Specially Adapted Housing (SAH) & Special Home Adaptation (SHA)

Trainee Handout

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Objectives

* Define SAH/SHA benefits and eligibility criteria.
* Identify SAH/SHA prescribed forms and End Product (EP) controls.
* Describe the responsibilities the Veterans Service Center (VSC) and Regional Loan Center (RLC) have in processing SAH/SHA claims.
* Explain the actions needed to make an eligibility determination, including development, rating, and notification requirements.

References

All M21-1 references are found in the [Compensation and Pension Knowledge Management (CPKM) portal](https://vaww.compensation.pension.km.va.gov/).

* [38 CFR §3.809](https://www.ecfr.gov/cgi-bin/text-idx?SID=7999b42c1391c5faf6b3bc41488b9219&node=se38.1.3_1809&rgn=div8) – Specially adapted housing under 38 U.S.C. 2101(a)(2)(A)(i)
* [38 CFR §3.809a](https://www.ecfr.gov/cgi-bin/text-idx?SID=ad275643432556b9dda942343fb89296&mc=true&node=pt38.1.3&rgn=div58) – Special Home adaptation grants under 38 U.S.C. 2101(b)
* [M21-1 III.ii.2.B.1.b.](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014119/M21-1-Part-III-Subpart-ii-Chapter-2-Section-B-Claims-for-Disability-Compensation-and-or-Pension-and-Claims-for-Survivors-Benefits)  Requirements for a Complete Claim Received on or After March 24, 2015
* [M21-1, Part III, Subpart iv, Chapter 6, Section B](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000014205/M21-1-Part-III-Subpart-iv-Chapter-6-Section-B-Determining-the-Issues) - Determining the Issues
* [M21-1, Part IX, Subpart i, Chapter 3](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015030/M21-1-Part-IX-Subpart-i-Chapter-3-Specially-Adapted-Housing-SAH-or-Special-Home-Adaptation-SHA-Grants) - Specially Adapted Housing (SAH) or Special Home Adaptation (SHA) Grants
* VA Website: [Disability housing grants for Veterans](https://www.va.gov/housing-assistance/disability-housing-grants/)

Topic 1: SAH/SHA Claims Overview

**SAH & SHA Benefits**

The VA administers two types of grants to assist seriously disabled Veterans and service members in adapting housing to meet their special needs:

* Specially Adapted Housing (SAH), and
* Special Home Adaptation (SHA) benefits

VA will pay up 50 percent of the cost of a specially adapted home, the actual costs to adapt a home, or the appraised market value of adapted features already in a purchased home - up to the total maximum allowable by law.

SAH/SHA benefits may be granted for a *permanent* residence that is owned, or *will* be owned, by either the Veteran or a family member. Temporary Residence Adaptation (TRA) grants are also available for a Veteran or servicemember who is entitled to SAH/SHA benefits but *temporarily* resides in a family member’s home requiring adaptations for their disability.

The total maximum allowable amounts for SAH, SHA and TRA benefits vary for each benefit and are subject to cost of living adjustment changes. SAH is the greater benefit – there is also a yearly cap on how many Veterans can receive an SAH grant.

The *actual amount* of each housing grant depends on which benefit the claimant qualifies for and what specific adaptations or equipment that individual needs for their type of disability. A claimant may receive up to three awards of SAH or SHA benefits, as long as the *total amount* received doesn’t exceed the maximum amount allowed for that benefit.

More information about housing grants can be located on the VA’s [VA Disability Housing Grants](https://www.va.gov/housing-assistance/disability-housing-grants/) website.

**Eligibility Criteria for SAH**

The following individuals may qualify for **SAH** benefits:

* Veteran or active duty service member who…
	+ Served on or after September 11, 2001, and
	+ Is entitled to compensation for a **permanent** (but not necessarily *total*) disability
		- Incurred on or after September 22, 2001, and
		- involving loss or loss of use (L/LOU) of one or more lower extremities which so affects balance or propulsion as to preclude ambulation without the aid of braces, crutches, canes, or wheelchair
* Veteran is entitled to compensation under [38 U.S.C. Chapter 11](http://www.law.cornell.edu/uscode/text/38/part-II/chapter-11) for a permanent (but not necessarily *total*) disability due to blindness in both eyes, with visual acuity of 20/200 or less in each eye
* Veteran entitled to compensation for a **permanent *and* total** qualifying condition, or
* Service member on active duty has a **permanent *and* total** qualifying condition incurred or aggravated in the line of duty.

