

**441—53.2(79GA, HF732) Eligibility requirements.** All of the following criteria shall be met.

**53.2(1) HCBS recipient.** The person shall be an adult recipient of one of the home- and community-based services waiver programs or a child receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program.

**53.2(2) Discharged from a medical institution.** Rescinded IAB 8/6/03, effective 7/10/03.

**53.2(3) Demonstrated need.** To demonstrate need, adult applicants must provide evidence that they are responsible for paying more than 30 percent of their income for rent and that they are not receiving and are ineligible for other rental assistance. In the case of children receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program, they or their families or guardians must provide evidence that the children are not receiving and are ineligible for other rental assistance and that more than 30 percent of the children's income is obligated for rent.

This program may not be used to substitute for any other subsidy that a person had been receiving at the time of or prior to the time of application to this program. Persons receiving rental assistance at the time of or prior to the time of application to this program shall not be eligible.

**53.2(4) Risk of nursing facility placement.** Applicants who can avoid placement in a nursing facility by accessing this rent subsidy program and by use of services provided under an HCBS waiver shall be eligible for rental assistance. Applicants must be able to demonstrate both of the following:

*a.* That they have insufficient funds to pay their community housing costs and that insufficient funds will cause them to enter a nursing facility.

*b.* That participating in an HCBS waiver will prevent them from entering a nursing facility and that access to this rent subsidy program is required so that they may live in a community living arrangement permitted under a waiver.

**53.2(5) Turning 18 years of age.** Rescinded IAB 8/6/03, effective 7/10/03.

**53.2(6) Ineligible for other rent subsidies.** The person shall have been determined ineligible or be on the waiting list for rent subsidy programs under the U.S. Department of Housing and Urban Development (HUD) or any other available rent subsidy programs.

**53.2(7) Responsible for rent.** Adult program participants shall be financially responsible for rent or housing costs. In the case of children receiving residential-based supported community living services under the mental retardation home- and community-based services waiver program, they or their families must demonstrate this financial responsibility.