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CONTACT

Rocky McKay 480-510-4507

Ligia Ilea 480-550-2408

Assisted Living Homes Sue City of Mesa

The Arizona Assisted Living Homes Association (AALHA) has engaged Jackson White Attorneys at Law in a challenge against the City of Mesa's attempt to restrict the number of disabled individuals allowed to live in state-licensed assisted living homes. AALHA represents nearly 1,800 assisted living homes in Arizona, 159 of which are in Mesa.

Currently, the Arizona Department of Health Services allows up to 10 individuals to live and receive care in *state-licensed* assisted living homes. However, City of Mesa fire officials have begun enforcing its fire and building codes in a manner that would prohibit a senior from choosing or continuing to remain in a 6-10 bed assisted living home if that senior could not evacuate the assisted living home in an emergency without the assistance of the home's caregiving staff. This is already taking place.

Kimberly Hartman and her husband, owners of Vista Ranch Assisted Living Home in Mesa have been told that criminal charges will be levied against them unless they evict a physically challenged, 87-year-old woman who has lived at Vista Ranch since 2017. This is during a time when able-bodied residents are exempt from eviction by their landlords in private housing due to the COVID-19 crisis.

According to Rocky McKay, AALHA President, "*Assisted living homes in Arizona make it possible for vulnerable seniors to "Age in Place." The more assistance they need, the more assisted living homes provide. Our caregivers are trained to provide that assistance and caregivers are certified by the State Arizona to do so.*"

If Mesa has its way, when a senior can no longer evacuate independently, he or she would be required to move to a nursing facility or center, which historically is more expensive and does not have a comparable staffing ratio as an assisted living home. Further, AALHA believes Mesa's actions are a violation of the Americans with Disabilities and Federal Fair Housing Acts, as Mesa specifically targets elderly, disabled citizens.

The impacts of Mesa's actions are far reaching. Nearly every elderly person requiring assisted living will decline over time to the point of not being able to "self-preserve". Referral agencies are reluctant to recommend any Mesa assisted living homes because their referrals will have to move again at some point in the future. If that happens in other Arizona cities, it will result in a housing crisis for any resident who has dementia or is physically challenged. Moreover, AALHA believes that Mesa is misinterpreting what the state defines as "Directed Care," and regulations that it simply copied from a standard set of codes without allowing accommodations for a type of senior care that the state has explicitly approved and addressed through extensive regulations addressing the safety of residents inside assisted living homes housing up to 10 residents

Vice-President of AALHA Ligia Ilea reports, "*Mesa says it is protecting the resident, but this is not true. In fact, there have been no documented deaths or injuries of assisted living home residents in Mesa or in Arizona resulting from the inability of a resident to self-evacuate during an emergency.*"

Gaile Dixon, AALHA public policy co-chair does not think the City fully understands what we do in assisted living homes: "*Caregivers are our first responders, trained to assist all residents in an evacuation. That is why we have, emergency, and disaster drills, as well as fire sprinkler systems and inspections of those systems. We are, and have been, following State Health Department rules. And they work, as documented by assisted living safety records.*"

AALHA hopes that education in all aspects of this issue will result in the fair, comprehensive and safe care of our vulnerable, elderly residents without the expense or trauma of litigation, or threats of criminalization of lawful state-

licensed business operations. As a non-profit organization dedicated to protecting the interests of the owners and residents of the assisted living community, the board of directors has determined that it must act on behalf of the interests of the assisted living industry in Arizona.

About the Arizona Assisted Living Homes Association

Arizona Assisted Living Homes Association (AALHA) is a non-profit membership organization for assisted living home owners in Arizona; along with provider of products and services for our members. We also help families seeking elder care services or assisted living options for a loved one residing in Arizona.

Assisted Living has become the preferred, and fastest growing Long Term Care options for Eldercare, boasting more than 36,000 communities nationwide. For many people, exploring Long Term Care options can be confusing and overwhelming. AALHA is a valuable tool and resource for those seeking information and guidance.

AALHA Member Providers must maintain current licenses and certification issued by the Arizona Department of Health Services and must adhere to the highest standards of safety and care. Our care home observe fair and honest business practices. Our Member's Assisted Living Homs are owned, operated, and staffed by experienced, well trained Eldercare professionals with big hearts. Your loved one will be welcomed into AALHA Homes, and treated like family. After all, a Care Home is a family. For more information about AALHA, please visit www.aalha.org