factor for cognitive impairment, other risk factors include family history, education level, brain injury, exposure to pesticides or toxins, physical inactivity, and chronic conditions such as Parkinson's disease, heart disease and stroke, and diabetes. Individuals may reduce the risk of cognitive impairment by keeping physically active and maintaining healthy cholesterol and blood sugar levels. Currently, there is no cure for cognitive impairment caused by Alzheimer's disease or other related dementias. However, some causes of cognitive impairment are related to health issues that may be treatable, like medication side effects, vitamin B12 deficiency, and depression. This is why it is important to identify people who are showing signs of cognitive impairment to ensure that they are evaluated by a health care professional and receive appropriate care or treatment.

LTSS for ADLs and IADLs - Decision Tree for Response for a COA Staff person

Cognitive impairment eventually has a significant impact on activities in and outside of the home. An older adult may eventually need assistance with IADLs and then ADLs. Initially, social service networks – ASAPs, SCOs, One Care Plans, PACE Programs -- can provide advice and care management services for home and community based services to address ADL and IADL needs. In time, the cognitive impairment may trigger a need to move to a more suitable housing setting where caregivers can perform daily chores, such as housekeeping, shopping for food and clothing, preparing meals, as well as providing personal care.

Shall he/she engage providers to supply home based long term services in their current home? Or, shall he/she move in with family or friends? Or, shall he/she move to a more formal supportive housing setting? The answer will depend upon so many factors – strength of their social network, ability to pay, and personal preferences.

ii. Planning for Cognitive Decline

All adults need to identify who among their social network of family and friends would be willing and able, if and when the need arises, to take on the management of executive functions such as bill paying, arranging a move to a new setting, selling homes, downsizing possessions, arranging for transportation to medical appointments and other social engagements, managing investments, etc.

More than one of the following legal tools may be used simultaneously. COA staff should encourage every elder to meet with an attorney to prepare the documents necessary for designating someone to serve as their official representative should they become incapacitated.

There are several legal instruments adults may use to ensure they have a substitute decision maker for managing issues that arise when and if someone experiences cognitive decline. These include:

- a. Durable Power of Attorney
- b. Health Care Proxy

If someone does not plan for this possibility, then those around them may need to ask a Probate Judge for powers authorized under the following:

- c. Conservatorship
- d. Guardianship

To understand what each instrument is and how to go about attaining one, read the four fact sheets that follow, all written in 2012 by the Massachusetts Guardianship Association.

Fact Sheet: A Durable Power of Attorney

Source: Massachusetts Guardianship Association, at <http://www.massguardianshipassociation.org/information/alternatives-to-guardianship-and-conservatorship/alternative-to-conservatorship-a-durable-power-of-attorney/>

As a competent adult, you have the right to make decisions about your money, property, and business affairs and appoint a trusted person, called an attorney-in-fact, to make financial decisions on your behalf if you become disabled or incapacitated. However, if you have not appointed an attorney-in-fact and become disabled or incapacitated, the Massachusetts Court can step in to protect your estate and appoint a Conservator to make financial decisions on your behalf. A Durable Power of Attorney is considered an alternative to Conservatorship, as giving your Attorney-in-fact the legal right to make financial decisions on your behalf can avoid the need for a Conservatorship.

1. What is a Durable Power of Attorney?

A durable power of attorney is a legal document where an adult appoints a trusted person, called an *Attorney-in-fact*, to manage and protect the adult's money, property and business affairs, when the adult becomes disabled or incapacitated, or is unable to manage his or her financial matters. A Durable Power of Attorney is legally binding and can be executed without involving the Court.

2. Who can execute a Durable Power of Attorney?

In order to execute a Durable Power of Attorney in Massachusetts, you must be 18 years old, of sound mind, and under no constraint or undue influence. The law does not provide us with one legal definition or test of sound mind. Generally, an adult can execute a Durable Power of Attorney if the adult understands that he or she is giving another person the legal authority to manage his or her estate and make financial decisions on the adult's behalf, if the adult becomes disabled or incapacitated.

3. How does a Durable Power of Attorney work?

A competent adult chooses a trusted person to be an attorney-in-fact (attorney) and decides what powers to give the attorney. You can give your attorney *limited powers* with authority to perform limited tasks like overseeing bank accounts or signing checks, or give your attorney *general powers* with authority to manage all financial affairs on your behalf. You choose whether the powers take effect immediately or take effect when you are unable to manage your financial affairs or become incapacitated. In executing the document, the adult should include language that makes it durable, meaning the powers are not affected by the adult's subsequent incapacity.

4. Can I change my mind or cancel this document?

Yes. You can appoint a new attorney, or change or cancel the document, as long as you are able to make sound decisions.

5. Should I execute a Durable Power of Attorney, a Health Care Proxy and an Advanced Care Directive?

Yes. These three documents work together to ensure your choices and wishes will be carried out by a trusted person(s) of your choosing if you become disabled or incapacitated. The Durable Power of Attorney gives your attorney-in-fact the power to manage your financial affairs and direct funds where needed on your behalf. The Health Care Proxy gives your Health Care Agent the power to make medical decisions for you. The Advanced Care Directive gives your Health Care Agent specific instructions on the future care and treatment you want.

6. Why do it now?

By appointing an attorney-in-fact now, you are able to select a person you trust to manage your financial affairs. You may offer you peace of mind knowing your estate will be managed and protected for you and your family if you become disabled. Executing a Durable Power of Attorney while competent can avoid the need for Conservatorship.

7. Where can I find more information on A Durable Power of Attorney?

For more information on the law and further instructions on executing this document, consult an attorney or go to:

<http://www.malegislature.gov/Laws/GeneralLaws/PartII/TitleII/Chapter201b>

8. What are other options to consider as an alternative to Conservatorship?

There are alternative arrangements that may help an adult manage their financial affairs, such as:

- a. Joint Bank Accounts - A joint bank account can be established to help an adult manage their money, save funds, and write checks.
- b. Representative Payee - If an adult is receiving Social Security benefits or other state or federal benefits, a person can be named as the representative payee to receive and help manage the benefits for the adult's well-being. Read more at www.ssa.gov/payee/
- c. Trust - A trust can be established naming a person as the "trustee" to help manage and invest the adult's estate.