Qualifying conditions for SAH are (M21-1 IX.i.3.1.b):

* amyotrophic lateral sclerosis (ALS)
* L/LOU of
	+ both lower extremities, precluding locomotion without the aid of braces, crutches, canes, or a wheelchair
	+ one lower extremity and one upper extremity affecting balance or propulsion, or
	+ one lower extremity plus residuals of organic disease or injury affecting balance or propulsion such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair
* L/LOU of both upper extremities precluding use of the arms at or above the elbow;
* a severe burn injury with full thickness or subdermal burns that have resulted in contractures with limitation of motion (LOM) of
	+ two or more extremities, or
	+ at least one extremity and the trunk.

**Eligibility Criteria for SHA**

The following individuals may qualify for **SHA** benefits:

* Veteran entitled to compensation for a qualifying condition, or
* Service member on active duty has a qualifying condition incurred or aggravated in the line of duty.

Qualifying conditions for SHA are (M21-1 IX.i.3.1.c):

* permanent and total disability from (L/LOU) of both hands, or
* permanent and total disability from
	+ deep partial thickness burns that have resulted in contractures with LOM of
		- two or more extremities, or
		- at least one extremity and the trunk
	+ full thickness or subdermal burns that have resulted in contracture(s) with LOM of
		- one or more extremities, or
		- the trunk, or
	+ residuals of an inhalation injury, including, but not limited to
		- pulmonary fibrosis
		- asthma, or
		- chronic obstructive pulmonary disease (COPD).

Ultimately, the rating activity will determine whether a Veteran or servicemember has a qualifying condition for SAH and/or SHA benefit eligibility purposes.

**Required Form**

The prescribed form for SAH/SHA benefits is VA Form 26-4555, *Application in Acquiring Specially Adapted Housing or Special Home Adaptation Grant*. However, VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits* may *also* be accepted as a claim for basic eligibility to either benefit. Additional guidance on acceptable forms for SAH/SHA claims can be found in M21-1 III.ii.2.B.1.b.

VAF 26-4555 can be submitted electronically or as a scanned document to Loan Guaranty’s Regional Loan Center (RLC). Upon receipt at the RLC, all information from the application form is automatically or manually entered into the SAH/SHA system for electronic processing and tracking purposes.

VA Form 21-526EZ, *Application for Disability Compensation and Related Compensation Benefits* can also be used.

**Supplemental Claim for SAH/SHA**

If basic eligibility to SAH/SHA has been *previously denied* by rating decision, VA Form 26-4555 must also be accompanied by a qualifying request for decision review (i.e. Supplemental or Higher-Level Review claim form). Otherwise, send the Veteran a *Request for Application – AMA Review Letter* using the Letter Creator tool.

If the claimant files a legacy appeal document or request for decision review on an SAH/SHA matter other than on basic eligibility, forward the submission to the RLC of jurisdiction for disposition.

**Claim Process Overview**

There are two different aspects of awarding SAH/SHA benefits:

* *Basic eligibility* is determined by the Veteran Service Center (VSC) rating activity
* *Entitlement* is determined by the RLC

For more information regarding RLC determinations of entitlement and payments of SAH/SHA grants, refer to M21-1 IX.i.3.2.



The above flow-chart explains the claim process for SAH/SHA claims submitted at either the VSC or the RLC. Additionally, a claim for SAH/SHA benefits can be initiated three different ways:

1. **Initiated by the Veteran**:

When a prescribed form is sent to the VSC, the VSC will develop, decide and notify the Veteran of the decision of the claim. If eligibility is established by rating, the notification must advise the Veteran to submit VAF 26-4555 to apply for the benefit.

Note: If the VAF 26-4555 was submitted to the VSC, claims processors should follow the procedures in M21-1 IX.i.3.3.d to immediately forward a copy to the RLC and add a VBMS claim note before proceeding with development of the claim.

1. **Initiated by the Veteran:**

When the Veteran applies for SAH/SHA online, or sends VAF 26-4555 to the RLC, the RLC must verify basic eligibility. If eligibility is *not* established, the VSC must make that determination – additional development may be needed.

Once the decision is made and the Veteran notified, the Corporate record is updated and the RLC can continue processing the application form to determine entitlement.

1. **Initiated by the VSC rating activity:**

If the VSC rating activity addresses SAH/SHA eligibility as a subordinate issue to a claim for compensation benefits, the VSC will notify the Veteran of eligibility and advise the Veteran to submit VAF 26-4555 to apply for the benefit.

If the Veteran completes and submits the form, the RLC will process the application and determine benefit entitlement.

Topic 2: Processing SAH/SHA Basic Eligibility Determinations

**VSC Eligibility Determination is Needed**

The VSC will make an SAH/SHA basic eligibility determination when:

* VAF 26-4555 is filed with an RLC and the RLC requests a determination, or
* a claim is filed with the VSC on:
	+ VA Form 26-4555, or
	+ another valid VA form, or
* the VSC grants a benefit that results in a subordinate issue of eligibility to the ancillary benefit of SAH or SHA.

