

VERMONT

**Housing
Safety and Accessibility
Inspection Process**

Protocol

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Department of Disabilities, Aging and Independent Living
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Department of Disabilities, Aging and Independent Living

Housing Safety and Accessibility Inspection Process

Introduction

Home Safety inspections are conducted for all shared living homes funded by the Department of Disabilities, Aging and Independent Living (DAIL). In addition, Accessibility inspections are conducted for participants who meet the criteria detailed in the Accessibility Inspection Process section of this protocol. DAIL provides oversight of this inspection process. The on-site inspections are conducted by a DAIL Housing Contractor, unless the home is required to be licensed or inspected by one of the following entities: The Division of Fire Safety, the Vermont Department of Labor and Industry, the Vermont State Housing Authority, Section 8 Housing or a local housing authority. In the case of inspections completed by an organization other than the Contractor, the entity will arrange and conduct the inspection.

It is expected that Home Safety and Accessibility inspections would occur, and all noncompliant items identified during an inspection be corrected, before the participant receiving services funded by the Department of Disabilities, Aging and Independent Living, moves into a shared living home.

Developmental Services (DS) Homes:

Due to some circumstances, a participant may need to move into a DDSD shared living home prior to the completed home assessment. In these circumstances, the home inspection must be completed within 30 days of the participant moving into the home.

Adult Family Care (AFC) and Brain Injury Program (BI):

All homes must have a successfully completed Home Safety inspection, and all identified noncompliant items corrected, prior to the participant moving into the home. Accessibility inspections, if necessary, must be completed within 30 days of the participant moving into the home. For BI and AFC homes, there are no exceptions to this rule.

In the event of crisis, the request for an emergency home placement may be submitted, pending approval by DAIL. Such a placement is rare and should be an option of last resort. The requirements and the process for requesting approval for an emergency placement is explained later in this document under **Emergency Placements**.

It is the responsibility of the Provider Agency to ensure that all shared living providers contracted with their agency have been entered into the DAIL Housing Portal, all required documents have been uploaded into the Portal, all required assessments have been successfully completed, and that the Provider Agency staff using the DAIL Housing Portal have completed the proper training and are aware of the most current guidelines and procedures. Provider Agencies will retain documentation of their agency staff who have been trained in the DAIL Housing Portal, which will be available to DAIL upon request.

Shared Living Providers

A shared living provider (also known as a home provider), may be any participant who is 21 years or older, (except the participant may not be the parent, legal guardian, representative payee, spouse, or domestic partner of the participant receiving DAIL-funded services), who successfully passes background checks required by DAIL. Additional information about requirements for shared living providers in Vermont can be found in the Vermont program-specific provider manual.

Home Safety Inspection Process

The Designated Agency, Specialized Service Agency, Brain Injury Provider Agency, or Adult Family Care Authorized Agency (Provider Agency) arranges for both Home Safety and the Accessibility inspection. The inspections are required to be successfully completed according to the specifications outlined in the Introduction on page 1.

Prior to scheduling the Home Safety inspection, a Provider Agency staff member, with knowledge of safety issues, will perform a preliminary safety inspection of the home, using a copy of the DAIL Pre-Inspection Housing and Standards Checklist. The staff member will review each area of the Checklist with the prospective shared living provider to get a general sense of the safety of the home and identify and correct any areas that do not meet requirements prior to the inspection visit by the Contractor.

A preliminary inspection is intended to increase the likelihood of a successful and timely Home Safety inspection by the Contractor and give the prospective shared living provider an understanding of the safety issues that must be addressed if they are to become a shared living provider.

Part of the preliminary safety inspection includes, but is not limited to:

- Uploading a copy of the fire escape plan into the DAIL Housing Portal;
- Working with any shared living provider whose home is not on a public water source to ensure a water test is performed by a certified lab and the test results are uploaded into the DAIL Housing Portal;

- Uploading documentation into the DAIL Housing Portal to show that any wood heating masonry chimney, wood-burning furnace, stand-alone pipe or fireplace that is being used has been cleaned and inspected by a professional.

All documentation must be uploaded into the assessment of the DAIL Housing Portal before the Contractor does the onsite inspection.