Fact Sheet: Alternative to Guardianship: A Health Care Proxy

(Source: Massachusetts Guardianship Association, at <http://www.massguardianshipassociation.org/information/alternatives-to-guardianship-and-conservatorship/alternative-to-guardianship-a-health-care-proxy-and-an-advanced-care-directive/>)

As a competent adult, you have the right to make your own health care decisions and appoint a trusted person, called a Health Care Agent, to make health care decisions for you if you become incapacitated. However, if you have not appointed a Health Care Agent and become incapacitated, the Massachusetts court can step in to protect your rights and appoint a Guardian to make medical decisions on your behalf. A Health Care Proxy is considered an alternative to Guardianship, as giving your Health Care Agent the legal right to make medical decisions on your behalf can avoid the need for a guardianship.

1. What is a Health Care Proxy?

A Health Care Proxy is a legal document where you appoint a trusted person, called a *Health Care Agent*, to make medical care and treatment decisions on your behalf if you become incapacitated. A Health Care Proxy is legally binding and can be executed without involving the court.

2. Who can appoint a Health Care Agent by executing a Health Care Proxy?

In Massachusetts, the law states, “Every competent adult shall have the right to appoint a health care agent by executing a health care proxy”. The adult must be 18 years old, of sound mind, and under no constraint or undue influence. The law does not provide us with one legal definition or test of sound mind. Generally, an adult can execute a Health Care Proxy if the adult understands that he or she is giving another person the authority to make medical decisions on the adult’s behalf if the adult becomes incapacitated.

3. How does a Health Care Proxy work?

As a competent adult, you choose a family member or a trusted friend as your Health Care Agent and discuss your wishes for future medical treatment and care. If you are unconscious or have a serious illness and cannot speak for yourself, your Health Care Agent steps in to carry out your choices for treatment and makes medical decisions on your behalf.

4. What do I discuss with my Health Care Agent?

You and your Health Care Agent discuss what is most important to you in carrying out your future care and treatment preferences. Let your agent know what living well means to you given your medical condition and potential complications. Talk to your agent about which medical treatments fit your beliefs and values, and what treatments you would not want to receive.

5. Can I change my mind or cancel the Health Care Proxy?

Yes. You can appoint a new Health Care Agent, or change or cancel the document, as long as you are able to make sound decisions. It is a good idea to revisit and update this document periodically as your medical outlook and choices may change overtime.

6. What is an Advance Directive?

The term Advance Directive can have a few meanings. Advance Directive is sometimes used as a general term that refers to a written plan you make in advance that communicates your instructions for future health care choices in case you become incapacitated and are unable to speak for yourself.

An Advance Directive, or a Living Will, is commonly referred to as a document where you write down your wishes and instructions for future medical care and life sustaining treatments. You state your preferences regarding cardiopulmonary resuscitation, intubation and ventilation, artificial nutrition and hydration, care and comfort measures other medical treatments and end of life care. An Advance Directive or Living Will is not a legally binding document in Massachusetts, but can be very helpful in guiding your Health Care Agent when making medical decisions on your behalf and explaining your wishes to doctors and loved ones. It can be changed or modified as often as you like, as long as you are able to make sound decisions.

7. Should I execute a Health Care Proxy, an Advance Directive, and a Durable Power of Attorney?

Yes. These three documents work together to ensure your choices and wishes are carried out if you are unable to make choices for yourself. The Health Care Proxy gives your Health Care Agent the legal power to make medical decisions on your behalf. The Advance Directive gives your Health Care Agent specific instructions on the care and treatment you want. The Durable Power of Attorney gives your attorney-in-fact the power to manage your financial affairs and direct funds for your care as needed.

8. Why do it now?

By appointing a Health Care Agent and writing down your medical care choices in advance, you tell your friends, family, and doctors what it means to take good care of you if you become unable to speak for yourself. Making choices now can improve your end of life care, and may offer you peace of mind knowing your wishes and instructions will be honored by your doctors and family members. Executing a Health Care Proxy while competent can avoid the need for Guardianship.

9. Where do I find more information and a sample Health Care Proxy?

For more information, instructions and a sample form, go to:

<http://www.massmed.org/AM/Template.cfm?Section=Search&CONTENTID=2570&TEMPLATE=/CM/ContentDisplay.cfm>

Fact Sheet: Conservatorship of an Adult in Massachusetts?

(Source: Massachusetts Guardianship Association, at <http://www.massguardianshipassociation.org/information/conservatorship/conservatorship-of-an-adult/>)

If an adult is unable to manage his or her money, property, or business affairs due to a disability, and the adult has not previously appointed a person to make financial decisions on his or her behalf, the Massachusetts court can step in and appoint a Conservator for the adult. In Conservatorship, the disabled adult is called a Protected Person. The Conservator manages the Protected Person's estate and directs funds for the adult's care and support. Elizabeth Baum, an attorney and conservator, offers information on conservatorship and a conservator's role and responsibilities.

1. What is a Conservatorship?

Conservatorship is a protective legal process in which the Massachusetts Probate and Family Court may appoint a person called a Conservator, whose role is to marshal and manage the property of an individual who is (1) disabled and who requires a substitute financial decision maker either (2) to prevent the property from being wasted or dissipated or (3) so that the financial support, care and welfare of the person is effectuated and managed.

2. How does a Conservatorship work?

The court-appointed Conservator is charged with the responsibility of managing the Protected Person's income and assets. Any finances managed by the Conservator for the Protected Person needs to be segregated into accounts and titles reflecting the legal Conservatorship. No assets or income may flow through or be co-mingled with the Conservator's own income or assets. In this way, the Protected Person's property remains intact and easily distinguishable from the Conservator's finances. From the Protected Person's funds, the Conservator pays the Protected Person's bills and otherwise manages his or her assets.

