



Senior Housing Weekly

January 28, 2021

LeadingAge Housing Advisory Group Call. Join us on Monday, January 31, at 12:30pm ET for our regular Housing Advisory Group call. We'll share HUD and HHS updates on testing access at housing communities and an update on LeadingAge efforts to preserve services in HUD housing. We'll also check in on news from HUD and the Hill, including issues of fire safety. Any LeadingAge member can join the Housing Advisory Group or submit advance questions by emailing Linda (lcouch@leadingage.org) or Juliana (jbilowich@leadingage.org).

Coronavirus Update Calls For Next Week. How have disparity and equity issues been affected by the pandemic? And....return of Dr. Monica Gandhi. All calls are at 3:30pm ET. We have some exciting expert speakers lined up for our LeadingAge Coronavirus Update calls next week. As LeadingAge members continue to struggle with workforce issues exacerbated by the pandemic, we often overlook some of the key ways that disparities within our communities can have an impact on those who work in long term care and those who are served. On **Monday January 31, we will be joined by Dr. Tetyana Shippee** who will dive into some insights on racial disparities and the long term care workforce during COVID-19. Dr. Shippee will discuss her research and how we can address and eliminate inequities in care. As the current Omicron surge evolves, there still remains confusion as to where we are and where are we headed with the pandemic. As deaths and cases continue to stay high across the country, **on Wednesday, February 2** we will welcome back pandemic expert **Dr. Monica Gandhi** who will discuss the latest issues with COVID-19 and tackle your questions head on next Wednesday. If you haven't registered for LeadingAge Update Calls, [you can do so here.](#)

LeadingAge Pushes Back on New HUD Rent-Setting Policy. In a letter to HUD, LeadingAge requested a withdrawal and reconsideration of HUD's new approach to the value of services in rent setting. HUD's November memo clarifying Rent Comparability Study appraisals limits the agency's investment in non-shelter parts of Section 8 rents, including Service Coordination, meal services, transportation support, resident activities, and more. For LeadingAge members, these types of non-shelter services are a key part of helping older adults age in communities and live independent longer. HUD's investment in a culture of wellness created through services is not only accepted and encouraged by existing HUD guidance, but critical to preservation of affordable housing across the country. LeadingAge's letter urges HUD to act quickly and withdraw the memo. More importantly, LeadingAge urges HUD to recommit to supporting resident services, as well as financial preservation and operations of HUD-assisted housing communities. More information is available [here.](#)

LeadingAge Reiterates HUD Funding Priorities, Urges No More CRs. Today, LeadingAge urged House and Senate appropriators to finalize the fiscal year 2022 HUD appropriations bill, reiterating our priorities as well as describing the havoc wrought by multiple Continuing Resolutions to HUD's housing programs. The current Continuing Resolution (CR), keeping federal programs funded at last year's levels, expires on February 18. LeadingAge urges Congress to adopt a final FY22 HUD funding bill, and no more CRs, by February 18. "Continuing Resolutions wreak havoc on HUD affordable housing programs," the

letter says. “We are very concerned that another Continuing Resolution, past the February 18 expiration of the current Continuing Resolution, could result in insufficient contract renewal resources and, thus, affordable senior housing providers not receiving funding needed to operate their communities. If an additional Continuing Resolution is required, we strongly urge Congress to include anomalies as necessary to ensure HUD-assisted residents are not negatively impacted.” The letter also reiterated LeadingAge’s priorities for the FY22 HUD funding bill, including expanding the supply of Section 202 Supportive Housing for the Elderly Homes, full and timely renewal funding for Project Rental Assistance Contracts (PRAC) and Project-Based Rental Assistance and Service Coordinator contracts, new Service Coordinators, and improvements to the Rental Assistance Demonstration program for Section 202/PRACs. Read the letter [here](#).

Weigh in with LeadingAge as Government Plans Historic Broadband Investment. Join the LeadingAge workgroup on Internet Connectivity in Senior Housing for a discussion on Thursday, February 3, at 1pm ET to provide critical feedback on internet access at housing communities. Following billions in nationwide broadband investment approved by Congress in the fall of 2021, federal and state governments have begun making plans to distribute funds and increase connectivity – including potentially for affordable housing communities. Funds from the November 2021 Investment in Infrastructure and Jobs Act (IIJA) will flow from the federal government to state broadband offices, which will then set up mechanisms to distribute the investment throughout their jurisdictions. In total, more than \$46 billion were approved for broadband construction, digital literacy programming, equitable access mapping, internet service adoption projects, and more. Multifamily residential housing, households with low incomes, and older adults are each highlighted among the law's intended beneficiaries. As the federal government and then state governments develop plans for the allocation of the broadband funds, LeadingAge is weighing in at every level to ensure the funds create new opportunities for connectivity for HUD-assisted and other un- and underserved older adult households. More information is available [here](#).