After the Provider Agency enters the necessary information into the DAIL Housing Portal, they will fill out the DAIL Housing Assessment Request Form and will send it to the Contractor to schedule the inspection. Within seven (7) calendar days of receiving a request for an inspection, the Contractor will contact the Provider Agency to schedule the on-site inspection.

It is the responsibility of the Provider Agency to notify the Contractor about any DAIL-funded home that needs an inspection.

The Contractor will complete the onsite Home Safety inspection within fifteen (15) calendar days of receiving the e-mail from the Provider Agency, unless the Contractor and the local service Provider Agency requesting the inspection agree to other arrangements **in writing**. The Contractor will provide a copy of any such written agreement to the State when submitting its invoice for the inspection, if requested by the State.

The participant's Provider Agency's staff person **and** the shared living provider **must** be present during the inspection.

The Provider Agency will work with the shared living provider to resolve any noncompliant item(s) and ensure that any necessary home modifications are completed. The Provider Agency staff may contact the Contractor for advice and assistance as needed.

Home Safety Inspection – Meets Standards

If the home meets all applicable standards, the Contractor will enter the inspection information into the DAIL Housing Portal within fourteen (14) calendar days of the inspection and will indicate it has been approved. The Provider Agency will be notified through the Portal of the approved inspection.

The Provider Agency will print a copy of the Approved Assessment, send a copy of it to the shared living provider and will confirm that the shared living provider has received it. The Provider Agency will also put a copy of the Approved Assessment in the participant's file, which is required as part of the DAIL quality management review.

Home Safety Inspection – Noncompliant Items Identified

All noncompliant items noted on the Home Safety inspection must be corrected and completed **within thirty (30) calendar days** of the date of the inspection, unless a variance waiving the specific standard has been requested and approved.

A combination of variances and shared living provider actions may be needed. If a variance is being requested for any noncompliant item, the variance must be requested and a decision for the variance decided prior to requesting a follow-up by the Contractor, if a follow-up is required. See section on **Variance Process**.

Variance for Time: In some instances, a variance may need to be requested on a correction of a noncompliant item due to a delay in getting the correction completed. (Example: It is in the middle of the winter and a ramp or window needs to be installed.) In these instances, if a variance is approved, the inspection will remain pending until the time the noncompliant item is corrected. DAIL will enter a feedback note approving a specific time period.

Funding for the home may be held until all of the noncompliant items have been resolved. If the noncompliant item is determined to be an immediate safety issue for the participant, the Provider Agency will be required to move the participant into temporary respite or an alternative residence until the noncompliant items are corrected.

Home Safety Inspection – Home Modifications

The shared living provider is responsible for correcting noncompliant items and notifying the Provider Agency when the identified items have been corrected. The Provider Agency is responsible for monitoring the shared living provider's progress and for confirming that the noncompliant items are corrected by the deadline established in this protocol.

When the Provider Agency has confirmed that the noncompliant items have been corrected, the Provider Agency will contact the Contractor to schedule a follow-up inspection. If, after the follow-up inspection, the Contractor determines that all applicable standards are met, the Contractor will enter the updated information into the DAIL Housing Portal within 14 calendar days and will approve the assessment indicating the corrections have been made. The Provider Agency will be notified through the Portal of the approved assessment.

The Provider Agency will print a copy of the completed assessment, send a copy of it to the shared living provider and will confirm that the shared living provider has received it, and will put a copy of the approved inspection in the participant's file. The file copy is required as part of the DAIL quality management review.

If all noncompliant items have not been corrected within 30 days of the date of the initial inspection, and a variance concerning the noncompliant item has not been granted, DAIL may send written notice to the Provider Agency that DAIL will be monitoring the status of the noncompliant items and begin the process of suspending the funding for that home. Funding may be suspended 30 days from the date of the notice from DAIL, unless updated information of the inspection report verifying that all noncompliant items have been corrected and the inspection process has been completed, or a variance applicable to the noncompliant item has been granted, **before** the effective date of the suspension of funding. If the Provider Agency has requested and been granted a variance from the appropriate DAIL Quality Management staff for the specific standard applicable to the noncompliant item, funding for that home will not be at risk of suspension solely on the basis of that noncompliant item.