3. Who can be a Conservator?

There is a list of persons who have priority to be appointed by the Probate Court as Conservator for any particular individual. First is the Attorney in Fact nominated in the Protected Person's Durable Power of Attorney. Second in the priority list is a fiduciary (e.g., a Guardian) already court-appointed for the benefit of the Protected Person. Third in the priority list would be a person nominated by the Protected Person. For good cause, the Court always has the ability to determine that the above individuals are not appropriate and therefore to appoint any other individual to act as a Conservator for the benefit of a Protected Person.

4. What does a Conservator do?

A Conservator is a court-appointed fiduciary who once appointed, has the authority to collect, hold and retain assets of the Protected Person's estate. In addition, the Conservator has the duty to

manage and allocate and invest assets of the Protected Person, to pay the debts and ongoing bills of the Protected Person. The Conservator may delegate the management of investments to an agent, but must exercise reasonable care and caution in appointing an agent (e.g., financial planner, accountant, broker, etc.) and the Conservator is ultimately responsible for the proper management of the assets of the Protected Person.

5. If I become Conservator, am I personally financially responsible for the Protected Person?

No. The Conservator is not personally liable for Protected Person, but must pay all of the Protected Person's expenses from the Protected Person's income and assets. Again, it is vital that the Protected Person's assets and income remain segregated from those of the Conservator, and that proper bookkeeping is kept by the Conservator.

6. What is the difference between a Power of Attorney and a Conservator?

A Durable Power of Attorney (DPA) is a document in which a competent individual (the Principal) nominates whom he or she would want to manage assets and income should the Principal become incapacitated. In a Durable Power of Attorney, the Principal also can nominate whom he or she would want in place as a potential Guardian of the Person. By executing a Durable Power of Attorney, the individual generally is able to avoid the Court involvement and oversight required in a Conservatorship.

7. If I become Conservator, what are my responsibilities?

Once an individual is appointed by the Court to act as Conservator, she or he has the responsibility to file an Inventory with the Court within 90 days of the Court appointment. In addition, a Conservator's Financial Plan must also be filed with the Probate Court.

8. If my friend/relative only receives Social Security benefits, is a Conservatorship necessary?

If an incapacitated individual's only source of funds is Social Security benefits, then it is unnecessary for the Court to appoint a Conservator. Instead, the responsible person can apply through the Social Security Administration (SSA) to be appointed to act as the Representative Payee for their relative or friend. An individual who is appointed to act as a Representative Payee is then required to file an annual financial report directly with the SSA.

9. What is the legal process to obtain a Conservatorship?

In order to obtain a Conservator, an interested individual or agency must petition the Probate & Family Court. In addition to filing a Petition for Appointment of Conservator, the Petitioner must also file a Medical Certificate signed by a licensed professional (as outlined in the statute) who has evaluated the proposed Protected Person within thirty days prior to the filing of the Petition. A Bond for the proposed Conservator also must be on file with the Court. Notice is given to all interested persons as well as to the proposed Protected Person. A Court hearing date then is

scheduled. At the hearing, the Petitioner must furnish an updated Medical Certificate signed by a licensed professional who has again evaluated the proposed Protected Person within the past thirty days from the date of the hearing. The Medical Certificate must support the need for the Conservatorship (see criteria for a Conservatorship outlined in # 1 above). The Judge then determines if the Conservatorship is the criteria to appoint a Conservator has been met, and if so, appoints the appropriate Conservator (see answer to # 3 above as to who can be a Conservator). A Conservator can be appointed either as a Temporary Conservator (for a period of no more than 90 days) or a Permanent Conservator. Hiring an attorney can be extremely helpful for all persons involved in order to facilitate/stream-line the court process of obtaining a Conservator.

10. What are the alternatives to a Conservatorship?

Alternatives to a Conservatorship include a Durable Power of Attorney, in which an individual nominates a potential substitute decision maker in case of his or her incapacity (see # 6 above). If the person under a disability receives only Social Security benefits, a Representative Payee can be appointed by the Social Security Agency (see # 8 above). Finally, if the disability does not impair the individual's capacity too greatly, an independent bill payer can be hired by the family to write the checks and maintain the check ledger while the disabled individual retains check-signing authority. One other alternative, in the appropriate circumstances, a joint account can be set up for the sole purpose of the convenience of paying the disabled person's bills

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Fact Sheet: What is Guardianship of An Adult in Massachusetts?

Source: Massachusetts Guardianship Association, at <http://www.massguardianshipassociation.org/information/guardianship-of-an-adult-2/what-is-guardianship-of-an-adult/>

1. What is Guardianship of an Adult?

Guardianship can be considered for an adult with a clinically diagnosed medical condition where the adult is unable to make effective personal decisions about their everyday self-care, health, and safety.

For example, guardianship may be appropriate for:

- A spouse or an elder diagnosed with dementia or Alzheimer's disease;
- A young adult with an intellectual or developmental disability turning 18 years old;
- A relative diagnosed with a mental health condition at risk for not receiving care;
- A friend or family member with a brain injury, a chronic illness, or a physical impairment.

If the adult has not previously signed a Health Care Proxy giving a Health Care Agent the right to make personal decisions on the adult's behalf if the adult becomes incapacitated, the Massachusetts court can step in to protect the adult's rights and appoint a Guardian. The court can transfer some or all rights for personal decision making to the Guardian, limited to areas where the adult is impaired. The Guardian protects the incapacitated adult's rights and independence and arranges for care and services.

On July 1, 2009, the revised and modernized Guardianship law went into effect in Massachusetts. The goal of the revised law is to maximize the self-reliance and independence of adults with disabilities, while ensuring adults receive essential care for their health, safety, and well-being.

2. Who is an incapacitated person?

The law defines an incapacitated person as an adult who has a clinically diagnosed medical condition that results in an inability to receive and evaluate information or make or communicate decisions. The adult lacks the ability to make some or all effective decisions about his or her everyday personal care, health and safety. If the Massachusetts court determines the adult is an incapacitated person and that guardianship is appropriate, it may appoint a Guardian to advocate for the adult's autonomy and make personal and medical decisions on the adult's behalf.

