

# JONES DAY

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## BY ELECTRONIC FILING

Mr. Scott S. Harris, Clerk  
Supreme Court of the United States  
1 First Street, NE  
Washington, DC 20543

Re: *Marin Housing Authority v. Reilly*, No. 20-1046

Dear Mr. Harris:

I am counsel of record for Respondent Kerrie Reilly in the above-captioned case.

On page 2 of the Brief in Opposition, Respondent explains that the Department of Housing and Urban Development (“HUD”) is on the verge of publishing a new rule that revises the regulation at issue in this case, and that “the payments Ms. Reilly receives fall within the exclusion as revised.”

The rule change, which remains pending, would revise 24 C.F.R. § 5.609(c)(16) to exclude from income “[p]ayments provided by a State Medicaid managed care system to a family to keep a member who has a disability living at home.” Counsel for Respondent has learned that the payments Ms. Reilly receives under the California In-Home Supportive Services (“IHSS”) program come directly from a government agency, rather than through managed care. Accordingly, we now understand that the payments Ms. Reilly receives would not fall within the proposed revision’s language, unless HUD alters it in response to public comments.

Nonetheless, the fundamental point in the Brief in Opposition remains accurate: the proposed revision to § 5.609(c)(16) eliminates the terms that are at issue in this case—“cost” and “offset”—and thus resolves any future ambiguity as to the meaning of the regulation without need for intervention by this Court.

Very truly yours,

*s/ Nathaniel P. Garrett*  
Nathaniel P. Garrett

cc: Robert Cooper, John Egan, John Michael Reeves and Nicole Frazer Reaves