Accessibility Inspection Process

Overview

The Designated Agency, Specialized Service Agency, Brain Injury Provider Agency, or Adult Family Care Authorized Agency (Provider Agency) arranges for both Home Safety and the Accessibility inspection. The inspections are required to be successfully completed according to the specifications outlined in the Introduction on page 1.

Accessibility standards are designed to maximize a participant's independence and level of safety and are designed to provide workable and safe environments for caregivers as well. State and federal funds used for accessibility renovations are best utilized when the renovations meet the Americans with Disabilities Act (ADA) standards. **Accessibility renovations to DAIL-funded homes are required to meet the ADA standards.** The DAIL Pre-Inspection Accessibility Standards and Checklist is based upon these ADA standards.

To maximize the participant's independence, all participants receiving DAIL-funded services should be able to utilize all appropriate spaces in the home they share with a shared living provider. When a participant who requires the use of an assistive device for mobility needs, or has accessibility needs (e.g. low vision, hearing loss) that affect the participant's ability to freely navigate the home environment, receives home supports funded by the state and/or federal government, an approved Accessibility Assessment of the residence is **required**.

It is the responsibility of the Provider Agency to perform a preliminary inspection, upload the pre-inspection into the DAIL Housing Portal, enter an Accessibility Assessment into the DAIL Housing Portal and notify the Contractor that an Accessibility inspection must be done. The Accessibility inspection should be done in conjunction with the Home Safety Inspection whenever possible. The Provider Agency shall also notify the participant receiving DAIL- funded services and the shared living provider of the date and time for the accessibility inspection. The combined visit takes approximately 1½ hours.

If a participant receiving DAIL-funded services experiences a significant change in health or function requiring physical environmental modifications, the Provider Agency **must** enter an Accessibility Assessment into the DAIL Housing Portal, perform a preliminary inspection, upload the pre-inspection into the Portal, and schedule an Accessibility Inspection with the Contractor **immediately** upon becoming aware of the need for an inspection. The timeline for an Accessibility Inspection and the correction of noncompliant items, if any, is the same as outlined in the Home Safety Inspection Process.

Accessibility Inspection Process

Prior to scheduling the Accessibility inspection, a Provider Agency staff member, with knowledge of accessibility issues, will perform a preliminary assessment of the home, using the DAIL Pre-Inspection Accessibility Standards and Checklist. During an Accessibility inspection, all areas of accessibility in the residence are evaluated using the checklist which is based on universal ADA Accessibility standards, including, but not limited to, doorway widths, bathroom(s), and entrance to and egress from the home.

The Contractor will conduct the Accessibility inspection using the checklist form provided in the DAIL Housing Portal to evaluate specific ADA accessibility standards and identify areas in the home that do not meet these standards. The inspection is of the home, specific to the home in terms of the universal ADA standards, not specific to the participant.

The Contractor will enter the Accessibility inspection information into the DAIL Housing Portal within fourteen (14) calendar days of the inspection. The Contractor will be available for suggestions and consultations for renovations or modifications to correct the noncompliant items.

The Provider Agency will print a copy of the Approved Assessment, send a copy of it to the shared living provider and will confirm that the shared living provider has received it. The Provider Agency will also put a copy of the Approved Assessment in the participant's file, which is required as part of the DAIL quality management review.

Multiple Participants with Mobility Issues Living in the Same Home

The Accessibility inspection is completed on the home, therefore, only one Accessibility inspection is required even when there are multiple participants with mobility issues living in that home. However, if variances for noncompliant items are requested, **each** participant with mobility issues living in the home has to have a Certified Occupational or Physical Therapist complete an evaluation.

Accessibility inspections for second or subsequent participant moving into a home that have previously had an Accessibility inspection successfully completed:

- The Provider Agency will create the Accessibility Assessment in the DAIL Housing Portal according to the DAIL Housing Portal Instructions and notify DAIL that this

has been completed. DAIL will enter the Accessibility inspection data into the newly created Assessment.