3. What is a Limited Guardianship?

A Limited Guardianship is favored under the law and recognizes that an adult may lack the ability to make decisions in some areas, and still have the ability to make personal decisions in many other areas of his or her life. The court tailors the guardianship to preserve the adult's rights and liberties

to the fullest extent, and limits the Guardian's decision making powers to areas where the adult can no longer make effective decisions. At a Guardianship hearing, the court sets out the Guardian's specific decision-making powers and duties in the Decree and Order and Letters of Appointment.

4. Who can be appointed Guardian of an incapacitated person?

Any qualified adult can be appointed Guardian: a relative, a friend, a professional or an agency.

5. What does a Guardian do?

A Guardian makes personal and medical care decisions for an incapacitated adult only as necessary to protect the adult from harm according to the decision-making powers stated in the court's Decree and Order. A Guardian's duties generally include arranging for:

- A safe and appropriate (least restrictive) living situation
- Everyday basic needs and safety
- Ordinary medical treatment and doctor visits
- Social, educational, and recreational needs
- Application for health insurance and other benefits
- Payment of adult's expenses using the adult's income
- Future needs and expenses

A Guardian's duties have expanded under the revised law. A Guardian is required to consider the adult's expressed desires and personal values in decision-making and act in the adult's best interest, encourage the adult to participate in decision-making whenever possible, and help the adult develop or regain the capacity to manage his or her own personal affairs.

6. What is the difference between a Guardian and a Conservator?

A Guardian is appointed to make personal decisions on behalf of an incapacitated adult. A Conservator is appointed to make financial decisions regarding money, property, and business affairs on behalf of an impaired or incapacitated adult. A Guardian can receive moderate amounts of the incapacitated adult's money and apply it for the adult's care and support. If there is a substantial amount of money under the Guardian's control, or for example, a bank account to manage, the court may require a Conservator be appointed.

One person can be appointed both Guardian and Conservator by filing separate petitions: A Petition for Guardianship and a Petition for Conservatorship. A Guardian and Conservator are two separate roles with different responsibilities to the adult and to the court.

7. Who can petition the court for Guardianship?

Any person interested in the adult's welfare, or the adult, can file a Petition for Guardianship asking the court to appoint a Guardian. The Petitioner, the person who files the Petition, is often the same

person who asks to be appointed Guardian. However, the Petitioner and Guardian can be two different people or agencies.

8. What are the rights of a proposed incapacitated person or respondent?

After a Petition for Guardianship is filed with the court by the Petitioner, a guardianship hearing is scheduled. The adult who is the subject of the guardianship is referred to as a proposed incapacitated person or the respondent. At a hearing the court will determine if the respondent is incapacitated, and if so, whether a guardianship is appropriate. Before making a protective appointment of a Guardian, the court must consider the respondent's due process rights. Those rights include:

- The right to an attorney, where the incapacitated adult or anyone on the adult's behalf can request an attorney be appointed, anytime during the guardianship process. The court may appoint an attorney if it determines the adult's interests are not adequately protected.
- The right to notice that a petition has been filed and the date, time, and place of the hearing. Notice must be properly given to all interested persons, which has been expanded under the revised law to include the adult, his/her heirs, domestic partners or anyone the adult has lived with 60 days prior to filing the petition, and others.
- The right to a hearing and the right to be present at the hearing.
- The right to object to the appointment of a Guardian and present evidence and cross-examine witnesses.

9. What if there is an emergency situation and a proposed incapacitated person needs help right away and there is no one with the authority to make legal decisions on the adult's behalf?

A Temporary Guardian may be appointed if the court finds a true emergency exists that would likely result in immediate and substantial harm to the adult, and there is no one with the legal authority to make decisions. The Temporary Guardian can be appointed for up to 90 days to act on the adult's behalf to prevent the harm, while a Petitioner completes the necessary steps to obtain a permanent guardianship.

10. What are the limits to a Guardian's decision-making authority?

A Guardian's decision-making authority is limited to what the court grants in the Decree and Order and Letters of Appointment at the guardianship hearing. If not in the Decree and Order, a Guardian must ask for the court's approval to:

- Expand, lessen, or change his or her decision-making powers
- Admit an adult to a nursing home facility
- Admit or commit an adult to a mental health or a developmentally disabled facility
- Authorize the use of anti-psychotic drugs
- Authorize extraordinary medical treatments
- Resign or terminate the guardianship while the adult is alive

- Revoke a Health Care Proxy

11. What is a Guardian's Care Plan/Report?

Serving as Guardian means you have an on-going legal relationship with the court. The court oversees the guardianship and monitors the well-being of the adult. Every Guardian has a duty to fill out and submit a Guardian's Care Plan/Report to the court. The Care Plan/Report is a fill-in-the-blank court form that asks the Guardian to report on the incapacitated adult's current condition, living arrangements, financial matters, and future care.

The first Care Plan/Report that a Guardian submits is called an *Initial 60 Day Care Plan* and is due within 60 days from the date the Guardian was appointed. The Guardian must also submit an *Annual Report*, due every year on the anniversary date of the appointment, for as long as one remains Guardian.

You can find a blank copy of the Guardian's Care Plan/Report at the Registry office of the Probate and Family Court, or on-line at for Form MPC 821 at www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upcforms.html

Here's how it works. Using a blank copy of the Guardian's Care Plan/Report court form:

1. Fill in *every question* describing the adult's current condition, care, and treatment. If you use the form on the court website, you can fill it out on-line, save it to your computer to make additions or corrections, and print it once it is completed. Sign and date it on the last page.
2. Give a copy of the completed Care Plan/Report to the incapacitated adult, by hand or by certified mail with a return receipt requested. If you deliver by hand you may want to get a signed receipt for your records. Complete the last section called Certification of Services which tells the Court you delivered a copy of the Care Plan/Report to the incapacitated adult.
3. Make a copy of the completed Care Plan/Report for your records.
4. Mail or give the completed Care Plan/Report to the Court that appointed you Guardian.
5. Mark your calendar for when the Care Plan/Report is due next year. The court will *not* send a reminder.

