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Title 22@ Social Security

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Division 1.8@ California Department of Aging

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Chapter 4@ Title III Programs-Program and Service Provider Requirements

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Article 3@ Multipurpose Senior Centers

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Section 7562@ Waiver from Recapture of Payments

## **7562 Waiver from Recapture of Payments**

### **(a)**

If a facility is no longer being used as a MPSC due to reasons beyond the owner's control, such as a natural disaster or rezoning and building demolition for highway construction, the owner, via the AAA, may request a waiver from the recapture of payments, providing the owner agrees to use the repayment amount specified in Section 7560(c) for services to older individuals.

### **(b)**

A request for a waiver shall: (1) Include all of the following: (A) A brief background of the MPSC. (B) The date the facility was acquired or construction was completed. (C) The fair market value of the building and land. (D) The date the facility became unusable as a MPSC. (E) The amount and source of any money the owner has received or expects to receive as compensation for the damage to the property. (F) An agreement to use the repayment amount specified in Section 7560(c) for services to older individuals. (2) Be forwarded to the Department for review.

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Include all of the following: (A) A brief background of the MPSC. (B) The date the facility was acquired or construction was completed. (C) The fair market value of the building and land. (D) The date the facility became unusable as a MPSC. (E) The amount and source of any money the owner has received or expects to receive as

compensation for the damage to the property. (F) An agreement to use the repayment amount specified in Section 7560(c) for services to older individuals.

**(A)**

A brief background of the MPSC.

**(B)**

The date the facility was acquired or construction was completed.

**(C)**

The fair market value of the building and land.

**(D)**

The date the facility became unusable as a MPSC.

**(E)**

The amount and source of any money the owner has received or expects to receive as compensation for the damage to the property.

**(F)**

An agreement to use the repayment amount specified in Section 7560(c) for services to older individuals.

**(2)**

Be forwarded to the Department for review.

**(c)**

Within 20 days of receipt of a request for a wavier pursuant to (a), the Department shall forward the request and its recommendation to grant or deny the request, along with its reasons for the recommendation and any other information required by the federal government, to the federal government for action. The Department shall also send a copy of its recommendation and supporting reasons to the AAA and the owner of the facility.

**(d)**

If the federal government: (1) Grants the waiver request, the Department shall notify the AAA and the owner of the amount that must be used for services to older individuals. The AAA shall have the responsibility for monitoring to ensure that the owner fulfills his/her obligation. (2) Denies the waiver request, the Department shall notify the AAA and the owner and shall take action in accordance with Section 7560(b).

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Grants the waiver request, the Department shall notify the AAA and the owner of the amount that must be used for services to older individuals. The AAA shall have the responsibility for monitoring to ensure that the owner fulfills his/her obligation.

**(2)**

Denies the waiver request, the Department shall notify the AAA and the owner and shall take action in accordance with Section 7560(b).