- The Provider Agency will contact a PT/OT to perform a functional assessment of the participant and determine their needs. If there were any noncompliant items in the originating Accessibility Assessment, as shown in the DAIL Housing Portal, the PT/OT will include in the review their determination of the noncompliant items and how they relate to the participant.
- The Provider Agency will upload the PT/OT report into the DAIL Housing Portal and follow the variance and home modification process for the successful completion of the Accessibility inspection for this participant.

If noncompliant items are identified during any of the inspections described above, the Provider Agency and shared living provider will follow the process outlined below in the **Accessibility Inspection-Noncompliant Items Identified** section of this document. There is a 30-calendar day timeline to address any noncompliant items found during the inspection. This time period will be strictly monitored and enforced when the participant receiving DAIL-funded services is already living in the home. Funding for the home may be held until all noncompliant items have been resolved, and if the noncompliant item is determined to be an immediate safety issue for the participant the Provider Agency will be required to move the participant into temporary respite or an alternative residence until the noncompliant item is corrected.

The Provider Agency will monitor the home for safety and accessibility issues that may arise after an inspection has been performed and will work with the shared living provider to resolve any identified issue(s). The Provider Agency may contact the Contractor or DAIL for advice and assistance as needed to resolve these issues.

Accessibility Inspection - Noncompliant Items Identified

The Contractor's inspection will detail any noncompliant items and the Contractor will be available to the shared living provider to discuss possible resolutions to come into compliance with the applicable standards. All noncompliant items noted on the housing Accessibility Assessment must be corrected and completed, or approved by variance, within thirty (30) calendar days of the date of the inspection,

A combination of variances and home modifications may be needed. If a variance is being requested for any noncompliant item, that process must be completed first. Any noncompliant item(s) remaining after the variance request and decision, must be brought up to compliance by making a home modification. An approved variance or home modification must be completed on all noncompliant items prior to requesting a follow-up inspection by the Contractor if a follow-up is required. See section on **Variance Process**. Variance for Time: In some incidences, a variance may need to be requested on a correction of a noncompliant item due to a delay in getting the correction completed.

(Example: It is in the middle of the winter and a ramp or window needs to be installed.) In these instances, if a variance is approved, the inspection will remain pending until the time the noncompliant item is corrected. DAIL will enter a feedback note approving a specific time period.

Accessibility Inspection - Home Modifications

The shared living provider is responsible for correcting identified noncompliant items not approved by a variance and notifying the Provider Agency when the identified items have been corrected. The Provider Agency is responsible for monitoring the shared living provider's progress and for confirming that the noncompliant items are corrected within 30 days of the date of the initial inspection.

NOTE: If a variance is being requested, the variance request and the decision for the variance must occur first.

Follow the steps in the section on **Home Safety Inspections – Home Modifications**.

Variance Process

If the Provider Agency believes a noncompliant item(s) on the assessment should be waived, or they disagree with any of the findings on the assessment, the Provider Agency may submit a request for a variance by uploading the necessary supporting information and requesting a variance through the DAIL Housing Portal. DAIL Quality Management staff will review the information and determine whether the variance for the item is acceptable.

There may be a combination of a home or functional assessment variance requests and home modifications corrections needed. All variance requests must be submitted, and variance decisions received, in order to know if a home modification will be necessary for some noncompliant items.

Housing Safety Inspection Variance

A request for a Home Safety variance **must** include:

- The specific standard(s) which is (are) the subject of the variance request;
- A detailed rationale for the request (e.g., “the basement doorway does not need to be widened because the basement is only used for storage and the participant moving into the home will not need to access the basement...”);
- A statement from the participant receiving DAIL-funded services and their guardian (if applicable) acknowledging and supporting the request for a variance; and
- Documentation that supports the rationale for the variance request and confirms that:

- the proposed solution will otherwise meet the goal of the relevant accessibility standard; and
- the proposed solution will not result in less protection of the health, safety and welfare of the participant receiving DAIL- funded services.

A decision regarding the requested variance will be made by the appropriate DAIL Quality Management staff through the DAIL Housing Portal within thirty (30) calendar days of DAIL's receipt of the variance request.

DAIL Quality Management staff will respond to all variance requests by approving, denying, or providing feedback on the request.

