

TITLE 40

SOCIAL SERVICES AND ASSISTANCE

PART 1

DEPARTMENT OF AGING AND DISABILITY SERVICES

CHAPTER 85

IMPLEMENTATION OF THE OLDER AMERICANS ACT

SUBCHAPTER D

OLDER AMERICANS ACT SERVICES

RULE §85.308

Residential Repair Services

(a) Purpose. This section establishes the requirements for residential repair services, a service provided under the Older Americans Act and funded, in whole or in part, by DADS.

(b) Eligibility. A AAA must ensure that a program participant who receives residential repair services:

(1) is 60 years of age or older;

(2) lives in a residence that requires repair or modification to enhance or address:

(A) energy efficiency;

(B) structural integrity; or

(C) the health and safety of the program participant.

(c) Requirement for vendor to provide services. A AAA must enter into a vendor agreement for the provision of residential repair services.

(d) Service authorization. Before residential repair services are provided by a vendor to a program participant, a AAA must ensure that the vendor obtains authorization for the services from the AAA in accordance with §83.3(o)(2)(B) of this title (relating to System of Access and Assistance).

(e) Intent of services. A AAA must ensure that the residential repairs made by a vendor are essential for maintaining the health, safety, and independence of the program participant living in the residence.

(f) Unit of service. The unit of service of residential repair services is one residence receiving services totaling no more than \$5,000 within the current federal fiscal year. A AAA may exceed the \$5,000 limit if it has prior written approval from DADS.

(g) Descriptions of residential repair services.

(1) Structural services. Structural services are any repairs to the structure of the residence considered necessary to the health and safety of the program participant.

(2) Accessibility modifications. Accessibility modifications are structural adaptations to meet the needs of a program participant who has a disabling condition.

(3) Electrical services. Electrical services are replacement, repair, and installation of essential electrical wiring or fixtures including telephone wiring.

(4) Plumbing services. Plumbing services are replacement, repair, and installation of essential plumbing lines or fixtures.

(5) Weatherization services. Weatherization services are repairs and modifications or purchase of supplies that protect a residence from the effects of the weather, conserve energy, or provide alternative energy sources to heat or cool.

(6) Safety and security modification. Safety and security modifications are measures taken to prevent accidents, fires, or intrusion into a dwelling and the repair, modification, treatment, or removal of safety hazards in the residence.

(7) Essential appliances. Essential appliances are appliances necessary to sustain a healthy environment and independent living.

(h) Rental units. If the residence in which a program participant is living is not owned by the program participant, a AAA must obtain a signed agreement from the owner authorizing the services before services are provided.

(i) Prohibited activities. Residential repair services do not include the following activities:

(1) construction, repair, or maintenance of outbuildings such as garages, carports, animal shelters, or greenhouses;

(2) installation, repair, or maintenance of nonessential appliances and fixtures; and

(3) beautification of property or other activities that are strictly for cosmetic purposes.

(j) Services completed before payment. A AAA must ensure that before payment is made for residential repair services one of the following occurs:

(1) the program participant acknowledges, in writing, the services have been completed; or

(2) the AAA has confirmed by an on-site visit that the services have been completed.

Source Note: The provisions of this §85.308 adopted to be effective September 1, 2008, 33 TexReg 7293

[Next Page](#)

[Previous Page](#)

[List of Titles](#)

[Back to List](#)