

Lilia Teninty

**Authorized Signature**

**Number:** APD-PT-14-035

**Issue Date:** 9/26/2014

**Topic:** Developmental Disabilities

**Transmitting (check the box that best applies):**

- New policy   
  Policy change   
  Policy clarification   
  Executive letter  
 Administrative Rule   
  Manual update   
  Other: \_\_\_\_\_

**Applies to (check all that apply):**

- |                                                                |                                                                                                                                                                                                 |
|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> All DHS employees                     | <input type="checkbox"/> County Mental Health Directors                                                                                                                                         |
| <input type="checkbox"/> Area Agencies on Aging                | <input type="checkbox"/> Health Services                                                                                                                                                        |
| <input type="checkbox"/> Aging and People with Disabilities    | <input checked="" type="checkbox"/> Office of Developmental Disabilities Services (ODDS)                                                                                                        |
| <input type="checkbox"/> Children, Adults and Families         | <input checked="" type="checkbox"/> Other ( <i>please specify</i> ): Support Service Brokerage Directors, Support Service Personal Agents, CDDP Service Coordinators, CIIS Service Coordinators |
| <input checked="" type="checkbox"/> County DD Program Managers |                                                                                                                                                                                                 |

Policy/rule title:	Discontinuance of Lien/Promissory Notes for Environmental Modifications over \$5,000		
Policy/rule number(s):		Release no:	
Effective date:	September 1 <sup>st</sup> , 2014	Expiration:	
References:			
Web Address:			

**Discussion/interpretation:**

For individuals or families with adults or children receiving In-Home services who request environmental modifications to a home, it has been the Office of Developmental Disabilities Services (ODDS) policy to require homeowners to sign a lien/promissory note for approved modifications over \$5,000. This lien/promissory note is a legal agreement between the homeowner and State of Oregon to preserve the states interest in the property, set occupancy requirements, and set terms for payment should the homeowner sell, default or otherwise violate the terms prior to the expiration of the lien/promissory note period. In order to reduce potential barriers for homeowners, address service equity issues between homeowners and non-

homeowners, alleviate implementation concerns and assure consistent K-plan service requirements across DHS, ODDS will discontinue lien/promissory requirements.

**Implementation/transition instructions:**

For adults or children eligible for the following services:

- Adult In-Home Comprehensive Services (DD49)
- Support Services for Adults (Brokerage) (DD149)
- In Home Support for Children (DD151)
- Childrens Intensive In Home Services including Medically Fragile, Intensive Behavior, and Medically Involved

Effective 9/1/14 ODDS will no longer require homeowners to sign a lien/promissory note with the state of Oregon to secure a K-plan environmental modification or waiver service environmental safety modification for In-Home modifications over \$5,000. Per Oregon Administrative Rule and as outlined in Expenditure Guidelines environmental modifications continue to be limited to \$5,000. Service coordinators and personal agents must submit a request for approval for modifications above \$5,000 to ODDS through the funding review committee process (see Action Request APD-AR-14-019).

For homeowners with signed, completed and recorded lien/promissory notes **prior to 7/1/13** (before Community First Choice K-plan) ODDS will continue to require legal fulfillment.

For those modifications in process (since July 1<sup>st</sup> 2013) where a lien/promissory note may have been required but not yet completed and recorded, the homeowner/family/individual should be informed a lien/promissory note is no longer mandated.

For homeowners with signed, completed and recorded lien/promissory notes **after July 1<sup>st</sup> 2013** ODDS will analyze on a case by case basis the status of the lien/promissory note. Personal agents or service coordinators with homeowners in this category should contact Chrissy Fuchs or Ken Ralph at ODDS.

To further clarify: The lien/promissory note referenced in this Policy Transmittal is not to be confused with a construction contractors "Notice of Right to Lien" which may still be required with the homeowner. A construction contractors "Notice of Right to Lien" is a statutory requirement (ORS 87.001) established by the State of Oregon Construction Contractors Board that specifies the conditions for a contractor to secure its interest until it receives payment. More information can be found at the CCB website at <http://www.oregon.gov/CCB/Pages/index.aspx>

**Training/communication plan:** Transmittal to the field. Also removal of lien language requirement in expenditure guidelines.

**Field/stakeholder review:**      Yes      No

**If yes, reviewed by:**     Sarah Jane Owens

**Filing Instructions:**

*If you have any questions about this policy, contact:*

<b>Contact(s):</b>	Chrissy Fuchs or Ken Ralph		
<b>Phone:</b>	503 947-4241/ 503 947-5191	<b>Fax:</b>	
<b>E-mail:</b>	<a href="mailto:chrissy.fuchs@state.or.us">chrissy.fuchs@state.or.us</a> <a href="mailto:ken.j.ralph@state.or.us">ken.j.ralph@state.or.us</a>		