



Housing Checklist Explained

The housing checklist has three sections. You only complete **ONE** section per individual.

Complete the Home section if the Money Follows the Person (MFP) participant is moving into:

- A home they or their family member owns.
- A home they or a family member rents.

Family rentals may require an “agreement” with the family member, to protect the MFP participant from being evicted without cause.

Complete the Apartment Section if the MFP participant is moving into:

- A rental in the community.
- An assisted living facility.

1. **The apartment has an individual lease.** (The answer must be YES.)

Each MFP participant must have a lease, residency agreement, or other form of written agreement that provides protections addressing eviction processes and appeals comparable to those provided under the jurisdiction’s landlord-tenant law.

2. **The apartment has lockable access and egress.** (The answer must be YES.)

The MFP participant must have the ability to lock their own space for privacy and have a key to lock and unlock their door. Other appropriate people may also have a key for emergency purposes if the MFP participant agrees. Egress refers to a way to exit the apartment.

Note for questions #3–#7: Exceptions to these setting requirements may apply when a person-centered plan documents that allowing control over living, sleeping, bathing, or cooking areas would pose health or safety risks. For instance, individuals diagnosed with dementia may require supervision when using appliances like stoves or microwaves. Health and safety must remain the top priority.

3. **The apartment has a living area over which the individual or the individual’s family has domain and control.** (The answer must be YES.)

The MFP participant must be able to watch TV when they want, watch what they want, do activities in their own space, listen to music, with no one else in their space unless the MFP participant invites them. Basically, this allows the individual to have complete control over their living area, what they do in their living area, and who they invite or do not invite into their living area.

4. **The apartment has a sleeping area over which the individual or the individual's family has domain and control.** (The answer must be YES.)

The MFP participant must have their own sleeping space/bedroom, unless they **CHOOSE** to share the sleeping space with others.

5. **The apartment has a bathing area over which the individual or the individual's family has domain and control.** (The answer must be YES.)

The bathroom can be shared with other residents, but the MFP participant must have access to the bathroom, shower, tub, toilet, etc., whenever they want, 24/7, and they must be able to lock the door for privacy. An assisted living facility (ALF) cannot have a scheduled bathing time that works best for them; the individual must be able to choose when they bathe.

6. **The apartment has a cooking area over which the individual or the individual's family has domain and control.** (The answer must be YES.)

MFP participants must have full access to the kitchen 24/7. If not, they must have access to a separate meal prep area in the setting or options to cook if they desire in the setting.

7. **The apartment comports with federal fair housing guidelines.** (The answer must be YES.)

Approved settings for waiver services must abide by Montana state law, so they will likely comport with federal fair housing guidelines. In the residential agreement, look for a simple statement such as, "This agreement shall be governed by the laws of the State of Montana," and/or language that discusses their right to fair hearing/grievance procedures. For example:

Resident may exercise his or her right to appeal an involuntary transfer or discharge by submitting a written request for fair hearing to the Department of Public Health and Human Services, Quality Assurance Division, Office of Fair Hearings, P.O. Box 202953, 2401 Colonial Drive, Helena, MT 59620-2953, within thirty (30) days of notice of transfer or discharge.

If the matter remains unresolved, Resident or Resident's designated representative should contact the Executive Director. You also have the right to contact the Long-Term Care Ombudsman at 1-800-332-2272. You may also contact the Montana Department of Human Services at (406) 563-3448 or the Montana Adult Protective Services at 1-800-551-3191.

8. **The apartment lease includes rules and/or regulations from a service agency as conditions of tenancy or includes a requirement to receive services from a specific company.** (The answer must be NO.)

Residents may obtain personal, health-related, and supportive services from providers of their choice, whether or not the assisted living facility has an existing relationship with those providers. This would include the ability to have a beautician come to the ALF to cut someone's hair, a nurse from a community agency who does foot care, a nutritionist, OT/PT/SLP, etc. An ALF cannot require the individual to receive medical, behavioral, or therapy services on-site.

9. **The apartment lease requires notification of periods of absence.** (The answer must be NO.)

Notice of absences cannot be a condition of the resident agreement but can be part of the ALF operating process if the expectation is reasonable, noted in the care plan, and related to one of the following criteria:

- Notice of absence may be required based on an individual assessment, risk to the tenant, and the need to assure health and welfare.
- Notification of absence may be required to ensure Medicaid is not billed for days services are not delivered.
- Absences for less than 30 days cannot result in termination or discharge.

10. **The apartment lease permits the landlord or provider to make the tenant leave the apartment due to an admission, discharge, or transfer decision the tenant did not make.** (The answer must be NO.)

A lease, residency agreement, or other form of written agreement for each member must provide protections addressing eviction processes and rights of appeal comparable to those provided under the jurisdiction's landlord-tenant law.

An ALF may terminate a residential agreement if the MFP participant is an immediate health and safety threat to themselves or others, if their care level exceeds the licensing capability of the ALF, or if the MFP participant fails to make payments required by the residential agreement.

See #7 for wording about how the ALF must have a grievance process in place for the individual to object to the termination of the residential agreement.

11. **The apartment lease reserves the landlord or provider's right to assign apartments and change apartment assignments.** (The answer must be NO.)

The ALF cannot have sole discretion to move people without the individual's consent or a meeting with the team and the individual's advocates to discuss the need for a move. No MFP participants can share sleeping or living space with roommates unless the individual specifically chooses them.

Some exceptions to these provisions of the setting requirements do occur but would have to be agreed upon by the team — including the MFP participant or their representative and MFP staff — and written into the MFP participant's personal plan of care.

Complete the Community-Based Residential Section if the MFP member is moving into a group home.

- Group home transitions **ONLY** meet MFP settings criteria if four or fewer unrelated individuals are residing in the same home.