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Residency Agreement
Frequently Asked Questions
9/15/2023, updated 10/20/2023

What is a Residency Agreement?

A Residency Agreement is now a requirement for those individuals receiving Medicaid funded services who live in a Home and Community Based setting, such as a staffed residence, or Enhanced Family Care home. The residency agreement provides protections for individuals, similar to a lease.

The Residency Agreement outlines the rights and responsibilities of the individual and the responsibilities of the provider.

Why do I need a Residency Agreement?

The reason for a Residency Agreement is to put safety measures in place such as protections against being asked to move and identifying the responsibilities of both the individual and the provider. The Residency Agreement explains your rights and responsibilities as someone living in the home. It also explains the responsibilities of the provider.

Who needs to have a Residency Agreement?

All individuals living in a residence that is owned or controlled by a provider of services must have a residency agreement.

Provider owned or controlled means that the home is owned by a provider of services, or the homeowner is in a contractual agreement with a provider of services (i.e., The Smith family is a home provider for a provider agency).

If I live alone in my own apartment, do I need a Residency Agreement?

No, if you live in your own apartment, you will have a lease with your landlord instead of a Residency Agreement.

If I live with my family, do I need a Residency Agreement?

No, if you live with your family, you do not need a Residency Agreement.

If I live in my own house that is not owned or operated by a provider agency, do I need a Residency Agreement?

No, if you live in your own house that is not owned or operated by a provider agency, you do not need a Residency Agreement.

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How will the Residency Agreement process work?

The Residency Agreement will be part of the person-centered planning process and will be updated on an annual basis.

Who signs a Residency Agreement?

The Residency Agreement must be signed by the individual/guardian and residential provider in an Enhanced Family Care setting. The Residency Agreement must be signed by the individual/guardian and residential provider agency in a staffed residential setting.

If an individual has a guardian should the individual or guardian sign the Residency Agreement?

CMS has indicated that the individual should be included in all aspects of their services, including signing of documents.

Does the Area Agency or Service Coordinator need to sign the Residency Agreement?

No, the Area Agency and service coordinator do not need to sign the residency agreement.

Can a Residency Agreement be terminated?

Yes, both the individual/guardian and the provider have the option to end the Residency Agreement in an Enhanced Family Care setting. Both the individual/guardian and the provider agency have the option to end the Residency Agreement in a staffed residential setting. The Residency Agreement contains the process for ending a Residency Agreement.

If the provider or provider agency decides to stop your Residency Agreement, you have the right to have a team meeting to talk about the situation.

As a Service Coordinator, what's my role in a Residency Agreement?

The Residency Agreement must be done on a yearly basis or when someone moves. The service coordinator will be responsible to ensure that it is completed as necessary.

I am an individual who receives services, what is my role in the Residency Agreement process?

Your role is to read and understand the Residency Agreement before you sign it. If you need help, talk to someone you trust, such as your service coordinator.

How soon after I move will I need to have a Residency Agreement in place?

The Residency Agreement should be set up and established prior to the move, similar to leases with landlords, unless it is an emergency situation.

How often will Residency Agreements be required?

Residency Agreements will be required annually and/or when an individual moves into a new residential setting.

Where will the Residency Agreement be kept?

The Residency Agreement will be part of an individual's record.

- Service Coordinators will keep it with the Service Agreement.
- Provider agencies will keep it on file.
- Individuals/guardians should keep it in a safe place.

What if I lose my Residency Agreement?

You can ask your provider, provider agency, or your Service Coordinator for a copy of it.

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How will the Residency Agreement be tracked?

During certification visits, the surveyors will be checking to see if there is a Residency Agreement in place.

What is a Personal Inventory?

A Personal Inventory is a list of items that belong to the individual that have a value of \$25 or more or are sentimental to the individual even if they are not valued at \$25 or more. The purpose of the inventory is to ensure that the individual has a list of items that belong to them so that if they move, they will leave with all of their belongings.

Who is developing the personal inventory?

The inventory would be created and updated by the residential provider and the individual receiving services and should be reviewed on a quarterly basis.

What if a visitor is not appropriate based on the assessed needs of the individual (i.e. visiting with children when they have a history of negative behavior around children)

If there is an assessed need, it must be documented in their Service Agreement and a behavior plan must be written and approved, if applicable.

Who signs the Residency Agreement when an individual is in an EFC, the provider agency or Home Care Provider?

The Residency Agreement is between the Home Care Provider and the individual choosing to live in the residence. The individual and/or guardian and the Home Care Provider must sign the Residency Agreement.

If an individual has 6 jackets over \$25, can we bundle them on the inventory or do we need to list each jacket separately.

Each jacket should be listed separately (brown winter jacket, denim jacket, etc.)

What are House Policies?

House policies, sometimes referred to as “house rules”, are the things that everyone agrees on who lives in the home. They may include things like everyone puts their plate in the sink after meals, be nice and respect others in the home, don’t go in someone else’s room without permission, etc.

House policies must be shared before someone moves into the home and be updated on a regular basis and include the individual’s input.

Do we need to attach House Policies to the Residency Agreement?

House policies are not part of the Residency Agreement. They should be reviewed and signed off on by the individual and guardian prior to choosing a residential setting. Regular review and updating of house rules should occur at least once per year and the individual must be part of the review process.

What do we do if an individual chooses not to make an Inventory List?

If the individual chooses not to create an inventory list, the individual’s choice should be documented and signed off on by the individual that they chose not to create an inventory list. The guardian should be made aware, if applicable.

Items in the common area should be inventoried.

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If an individual or guardian wants to appeal a termination decision. Where should the request for appeal be sent?

Appeals should be sent to the Administrative Appeals Unit at 105 Pleasant Street, Concord, NH. 03301.