House Democrats Talk Housing for Build Back Better. As congressional Democrats and the White House regroup on what any new Build Back Better package will look like, House Democrats continue to advocate for the bill to include significant affordable housing investments. Democrats from the House Financial Services Committee, which developed the \$154 billion affordable housing investments of the Build Back Better Act, tweeted, “We cannot [#BuildBackBetter](#) without affordable housing for all. Pass it on.” Committee member Representative Ayanna Pressley (D-MA) agreed, “Boosting affordable housing, repairing our crumbling housing stock & closing the racial homeownership gap are all must-haves, not nice-to-haves. We must deliver robust housing investments in the [#BuildBackBetter Act](#),” as did Representative Pramila Jayapal (D-WA), “The Build Back Better framework would make a HISTORIC investment into affordable housing. It’s critical that we get this done to ensure that every person in this country has a roof over their head and a safe place to call home.” LeadingAge continues to advocate for all of our aging services priorities to be included in any spending package large enough it must use the reconciliation process to be enacted.

Congress Works to Reauthorize Violence Against Women Act. Up for reauthorization since 2018, the Violence Against Women Act is once again making its way through Congress. While the House passed VAWA reauthorization in 2021, that bill stalled in the Senate over a gun purchasing provision opposed

by the National Rifle Association. In December, Senators Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), Joni Ernst (R-IA), and Dick Durbin (D-IL) announced that they had developed a bipartisan Senate framework to modernize and reauthorize VAWA. This legislation is expected to be introduced very soon and, as Senator Feinstein said, it will “expand access to emergency housing support for survivors.” For now, affordable multifamily housing providers continue to follow [current VAWA laws](#), including those promulgated by HUD after the 2013 reauthorization.

OSHA Withdraws Vaccination and Testing Emergency Temporary Standard. In light of the recent U.S. Supreme Court decision enjoining the enforcement of the OSHA Vaccination and Testing Emergency Temporary Standard (ETS), OSHA has officially [withdrawn](#) the ETS. This ETS applied to all employers with 100 or more employees and required businesses to implement a vaccine mandate or weekly testing option for all employees. However, OSHA noted, “although OSHA is withdrawing the vaccination and testing ETS as an enforceable emergency temporary standard, the agency is not withdrawing the ETS as a [proposed rule](#). The agency is prioritizing its resources to focus on finalizing a permanent COVID-19 Healthcare Standard.” This will effectively end all the ongoing litigation challenging the Vaccination and Testing ETS. OSHA standards take much longer to enact than CMS proposed rules (typically 6+ years), but we will continue to monitor any developments.

LeadingAge letter to President Biden seeking immediate COVID relief for aging services providers. LeadingAge sent a [letter to President Biden](#) asking for immediate relief for aging services providers who have been on the frontlines of the nation’s battle against the pandemic for more than two years. LeadingAge continues to press for key provisions contained in the House-passed Build Back Better legislation, but this letter to the President is intended to support his request for additional, immediate help. We asked for: funding for emergency payments of \$2,000 to every frontline worker across the continuum who has worked at least six months; funding for a \$5 an hour raise for every frontline worker across the continuum; \$8-10 billion in additional Provider Relief Funds; a testing system dedicated to aging services; a supply of therapeutics dedicated to aging services; extension of pandemic waivers after the Public Health Emergency ends to support a smooth transition out of the emergency; and support for affordable senior housing. The letter was featured in the Washington Post today.

Phone Number for Test Kit Ordering. As a follow up to the federal government’s [website to order at-home testing kits](#), there is also now a phone number to do so. People who do not have Internet access or who need additional assistance with ordering can call 1-800-232-0233 (TTY 1-888-720-7489) to place their orders. The [Eldercare Locator](#) and the [Disability Information and Assistance Line \(DIAL\)](#) also can assist older adults and people with disabilities with placing orders if they need additional help, connect people to accessible instructions, and help with administering the tests. Both phone lines are staffed Monday-Friday from 9 a.m. to 8 p.m. (Eastern). Older adults can call the Eldercare Locator at 800-677-1116 Monday-Friday or [visit the website](#) to chat live or browse resources. People with disabilities can contact DIAL by calling 888-677-1199 or by emailing DIAL@usaginganddisability.org. The DIAL information specialists are trained to work with people of various communications abilities, including spending as much time as needed to understand callers. Deaf and hard-of-hearing people can reach DIAL using the 711/Video Relay Service (VRS). To use this free service, simply dial 711 to be connected via text with a communications assistant. (For people who do not communicate through speech, sign language or VRS, email is the best option to communicate with DIAL.)