If the non-compliant items are **not** approved by the DAIL Quality Management staff through the variance process, the Provider Agency will work with the shared living provider to complete a home modification (See section on **Home Safety Inspection – Noncompliant Items Identified**)

Accessibility Inspection Variance

Upon receiving notification of a noncompliant Accessibility Inspection report, if there are areas of noncompliant items which the Provider Agency feels should be waived, the Provider Agency will work with a licensed Physical Therapist (PT) or Occupational Therapist (OT) to perform a functional assessment of the participant and the participant's ability to maneuver and access all areas within the home.

The PT/OT will submit to the Provider Agency a signed report regarding the participant's functional assessment and accessibility in the home. The Provider Agency will upload this report into the DAIL Housing Portal and request a variance through the portal. The DAIL Quality Management staff will compare each noncompliant item identified by the Contractor, with the details in the PT's report, to determine if the items have been adequately addressed.

All noncompliant items noted on the housing Accessibility Assessment must be corrected and completed, or approved by variance, **within thirty (30) calendar days** of the date of the inspection.

A request for a variance **must** include/indicate:

- The specific standard(s) which is (are) the subject of the variance request;
- A detailed rationale for the request (e.g., "the basement doorway does not need to be widened because the basement is only used for storage and the participant moving into the home will not need to access the basement...");
- A statement from the participant receiving DAIL-funded services and their guardian (if applicable) acknowledging and supporting the request for a variance; and
- Documentation that supports the rationale for the variance request and confirms that:

- the proposed solution will otherwise meet the goal of the relevant accessibility standard; and
- the proposed solution will not result in less protection of the health, safety and welfare of the participant receiving DAIL –funded services.

A decision regarding the requested variance will be made by the appropriate DAIL Quality Management staff through the DAIL Housing portal within thirty (30) calendar days of DAIL's receipt of the variance request.

DAIL Quality Management staff will respond to all variance requests by approving, denying, or providing feedback on the request.

If the noncompliant items are **not** approved by the DAIL Quality Management staff, the Provider Agency will work with the shared living provider to complete a home modification (See section on **Home Safety Inspection – Noncompliant Items Identified**)

Emergency Placements

Emergency placements are defined as the **unexpected and imminent** crisis situation of an participant that would put their health and safety in jeopardy due to no fault of their own. Approval of such emergency placements, without prior completed inspection of the home, may be granted only by the appropriate DAIL Quality Management staff, after a review of the participant circumstances and documentation to place the participant in a home that has at least minimum safety standards met.

In the case of a crisis or emergency placement, the Provider Agency shall conduct a preliminary safety assessment, using the DAIL Pre-Inspection Housing Standards and Checklist and ensure the minimum safety standards are met **before** the participant moves into the home. The Provider Agency will request an Emergency Placement through the DAIL Housing Portal, upload the checklist and the fire safety plan for the home, and provide information about why the request is being submitted. The Provider Agency must also notify the Contractor immediately that there has been a crisis or emergency placement and request a Home Safety and, if applicable, an Accessibility inspection. The Contractor must complete the inspection within thirty (30) calendar days of the participant moving into the home.

The timeline for the correction of noncompliant items, if any, is the same as for an initial Home Safety inspection as outlined above. The 30-day timeline to correct the noncompliant items will be strictly monitored and enforced when the participant receiving DAIL-funded services is already living in the home. If any noncompliant item is determined to be an immediate safety issue for the participant the Provider Agency will be required to move the participant into temporary respite or an alternative residence until the correction has been made.

Re-Inspections

Routine Home Safety inspections shall be conducted every five (5) years. The Provider Agency will have 90-days to successfully complete the reinspection after the current inspection expires. Funding for the home may be held until a new inspection has been successfully completed and any noncompliant items have been resolved, or if it is determined that there may be immediate safety issues for the participant the Provider Agency will be required to move the participant into temporary respite or an alternative residence until the home inspection has been successfully completed.

Home Safety inspections completed prior to July 1, 2011 are not required to have a five (5) year reinspection. However, if a new participant moves into the home, there are modifications in the home, DAIL Quality Management or the Provider Agency feels a new assessment is necessary, or the participant needs an Accessibility Assessment, a new Home Safety inspection will be required.