Family Guardianship Clinics, operating weekly at some Probate and Family Courts, offer help filling out Care Plan/Reports to low income eligible clients. If not income-eligible, the Guardian can be referred to a limited assistance representation attorney by asking the staff at Registry for a list of LAR attorneys. Check for a Clinic and its operating schedule at the Probate and Family Court's website or Senior Partners for Justice website, www.spfj.org/MSex_Gship.htm

12. Where do I find more information and court forms?

The Massachusetts Probate and Family court offers guardianship information and resources on its website. Go to: <http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upc.html>

Additionally, some divisions of the Probate and Family court maintain their own websites with information on filing a guardianship petition. Search on-line under the county name and Probate and Family court, i.e. Plymouth Probate and Family court or Suffolk Probate and Family court.

For Notice Requirements:

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/articles-1-5-glc-190B.pdf>

For the Guardian Care Plan/Report (Form MPC 821):

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upcforms.html>

For Legal Services for Low Income Clients:

Contact local legal aid or Senior Partners for Justice/ Volunteer Lawyers Project. 617- 603-1700 or 1-800-342-LAWS

For Family Guardianship Clinics, offering help to low-income eligible adults in filling out the Adult Care Plan/Report & Adult and Minor Guardianship Petitions:

http://www.spfi.org/MSex_Gship.htm

<http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/upc.html>

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iii. What to Do When an Elder Does Not Have a Plan for a Surrogate Decision Maker?

Interview the elder to learn more about their social network, personal concerns and worries, ability to arrange for any necessary services, including ability to pay. Outline options for elder to pursue on their own, if they can, or with your aid, if you have the capacity to supply assistance. You may consider calling in an options counselor or ASAP Case Manager to provide expert advice on what service options are available in your town and region.

If the elder appears unable to carry through on their own, what can you do? What should you do? Enlist a trusted/trustworthy family member or friend to join in the conversation. Share your concerns and outline what action steps appear to be needed at the moment. If the elder and caregiver are still unable or unwilling to act and the situation is dire, then make a referral to the Adult Protective Services for the elder who is self-neglecting.

iv. Adult Protective Services Program Overview

The Executive Office of Elder Affairs is required by law to administer a statewide system for receiving and investigating reports of elder abuse, and for providing needed protective services to abused elders when warranted. To fulfill this responsibility, Elder Affairs has established 22 designated Protective Services (PS) agencies throughout the Commonwealth to respond to reports of elder abuse. Elder abuse includes physical, emotional and sexual abuse, neglect by a caregiver, self-neglect and financial exploitation. The goal of protective services is to remedy or alleviate the abusive situation and to prevent the reoccurrence of abuse.

Elder abuse reports may be made to the appropriate designated PS agency or the statewide Elder Abuse Hotline **(1-800-922-2275)**, which operates on a seven days a week, 24 hours a day basis. Typically, elder abuse reports are made to PS agencies during normal business hours and to the Hotline during after-hours periods, on weekends and holidays.

Anyone can make an elder abuse report. However, the law requires certain professionals to report suspected incidents of abuse. Mandated reporters who fail to make elder abuse reports when appropriate are subject to a fine up to \$1,000. In addition, the law provides mandated reporters with immunity from any civil or criminal liability that otherwise could result from making a report, provided the reporter did not commit the abuse. Persons who are not mandated reporters have the same immunity, as long as they make a report in good faith.

- [Form 19A: Elder Abuse Mandated Reporter Form](#)  

651 CMR 5.00 Protective Services Statute Definition of Abuse and Self-Neglect

Abuse is an act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for himself or herself one or more of the necessities essential for physical and

emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

Acts or omissions include any or all of the following:

- (1) Physical Abuse: The non-accidental infliction of serious physical injury to an Elder or the threat of serious physical injury in which the Protective Services Agency has Reasonable Cause to Believe that an individual may have the intent and capacity to carry out the threatened serious physical injury.

Serious physical injury shall be determined by consideration of the following factors:

- (a) the Elder's physical condition;
 - (b) the type, size, shape, number and location of physical injuries;
 - (c) the circumstances under which the injury occurred including the potential for serious injury in the actual incident;
 - (d) the emotional impact on the Elder;
 - (e) the potential for escalation of Abuse.
- (2) Sexual Abuse: Sexual assault, rape, sexual misuse, or sexual exploitation of an Elder or threats of Sexual Abuse where the individual has the intent and capacity to carry out the threatened Sexual Abuse.
- (3) Emotional Abuse: The non-accidental infliction of serious emotional injury to an Elder. Emotional Abuse must establish a *relationship* between abusive actions, behaviors, or language *and* a resulting effect on the emotional state or functioning of the Elder. Serious Emotional Injury includes:
 - (a) An extreme emotional reaction or response such as a severe state of anxiety, fear, depression or withdrawal;
 - (b) Development of post-traumatic stress disorder including but not limited to symptoms resulting from being forced to engage in sexual relations by force, threat of force or duress;
 - (c) Symptoms of an extreme emotional reaction or response resulting from threats to kill, harm or financially exploit.
- (4) Neglect: The failure or refusal by a Caretaker to provide one or more of the necessities essential for physical well-being, such as food, clothing, shelter, personal care, and medical care, which has resulted in or where there is substantial reason to believe that such failure or refusal will immediately result in serious physical harm to an Elder.

Neglect shall be determined by consideration of each of the following factors:

- (a) the Elder's ability to meet her/his own needs.
- (b) a history of dependence on a Caretaker as defined in 651 CMR 5.02.
- (c) the Elder's Capacity to Consent.
- (d) the expectation or desire of the Elder of continuing to receive care provided by the Caretaker.
- (e) the seriousness of physical harm resulting from Neglect shall be determined by consideration of 650 CMR 5.02(4)(a) through (e) under the definition of Physical Abuse.