**EP Control**

The controlling EP for SAH/SHA eligibility determinations is:

* + EP 290 – *Special Home Adaptation Grant*, or
	+ EP 290 – *Specially Adapted Housing*

**Exception:** Claims received on VAF 21-526EZ at a VSC with other issues will be processed under the appropriate rating EP.

For claims received on VAF 21-526EZ with other issues, eligibility to SAH/SHA will be addressed under the appropriate rating EP with the other contentions.

**Processing SAH/SHA Claims**

When a claimant seeks to initiate a claim for SAH/SHA by submitting [***VA Form 26-4555***](http://www.vba.va.gov/pubs/forms/VBA-26-4555-ARE.pdf) to the VSC

* date stamp the[***VA Form 26-4555***](http://www.vba.va.gov/pubs/forms/VBA-26-4555-ARE.pdf)
* forward the application to the RLC of jurisdiction by
	+ mail, to the address of record, *or*
	+ encrypted e-mail to the appropriate RLC mailbox referenced in [**M21-1, Part IX, Subpart i, 3.3.i**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015030/M21-1%2C%20Part%20IX%2C%20Subpart%20i%2C%20Chapter%203%20-%20Specially%20Adapted%20Housing%20%28SAH%29%20or%20Special%20Home%20Adaptation%20%28SHA%29%20Grants#3i), and
* take any action required by the table below.

| **If basic eligibility to SAH/SHA ...** | **Then ...** |
| --- | --- |
| has previously been established by rating | no EP control or further VSC action is needed; the RLC will make the entitlement determination. |
| has not been previously addressed by rating | make a basic eligibility determination as provided in [**M21-1, Part IX, Subpart i, 3.3.g**](https://vaww.vrm.km.va.gov/system/templates/selfservice/va_kanew/help/agent/locale/en-US/portal/554400000001034/content/554400000015030/M21-1%2C%20Part%20IX%2C%20Subpart%20i%2C%20Chapter%203%20-%20Specially%20Adapted%20Housing%20%28SAH%29%20or%20Special%20Home%20Adaptation%20%28SHA%29%20Grants#3g).***Important***:  Enter a note in the Veterans Benefits Management System (VBMS) indicating that the [***VA Form 26-4555***](http://www.vba.va.gov/pubs/forms/VBA-26-4555-ARE.pdf) was sent to the RLC. |

If needed, claims processors will:

* Issue a §Section 5103 notice, if required
* Refer the claim to the rating activity after either
	+ Development is complete, or
	+ No development is required, *and* the 30-day response period has expired.

Note: It may be necessary to update the corporate record if a previous rating decision establishing eligibility to SAH and/or SHA does not appear in the system. For “backfill” rating decisions, development is generally not needed.

**Basic Eligibility Rating Decisions**

When claimed by the Veteran, the rating activity *must* address eligibility to SAH and/or SHA benefits in their decision. The rating activity must also address eligibility to SAH and/or SHA as a subordinate issue in certain claims for service-connected compensation when the evidence shows qualifying disability. The Rating Decision narrative should explain the basis of the determination and the code sheet will reflect whether eligibility is established or denied.

**Award Promulgation**

Once the rating activity prepares a rating decision addressing basic eligibility to SAH and/or SHA benefits, the authorization activity will:

* Generate and authorize a VBMS-A award,
* Send a Redesigned Automated Decision Letter (RADL) or Personal Computer Generated Letter (PCGL) decision notice to the claimant, and
	+ If SAH and/or SHA is granted, advise the Veteran to submit VAF 26-4555 to apply for the benefit. Per M21-1 III.v.2.B.1.p, decision notices are *not* required for “backfill” rating decisions because they do not constitute a new or free-standing entitlement determination.
* Clear the controlling EP

Practical Exercise

**Directions:** Answer the questions below.

1. What is the prescribed form for an initial claim for SAH/SHA benefits?
	1. VA Form 21-526EZ
	2. VA Form 26-4555
	3. Both a and b
	4. None of the above
2. Which End Product (EP) is used to control standalone SAH/SHA eligibility determination requests?
	1. 290 – *Special Home Adaptation Grant*
	2. 290 – *Specially Adapted Housing*
	3. 290 – *Special Home Adaptation Grant or Specially Adapted Housing*
	4. A or B
3. True/False: EP 290 will always be the controlling EP for SAH/SHA eligibility determinations.
4. If a VSC determination regarding eligibility for SAH/SHA benefits is needed, claims processors should determine whether a \_\_\_\_\_\_\_\_\_\_ notice is needed before routing the claim to the rating activity for a decision.
5. True/False: The VSC rating activity may not address SAH/SHA eligibility unless explicitly claimed by the Veteran on a prescribed form.