In homes where Accessibility inspections are required for a participant's needs, the Accessibility inspections are required to be conducted every five (5) years in conjunction with the Home Safety inspection. An Accessibility inspection may need to be done earlier than five (5) years until it is in conjunction with the Home Safety inspection. (Example: An Accessibility inspection is done 2 years after the Home Safety inspection. When it is time for the Home Safety 5-year reinspection, the Accessibility will only be 3 years old; however, it would be done in conjunction with the 5-year inspection which will make both assessments in sync for 5-year reinspection moving forward.) An Accessibility Assessment may also be required earlier than the five (5) years if the participant's mobility needs or accessibility needs have changed and their ability to freely navigate the home environment has changed.

A new inspection will be conducted before the five-year period has expired when there have been significant alterations to the home since the previous inspection that may impact the safety of the participant living in the home, or if the DAIL Quality Management staff or the Provider Agency feels there are safety concerns in the home following a DAIL Quality Services Review and/or home visit. Some examples of a significant alteration, or major construction, in a home may be adding a bedroom, removing a wall, renovating a bathroom or kitchen.

Inspection Report – Accessibility and Home Safety

The Contractor will conduct the inspection using the inspection checklist form provided in the DAIL Housing Portal. The Contractor will enter the inspection information into the DAIL Housing Portal within 14 calendar days of the inspection. Within five (5) business day of receiving notice through the portal that the inspection has been entered into the DAIL Housing Portal, The Provider Agency will print a copy of the Approved Assessment, send a copy of it to the shared living provider and will confirm that the shared living

provider has received it. The Provider Agency will also put a copy of the Approved Assessment in the participant's file, which is required as part of the DAIL quality management review.

Shared Location

More than one Provider Agency may use the same shared living provider at the same location, by following the process below.

If the location has a participant currently living in the home who is being served by another Provider Agency, the requesting Provider Agency will request to share the location through the DAIL Housing Portal. The originating, or current, Provider Agency will discuss the possible new placement with the requesting Provider Agency, legal guardian, and any other necessary participants, and if all parties are in agreement, will approve the Shared Location request. The requesting Provider Agency will then send the request to share the location to the DAIL Quality Management staff through the DAIL Housing Portal. Documentation of guardian or participant approvals (either with a written note, copies of the e-mails, etc.) must be uploaded into the DAIL Housing Portal with this request. The DAIL Quality Management staff will review the information and if everything is in order will signify approval in the DAIL Housing portal that the location may be shared. The requesting Provider Agency will update the DAIL Housing Portal and take any further steps necessary for that placement.

If the shared living provider location is contracted by another Provider Agency but is currently vacant, the requesting Provider Agency will need to contact the originating Provider Agency to notify them of the intent to use the location and will contact DAIL with this information, who will take the necessary action to make the location available to the requesting Provider Agency.

If two agencies are sharing a location, the two agencies need to work together to ensure the home is, and remains, in compliance and to complete the process of the re-inspection of the home.

Additional Provider Agency Responsibilities

The Provider Agency is responsible for overseeing the location of all participants affiliated with their agency who are in DAIL programs and are living in shared living homes. It is the responsibility of the Provider Agency to ensure that all participant locations are kept updated in the DAIL Housing Portal in a timely manner, and that all homes have an approved Home Safety inspection and Accessibility inspection, if needed.

Routine Home Safety inspections shall be conducted every five (5) years; however, between the Home Safety inspections, it is the Provider Agency's responsibility to ensure

that the home remains safe and the participant is able to maneuver safely within the home.

The Provider Agency may request that a new Home Safety Assessment or a new Accessibility Assessment is completed prior to the assessment expiration date, and are required to request a new Home Safety Assessment or an Accessibility Assessment if the home falls within the requirements listed under Re-Inspections or the participant's accessibility needs change.

Certificate of Occupancy

Definition: For the purposes of this document and for the DAIL Housing Portal, the term "Certificate of Occupancy", or CO, means an inspection by the Division of Fire Safety, the Vermont Department of Labor and Industry, the Vermont State Housing Authority, Section 8 Housing or a local housing authority.