Bills Coming on HUD Fire Safety. The recent Philadelphia and Bronx apartment fires are still at the front of Congress's mind. Following [letters](#) sent by House Financial Services Committee Chairwoman wrote letters to officials and providers in New York, Pennsylvania and HUD seeking answers to questions about the fires and oversight of the properties, New York Senator and Senate Majority Leader Chuck Schumer (D) and Representative Ritchie Torres (D-NY) announced plans on January 25 to introduce legislation. The legislation, according to statements made at the site of the Bronx fire, would require the installation of sprinkler systems in public housing and Section 8 housing and require HUD residential buildings to have self-closing doors. The bill will also require the Consumer Product Safety Commission to require space heaters to have automatic shut offs. The Philadelphia fire was in a property owned by the public housing authority, the Bronx fire was in a privately owned, 120-unit apartment building that had more than 70 project-based vouchers in it. All 17 who died in the Bronx fire died of smoke inhalation, where investigators believe two malfunctioning self-closing doors allowed smoke from one apartment (thought to have ignited after prolonged juxtaposition of a space heater to a mattress) to spread through the building.

HUD Expected to Release Fifth Round of COVID-19 Supplemental Payments. HUD has said that Multifamily Housing providers can reasonably expect a fifth round of COVID-19 Supplemental Payments (CSPs) to offset COVID-19 costs at properties. The timing is unclear, but the new round is expected to include similar reimbursement categories as the fourth round, including capital cost reimbursements for internet, generators, and air system improvements. Stay tuned for more information as LeadingAge receives it. Fourth round CSPs are being formally approved at the Headquarters level and are on track to be paid on time. HUD will also issue guidance next month on how to certify project completion for owners requesting reimbursement under the capital expense category.

CDC Definition of "Up to Date": With the rise of the omicron variant, CDC began talking about vaccination status in a new way, using the phrases "up to date" and "not up to date". This has created quite a bit of confusion, particularly as guidance for isolation / quarantine and return-to-work has utilized these phrases. We were able to clarify with CDC this week that an individual is "up to date" if they have received ***all recommended doses of COVID-19 vaccine for which they are eligible***. This means:

- An individual who has completed a primary series and received a booster is ***up to date***.
- An individual who has completed a primary series and is not yet eligible for a booster is ***up to date***.
- An individual who has completed a primary series and is eligible for a booster but has not received the booster is ***not up to date***.

Resource Center Sessions Feature Housing and Services Partnerships. Today, the [Housing and Services Resource Center](#) (HSRC), coordinated by the Administration on Community Living and HUD, presented a call on Service Coordination Models and Sustainability. The call highlighted innovative Service Coordination models from Ohio and featured a discussion among housing and services providers, including LeadingAge members. The next call will focus on Cross-Sector Partnerships to Expand Options for Affordable, Accessible Housing (February 10). These collaborations are expanding options for older

adults and people with disabilities to live in their communities with access to supportive services they may need. [Learn more and register for the next session.](#)

New HUD Regional Administrators. On January 20, the [White House announced](#) Regional Administrators to lead several of HUD's 10 Regional Offices that directly serve state and local organizations. Regional Administrators oversee field offices across each state in their region and ensure the Department directly serves local communities. Regional Administrators play a key role in leading assignments of housing assistance funds within the region and coordinating those assignments with HUD headquarters. HUD had appointed Regional Administrators for [Region 5](#) (serving serves Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin), [Region 6](#) (serving Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming), and [Region 9](#) (serving Arizona, California, Hawaii, and Nevada) in December and [Region 10](#) (serving Alaska, Idaho, Oregon, and Washington) earlier this month. Appointments for Regional Administrators in regions 1 and 6 have yet to be made.

OTC Home Testing and CLIA Applicability: CMS [updated their Frequently Asked Questions \(FAQs\) page](#) on over the counter (OTC) home testing and clinical laboratory improvement amendments (CLIA) applicability.