



Senior Housing Weekly

November 19, 2021

LeadingAge Housing Advisory Group Call. Join us on Monday, November 22, at 12:30 PM ET for our regular Housing Advisory Group call where we'll talk with Dr. Louise Hawkley, principal research scientist in the Academic Research Centers, NORC at the University of Chicago, about her research in the area of perceived social isolation (loneliness) and health during aging. Any LeadingAge member can join the Housing Advisory Group or submit advance questions by emailing Linda (lcouch@leadingage.org) or Juliana (jbilowich@leadingage.org).

LeadingAge Coronavirus Update Call – only Monday during Thanksgiving week. On November 22, at 3:30pm ET we will welcome back Tina Sandri, CEO of Forest Hills in Washington, D.C. Tina will talk about how her organization has been working to quickly implement the new CMS visitation guidance while planning for the holidays. She will also talk about her organization's continuing efforts to educate on vaccination and success with boosters. **We will not be having our call on Wednesday, November 24** (the day before Thanksgiving) and will be back on Monday, November 29 to talk with Sue diRosario, director of support services for Methodist Conference Home in Rockland, ME, on her organization's success in hosting booster clinics in Maine. If you haven't registered for LeadingAge Update Calls, [you can do so here](#).

Build Back Better Passes House. On November 19, the House passed the Build Back Better Act, which has investments spanning Home and Community Based Services, the workforce, affordable senior housing, and multiple other sectors. A Senate vote on the bill is expected as soon as the week of December 6. LeadingAge is urging stakeholders to contact their Senators to protect the bill's investments and even expand them before the bill's final enactment. Read LeadingAge's statement on the historic bill [here](#), a summary of the bill's HUD-funded housing programs [here](#), and a summary of the bill's Low Income Housing Tax Credit provisions [here](#).

COVID-19 Supplemental Payment (CSP) Requests due to HUD TODAY (11/19/21). LeadingAge reminds our HUD-assisted housing provider members that CSP request forms are due to HUD by **midnight local time tonight, November 19**. The request forms should be submitted to the property's contract administrator, account executive, or HUD incoming regional mailbox. HUD has let LeadingAge know that the most common mistakes seen so far on request forms include the wrong signatory or FHA/contract number. We encourage housing communities to double check these details prior to submission. More information about the CSP request form and tips for completing it is available [here](#).

Mortgage Costs Can Result in Healthcare Rationing. New research released November 15 sheds light on a housing issue that likely impacts many more parts of the aging services continuum than affordable housing. The report gives us new data on the share of older adults holding a mortgage and the value of the debt those with mortgages after age 65 are holding. The Joint Center for Housing Studies of Harvard University research says that, between 1989 and 2016, the share of homeowners 65 and older with outstanding mortgages doubled, and the outstanding loan-to-value ratio, the amount of mortgage debt owed, tripled from 13 to 39%. Considering how much home equity dovetails with older adults' decisions

and options for housing and services choices, all aging services providers should be aware that the trends of more people retiring with a mortgage and of those still-held mortgages values being higher than ever are clearly continuing. The research however takes this one step further and looks at prescription spending by older adults holding a mortgage by measuring health spending before and after a household paid off its mortgage. The researchers found households aged 50-64 spent nearly 50% more on out-of-pocket pharmaceuticals after paying off their mortgage. In contrast, households 65 or older did not significantly change their out-of-pocket spending on pharmaceuticals after they paid off their mortgages. The researchers posit Social Security and Medicare subsidies available to households around age 65 increased their ability to afford both health and housing. To reduce healthcare rationing by 50-64 year old people, the researchers recommend additional subsidies to reduce the cost of older adults' healthcare or housing, or to increase their income. Read the Joint Center's research [here](#).

Name-Only Screening Insufficient, Agency Says. The Consumer Financial Protection Bureau recently released an opinion that consumer reporting agencies, used by housing owners and management companies to screen potential residents and employees, violate the law when they use name-matching procedures that lead to false-identity matching. The use of name-only matching procedures, when a consumer reporting company uses only first and last name to determine whether a particular item of information relates to a particular consumer, without using other personally identifying information such as address, date of birth, or Social Security number, fails to ensure maximum possible accuracy of consumer information, the CFPB says. In its opinion, the CFPB affirmed that the practice of matching consumer records solely through the matching of names is illegal under the Fair Credit Reporting Act. Hispanic, Black, and Asian rental applicants are at greater risk of denial because surnames of people from these communities tend to be less diverse than non-Hispanic whites. Housing members are urged to check in with any screening services you use to ensure they are not matching consumer records only by first and last names. Read the CFPB's statement and link to its opinion [here](#).

Take the LeadingAge Quarterly Affordable Housing Survey. It's time for our quarterly affordable housing survey! Please fill out this 5-minute survey on key housing issues, including internet connectivity and staff vaccine requirements at affordable housing communities. The information you provide us advances our advocacy efforts with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Congress, it helps us understand the materials that our housing members need, and gives you insights about your housing peers. [Please complete the survey](#) by Friday, December 3.