If a shared living home does not require an onsite inspection by the DAIL Contractor based on circumstances described in Section I, (primarily for homes inspected by the Division of Fire Safety, the Vermont Department of Labor and Industry, the Vermont State Housing Authority or a local housing authority), the home must have a Certificate of Occupancy (CO) ensuring the basic safety of the home. The Provider Agency will enter the information into the DAIL Housing Portal and upload a copy of the CO into the Portal, along with a copy of the fire escape plan (see below). The DAIL Quality Management staff will review the CO and fire escape plan, and if everything is in order, will approve it as the required inspection for the home.

If the CO or fire escape plan is not acceptable, DAIL will notify the Provider Agency and work with them to obtain the necessary information.

If the participant living in the home has a mobility issue, the DAIL Housing Contractor will provide the Accessibility Assessment. The Provider Agency must follow the steps described in the **Accessibility Inspection Process** section above.

Appeals

If a participant receiving DAIL-funded services or the participant's representative, disagrees with a decision made by the DAIL Quality Management staff regarding housing safety and accessibility relative to the inspected residence, the participant or their representative may request a Commissioner's Hearing.

At the Commissioner's Hearing, the participant or their representative may present any evidence they wish the Commissioner to consider before the Commissioner makes a final

decision regarding the housing safety or accessibility issue relative to the inspected residence.

To submit an appeal to the Commissioner, the participant receiving DAIL-funded services, or their representative, must contact the DAIL Legal Unit within 30 days of the date of decision issued by the DAIL Quality Management staff. An appeal may be requested by calling (802) 241-0353 or writing to:

Commissioner's Office
Department of Disabilities, Aging and Independent Living
Legal Unit
280 State Drive, HC 2 South
Waterbury, VT 05671-2020

The Commissioner's decision will be forwarded to the participant or their representative according to DAIL protocol.

Training

The Provider Agency staff who access, or enter information into, the DAIL Housing Portal will be expected to attend trainings provided by DAIL and will be expected to know the most current guidelines and procedures.

It is the responsibility of the Provider Agency to ensure that all Provider Agency staff using the DAIL Housing Portal have read and understand the DAIL Housing Safety and Accessibility Inspection Protocol, have read all DAIL Housing Portal procedures, guidelines, and forms, and have completed the proper training. Provider Agencies will retain documentation of staff trained in the DAIL Housing Portal which will be available to DAIL upon request.

Glossary

Contractor: The entity in which the State contracts to perform the housing inspections.

DAIL: The Department of Disabilities, Aging, and Independent Living (DAIL). DAIL includes the Developmental Disabilities Services Division (DDSD) and the Adult Services Division (ASD), and its federally funded programs that include shared living providers.

DAIL Housing Portal or Portal: DAIL implemented a new safety and accessibility inspection portal in February 2019 which houses information on all of the Shared Living Providers, Participants, and inspections for DAIL's federally funded programs.

Inspection or Assessment: The term Assessment and Inspection are used interchangeably. The DAIL contracted Housing Safety and Accessibility Contractor completes an inspection of the home to ensure it meets all the safety requirements or the Americans with Disabilities Act (ADA) standards. The inspections are called 'Assessments' in the DAIL Housing Portal.

Non-Compliant: An item on the inspection that does not meet the acceptable standards for the inspection. Also known as a Deficiency.

Participant: A participant who is receiving DAIL federally funded services.

Provider Agency: The agency who provides/oversees the services for an participant receiving services through one of the DAIL federally funded programs that include shared living providers. These agencies are also known as Designated Agency, Specialized Services Agency, Brain Injury (TBI) Provider Agency, or Adult Family Care (AFC) Authorized Agent.

Shared Living Provider: A person who has an agreement with a Provider Agency to share their home with a participant receiving DAIL federally funded services. A Shared Living provider is also known as the Home Provider.

State: The Department of Disabilities, Aging, and Independent Living (DAIL). DAIL includes the Developmental Disabilities Services Division (DDSD) and the Adult Services Division (ASD), and its federally funded programs that include shared living providers.