(5) Financial Exploitation: The non-accidental act or omission by another person without the consent of the Elder causing substantial monetary or property loss to the Elder or substantial monetary or property gain to the other person which gain would otherwise benefit the Elder, but for the act or omission of the other person. Financial exploitation may result from consent obtained as a result of misrepresentation, undue influence, coercion or threat of force by the other person. Financial exploitation may not result from a *bona fide* gift or from any act or practice by another person in the conduct of a trade or commerce prohibited by M.G.L. c. 93A, § 2.

(6) Self-neglect: the failure or refusal of an Elder to provide for himself or herself one or more of the necessities essential for physical or emotional well-being, including food, clothing, shelter, personal care, which has resulted in, or where there is a substantial reason to believe that such failure or refusal will immediately result in serious harm, and prevents the Elder from remaining safely in the community.

Self-neglect shall be determined by considering the following factors:

- (a) the presence of mental or physical impairments, substance abuse, and cultural or linguistic barriers;
- (b) the Elder's capacity to make informed decisions and knowingly appreciate the consequences of such decisions;
- (c) the involvement or availability of other service providers to meet one or more of the Elder's essential needs when acting within the scope of their responsibility;
- (d) the willingness and capability of family members and friends to meet one or more of the Elder's essential needs; and
- (e) the Elder's physical and mental condition, and the potential for the situation to escalate to the point where the Elder would be seriously harmed without intervention.

Intervention by Protective Services Staff

Once an elder abuse report is received, a trained PS caseworker is assigned to investigate the allegations. If the investigation results in the confirmation of one or more types of abuse, the elder is offered an array of services to address the situation. In cases of serious abuse, the PS agency must make a report to the District Attorney for possible prosecution.

An elder who has the capacity to make informed decisions has the right to refuse services. However, court ordered services must be sought on behalf of abused elders who are unable to make informed decisions, and are at risk of serious harm. In addition, protective services must be provided in the least restrictive and appropriate manner possible. This means that in-home and community based services are given preference over institutional placement.

v. Behavioral Health Crises at Home or that Threaten Living at Home

If you encounter a behavioral health crisis (for adults or children), the Emergency Services Programs (funded by the Commonwealth via Department of Mental Health) can be enormously helpful. The Emergency Services Programs (ESP) are available to help individuals having a mental health and/or substance abuse crisis. In many instances, they can offer community-based emergency services as an alternative to a hospital emergency department or hospital admission.

Call the Statewide Emergency Services Program (ESP) Toll Free 877-382-1609 and enter your zip code to get the toll free phone number for your local ESP provider.

All ESP providers answer a toll-free 800 number and provide in-person behavioral health crisis assessment, intervention, and stabilization services 24 hours per day/7 days per week/365 days per year (24/7/365). Each ESP offers alternative settings in the community to hospital Emergency Departments (ED's) for individuals seeking behavioral health services, voluntarily and/or when use of a hospital Emergency Department may not be medically necessary.

Who Can Receive ESP Services

ESP services are available to individuals of all ages covered by the following public payers: All MassHealth (Medicaid) plans; Medicare; and the uninsured. Also, many ESP's also contract with commercial insurance companies to provide similar services.

To learn more about the ESP:

- Go to <http://namimass.org/wp-content/uploads/ESPFINAL031314.pdf> to get a directory of all ESPs by region in the state.
- Or , view this short film on YouTube: <https://www.youtube.com/watch?v=6wq6dEw2M04&feature=youtu.be>
- Visit the National Alliance on Mental Illness, Massachusetts Chapter, (source: <http://namimass.org/wp-content/uploads/ESPFINAL031314.pdf>) for more information.

10. How to Create More Affordable Housing in Your Community

i. What is Affordable Housing?

Housing is considered to be “**affordable**” if its total costs (rent or mortgage, plus utilities, taxes, insurance, etc.) are no more than 30% of a household's gross income. Typically, the phrase "affordable housing" means any housing where the total housing costs are affordable (cost no more than 30% of income) for a family that earns no more than 80% of the Area Median Income (AMI). For example, in 2014 in Greater Boston, 80% of AMI for a family of 2 was \$51,400 and for a family of 4 was \$64,200. This family of four could not afford to spend more than \$1,605 per month on housing.

The phrase 'Affordable Housing' is often used when referring to any of 4 basic types of housing:

1) **Private, subsidized affordable housing** is privately developed, owned and operated, and is often created by a private non-profit organization that has a mission to provide affordable housing.

Creating affordable housing in this way generally requires a combination of government funding, grants and low interest loans to bridge the gap between the high costs of creating housing and the rent or mortgage the tenants or owners can afford. Such properties are deed restricted to keep rents or mortgage payments affordable for the long-term.

Some privately developed affordable housing is created by for profit companies, often as part of a mandated program to create affordable housing. When a for-profit company creates affordable housing, it usually receives some benefit in return, such as zoning relief, increased density or subsidy funds.

2) **Public housing**, home to about 1.3 million families nationwide, is owned by the federal or state government and managed by local Housing Authorities who report to HUD. To apply, families must have incomes at or below 50% of the area median income (AMI). Rents are set at 30% of a family's income. Most of the affordable housing built in the United States prior to the 1970's was public housing; however, since 1978 very little public housing has been built.

3) **Section 8**, a federal program that is also managed by the local Housing Authority. Low-income families pay 30% of their income in rent to their private landlord, and the federal government pays the balance to the landlord, up to a set limit. Massachusetts also runs a program similar to the federal one called **MRVP, Massachusetts Rental Voucher Program**.

4) **Private, unsubsidized housing** is housing owned by a landlord who charges moderate rents, while still earning a fair profit on his/her investment. Places like this often permanently lose their affordability when the landlord decides to significantly increase rents, sell the property or convert to condos. There are also no quality controls, so if a landlord does not keep up their property, the rents may be affordable, but the conditions of the apartment may not meet common expectations of decency.

ii. Organizations That Lead and/or Engage in Affordable Housing Planning

Town and City Departments in Charge of Housing Development: For a list of all the CDBG contacts in Massachusetts, visit

<http://portal.hud.gov/hudportal/HUD?src=/states/massachusetts/community/cdbg> . These organizations are the leaders of town public planning, economic development, or housing development departments.