LeadingAge Calls on Communications Commission to Increase Broadband Access in Affordable Housing. On November 19, LeadingAge submitted comments to the Federal Communications Commission (FCC) to call for increased internet connectivity in affordable housing serving older adults with low incomes. The comments, in response to the Commission's proposed rule addressing bulk internet provision in multifamily housing settings, urge the federal body to take action to improve connectivity for resident wellbeing. Specifically, the comments address issues around exclusive marketing and wiring agreements that prevent housing providers from passing on internet access in bulk to their properties for in-unit resident access. LeadingAge also calls on the FCC to take action to increase affordability and competitive choice among internet service providers. LeadingAge will continue to work with HUD, the Commission, and other federal and state agencies to increase connectivity in senior housing. LeadingAge's comments are available [here](#).

Latest on the Legal Challenges to CMS IFR and OSHA ETS.

CMS Interim Final Rule Challenges (CMS IFR remains in effect): Florida has now filed a [lawsuit](#) challenging the CMS Interim Final Rule (IFR) mandating vaccinations for certain providers. There are now four lawsuits currently filed in federal courts, which are located in the Eastern District of Missouri, Western District of Louisiana, the Northern District of Texas, and Northern District of Florida, respectively. Unlike with the OSHA ETS, there are **no court orders** staying or providing relieve from the implementation and enforcement of the CMS IFR. The CMS IFR **remains in effect** unless and until we get a ruling from any of the courts hearing these challenges. The judge in the Louisiana case has ordered an expedited briefing schedule that requires the parties to file their briefs by December 1, 2021. We have not seen any of the other courts set a schedule to hear any motions yet, but that can change at any time. That is what we know at this point, but this will be a fluid situation for some time so stay tuned (and stay patient).

OSHA ETS Challenges (OSHA ETS stayed pending further decisions): The 6th Circuit Court of Appeals is the venue for all the legal challenges to the OSHA Emergency Temporary Standard (ETS). Yesterday, one of the plaintiffs challenging the OSHA ETS filed a motion to have the case heard *en banc*, which means by all the judges of the 6th Circuit Court of Appeals, rather than by a 3-judge panel that is usually randomly assigned to each case. The court ordered OSHA to respond to that petition by November 23rd. After that date, the court will decide whether to proceed with a full panel of judges or a 3-judge panel to hear the arguments on the merits of the challenges. Then, the court will set the timeline for the submission of briefs for each party and likely order an oral argument before issuing a decision. Given these developments, that likely puts any decision on the merits of the case at least two weeks out at the earliest. In the meantime, the 5th Circuit Court of Appeals order staying the implementation of the ETS remains in place. The stay **prohibits OSHA from implementing the ETS** until a further court decision. OSHA acknowledged such on their [website](#) this week and confirmed that they will not take any actions to implement or enforce the ETS until a further decision by the 6th Circuit Court of Appeals.

HUD COVID-19 Supplemental Payment Requests Due Friday, November 19. As a reminder HUD-assisted multifamily housing communities, the deadline to submit COVID-19 Supplemental Payment (CSP) [reimbursement requests](#) to HUD or the Contract Administrator is this Friday, November 19, 2021. More information is available [here](#). Reach out to Juliana (jbilowich@leadingage.org) with questions.

HUD Opens Registration for Innovations in Energy Efficiency Webinar Series. Registration is now open for the Innovations in Energy Efficiency Webinar Series, which will be held November 29 – December 2, 2021. This 8-part webinar series is a collaboration between the Department of Energy and the Department of Housing and Urban Development with a focus on energy efficiency in housing. According to HUD, the content of the webinars will be basic, practical, and actionable with an emphasis on simplifying the decisions related to the rehabilitation of single- and multi-family housing with an eye towards decreasing the energy burden of the HUD building stock. Webinar topics range from an introduction to energy efficiency fundamentals to advanced topics such as exterior retrofits and the latest energy code requirements. The webinars are open to everyone especially HUD grantees and HUD staff with oversight responsibilities are encouraged to attend. There is no cost to register, but registrations must be submitted by Thursday, November 25. Registration and agenda information is available [here](#).

HUD Issues Clarification of Services Valuation In Rent Setting. HUD has issued a memo clarifying the valuation of non-shelter services during Rent Comparability Studies for Section 8 properties. The memo explains HUD's interpretation of existing policies related to an appraiser's determination of market comparable rents for a Section 8-assisted property. In valuing services at properties during an RCS, an appraiser determines how the services are offered and funded, compares similar properties, and assigns a market value to the services. The clarification will impact the value of services that are included in rent setting; LeadingAge had previously argued for greater flexibility to incorporate accurate reflections of services costs into rent setting for HUD properties, and will continue to advocate for changes to the renewal guide policy and interpretation. A deeper LeadingAge analysis on the impacts of service-enriched affordable housing options for low income older adults is forthcoming, and more info is available [here](#).