Community Development Corporations: Community Development Corporations (CDCs) are often engaged in promoting affordable housing and organizing residents to become involved in the community's economic and housing development planning process. They also engage in energy assistance, housing search services, landlord and tenant mediation services, and other aspects of housing issues consumers may face.

iii. Basic Overview of Zoning Law

Zoning includes local city or town regulation of the kinds of activities which will be acceptable on property within the town. Zoning rules determine how particular lots may be used (such as open space, residential, agricultural, commercial or industrial), the densities at which those activities can be performed (from low-density housing like a single family home, to adding an accessory (in low) unit, to high-density such as high-rise apartment buildings), the height of buildings, the amount of space structures may occupy, the location of a building on the lot (setbacks), and the proportions of the types of space on a lot, such as how much landscaped space or parking is included.

Most zoning systems have a procedure for granting variances (exceptions to the zoning rules) to property owners, who can show detriment to themselves if the prohibition or limitation is not removed. Typically, to get a variance, the resident must also show no harm to the health, safety or welfare of neighboring property dwellers if the limitation is removed.

FACT SHEET: How Zoning Works

Source: <http://plannersweb.com/2001/04/zoning-basics/>

A zoning ordinance consists of two parts: a map (or series of maps) and text. The zoning map shows how the community is divided into different use districts or zones. Zoning districts common to most ordinances include residential, commercial, industrial, and agricultural. The zoning map must show precise boundaries for each district. Consequently, most zoning maps rely on street or property lines as district boundaries.

The zoning text serves two important functions. First, it explains the zoning rules that apply in each zoning district. These rules typically establish a list of land uses permitted in each district plus a series of specific standards governing lot size, building height, and required yard and setback provisions. Second, the text sets forth a series of procedures for administering and applying the zoning ordinance. In most cases, the text is divided according to "sections" (or "articles") for ease of reference. Most zoning ordinances include the following:

1. Title, Authority and Purpose. This section identifies the specific state enabling provision which empowers the locality to adopt zoning. It also spells out, in a "statement of purposes," the community's reasons for adopting the ordinance. The statement of purposes links the rules and regulations listed in the ordinance to the community's values and goals.

2. General Provisions. Topics covered in this section usually include definitions of terms used in the ordinance, and a description of the geographic or jurisdictional reach of the zoning ordinance. Definitions are especially important because the general public, as well as the courts, must be able to attach specific meaning to the words and concepts appearing in the ordinance. With respect to jurisdictional reach, zoning ordinances will typically apply to the territory contained within the political subdivision; meaning the city, county, town, township, or village. In some cases, however, a zoning ordinance may reach beyond a locality's political boundaries. Such "extraterritorial" zoning is permissible if it is authorized by the enabling statute.

3. Zoning Districts and Regulations. This section of the ordinance is arguably the most important since it lists and defines each zoning district — as we have noted, the concept of districts stands at the core of zoning. Most zoning ordinances will include — at a minimum — residential, commercial, and industrial districts.

Residential districts, in turn, are often broken down further into zones for single-family and multi-family dwellings of varying density. Similar distinctions, based on intensity of use, are also often found in business and industrial districts (e.g., light industry versus heavy industry).

Other common types of zoning districts are agricultural, conservation, and institutional. Many communities have also crafted a wide variety of "mixed use" districts, allowing blends of uses in some parts of the community. Many zoning ordinances include one or more special purpose zones addressing flood hazard areas, historic properties, and other specialized uses. These special zones are often applied as "overlays" — that is, those geographic areas subject to overlay zones are also within an "underlying" zoning district. For example, a property within a residential zone might also be located within a flood hazard zone. This property would be subject to the regulations of both the underlying zone (in this case, residential) and the overlay zone (flood hazard). See also, *Making Use of Overlay Zones*, by Elizabeth Garvin.

In addition to listing and defining zoning districts, this section of the zoning ordinance sets out rules for the use of land in each district. Most basic is the list of permitted versus special or conditional uses. If a use is deemed permitted (commonly referred to as a "by-right" or "matter-of-right" use), it need only meet the ordinance's dimensional requirements (as described below) and any other

"impact standards" (such as parking, landscaping, and signage standards; see point 5 below) to secure a zoning permit.

Other uses may be allowed within a district provided they are granted a special or conditional use permit. The terms special exception, special use, and conditional use permit generally have the same meaning; what term you're familiar with depends on the state you live in. The zoning ordinance will set out the standards which must be met for granting such a permit. Finally, this section of the zoning ordinance includes, for each zoning district, basic development requirements. These primarily involve dimensional standards for setbacks and side yards, minimum lot sizes, and building heights.

4. **Nonconforming Uses, Structures, and Parcels.** When a zoning ordinance is adopted some existing uses, structures, and parcels may not comply with the regulations of the zoning district in which they are located. These uses, structures, or parcels are then classified as "nonconforming." While they are typically permitted to continue, their future expansion, reconstruction, or conversion is regulated by provisions set out in this section of the zoning ordinance.

5. **Impact Regulations.** Many zoning ordinances include a separate section (or sections) setting out a variety of "impact" regulations or standards. These might include, for example, parking standards, sign regulations, landscape requirements, urban design criteria, historic preservation standards, and various environmental criteria (such as requirements for tree plantings in new developments).

6. **Administration and Enforcement.** This section of the zoning ordinance spells out the duties of those involved in administering the ordinance -- the zoning administrator, the governing body, the planning commission, and the board of zoning appeals or board of adjustment. Procedures to be followed when amending the zoning ordinance, as well as standards for assessing penalties and fines for zoning violators, are also included in this section.

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(End of excerpt. Source: [http://plannersweb.com/2001/04/zoning-basics/.](http://plannersweb.com/2001/04/zoning-basics/))

Conclusion

The Massachusetts Association of Councils on Aging and Senior Center Directors is committed to working to reduce the economic insecurity of older adults. Key findings for Massachusetts elders from the MA Elder Economic Security Standard Index 2014 data:

- 63% of elder-only households are economically insecure
- 91% of Hispanic senior households are economically insecure
- 81% of African-American households are economically insecure
- 64% of elder women and 53% of elder men in MA are economically insecure.

The MA Elder Economic Security Standard Index (“Elder Index”) was built by Wider Opportunities for Women (WOW) and the Gerontology Institute at the University of Massachusetts Boston, with the Massachusetts Association of Older Americans (with over 20 other state partners). It was designed to increase the accuracy of the public’s understanding of the economic status of older adults based upon the basic expenses of retired adults aged 65+ who are enrolled in Medicare and do not receive any other public supports.

The Elder Index shows the amount of income an older adult requires to meet the daily costs of living, including affordable and appropriate housing and health care. A growing number of policy experts and aging specialists recommend the use of the Elder Index **in place of** the Federal Poverty Level standard, which is based upon food costs only, without regard for higher health care costs for people with Medicare nor place of residence.

Social Security is the major source of income for most adults over age 65. Surprisingly, of the 40.8 million Social Security pensioners aged 65+, 23% of married couples and 46% (almost half!) of single people rely solely upon Social Security for 90% or more of their income. (Source: www.ssa.gov) .

The Elder Index shows how the average Social Security old age pension covers only 42-65% of the true cost of living for MA elders. In Massachusetts, the Elder Index was as follows:

- \$24,240 for a single homeowner with no mortgage,
- \$28,452 for a single renter,
- \$35,856 for a single person with a mortgage,
- \$36,144 for married homeowners with no mortgage,
- \$40,356 for married renters, and
- \$47,760 for married couple with a mortgage.

- (Source: WOW, EESSI for MA, 2014)

The gap between the average income and typical basic and necessary expenses for elders in MA was \$9,800/year in 2014. Actual incomes and expenses vary by person, housing status, health status, and region of the state.

How Can You Help Consumers Reduce Economic Insecurity?

1. Incorporate use of the Elder Economic Security Standard Index (“Elder Index”) into your economic case work, case management and policy advocacy work.
2. Use BenefitsCheckUp.org/MCOA to screen for eligibility in state and federal, public and private benefits programs. It's simple and free and always includes the most up-to-date information.
3. Increase your focus upon housing outreach, information, counseling and assistance. Study this manual and use the Directory Template to make your own local resource and referral tool to expedite referrals for the older adults you serve. We hope this Manual provides you with the means to deliver comprehensive housing information and assistance to older adults facing important decisions about where and how to live in the future

Final Words

Our homes mean so much to us, cost so much to maintain, and say so much about us. No wonder talking or thinking about changing one’s home environment – by sharing it with another, remodeling it, or moving elsewhere – can spark great emotional reactions, such as sadness, worry, denial and resistance.

As counselors to older adults facing transition, you have the opportunity to empower someone by bringing information to their attention that may shift how she or he thinks about their situation – What about this setting isn’t working for me anymore? What can I do to stay? Can I line up sufficient resources to afford it? Where might I move to instead? What are the pros and cons to staying here versus moving to a new setting? Who can help me implement this change?

What long term impact do we hope this Manual may produce? We hope COA staff will methodically and aggressively educate older adults about the resources that can make their present housing situation more suitable for their financial, social and physical well-being. For example, the MA Department of Revenue estimates that only 10% of the 700,000 potentially eligible elder households actually receive the Circuit Breaker Income Tax Credit – this has to change! Likewise, weatherization programs can significantly reduce energy bills and make the home more comfortable – everyone should take advantage of the steep discounts offered to insulate leaky home attics and walls. Social isolation caused by living alone can be debilitating – taking in a housemate or moving to a more social housing environment may work wonders on a person’s psyche!

Housing and health care expenses are, by far, the most expensive parts of an older adult’s budget. Let’s empower older adults to make difficult and critical housing choices, just like the SHINE program empowers people to take charge and make informed choices about their health care benefits and costs.

LOCAL HOUSING RESOURCES TEMPLATE

Instructions for Use: Develop a directory for your own use, with the agency names and staff contacts, with email, and phone contacts, for all the key housing-related resources in your area. You will then have a handy tool when you counsel older adults on myriad housing issues.

Local Housing Authorities

Realtors

Professional Organizers/Downsizing/ Relocation Specialists

Private Apartment Complexes

Congregate Housing Sites

Rest Homes

ALRs

AFC and GAFC Providers

Nursing Homes

Property Tax Assessor/Tax Collector

Tax Work Off Program Manager

Regional Housing Consumer Education Center

Independent Living Centers

ASAP

Housing Counseling Agencies for Mortgage/Reverse Equity Mortgage Counseling

Utility Companies / Discount Programs

MassSaves

LIHEAP Enrollment Agency

Protective Services

Legal Aid

ESP (for Behavioral Health or Substance Abuse Emergencies)

REFERENCES

1. Gerontology Center, University of Southern California, **Housing Problems and Options for the Elderly**, http://gero.usc.edu/AgeWorks/core_courses/gero500_core/housing_lect/.
2. <http://www.homemods.org/resources/library.shtml> Homemods.org's library of resources about home modifications. **Homemods.org** is provided to you as a service of the *Fall Prevention Center of Excellence*, funded by the *Archstone Foundation*. The web site was originally created by the National Resource Center on Supportive Housing and Home Modification, with support from the Archstone Foundation. We are headquartered at the University of Southern California Andrus Gerontology Center.
3. Making Home Affordable, at <http://www.makinghomeaffordable.gov/pages/default.aspx> , is a program of the US department of the Treasury and Housing and Urban Development.
4. Federal Trade Commission, Consumer Information about Reverse Equity Mortgages. <http://www.consumer.ftc.gov/articles/0192-reverse-mortgages>
5. MassAccess Housing Registry. <http://www.massaccesshousingregistry.org/>. **The MassAccess Housing Registry** helps people to find affordable rental and homeownership opportunities in Massachusetts. A key feature of the Registry is to highlight homes for people with disabilities who need accessible or barrier-free housing.
6. **Technical Information Release 13-16**, MA Dept. of Revenue, for Circuit Breaker Tax Credit for Year 2013.