

SENATE BILL 51

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2000 Regular Session  
0lr0086

(PRE-FILED)

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By: **Chairman, Finance Committee (Departmental - Aging)**

Requested: November 15, 1999

Introduced and read first time: January 12, 2000

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Retirement Communities - Cooperative Housing**  
3 **Corporations - Landlord-Tenant Laws**

4 FOR the purpose of clarifying that continuing care retirement communities that are  
5 established as cooperative housing corporations are subject to certain  
6 landlord-tenant laws; and generally relating to continuing care retirement  
7 communities and landlord-tenant laws.

8 BY repealing and reenacting, with amendments,  
9 Article 70B - Department of Aging  
10 Section 23  
11 Annotated Code of Maryland  
12 (1998 Replacement Volume and 1999 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 70B - Department of Aging**

16 23.

17 (a) (1) [ANY] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
18 SUBSECTION, ANY operation subject to the provisions of this subtitle shall not be  
19 subject to the provisions of the Health Maintenance Organization Act of the Health -  
20 General Article; the Insurance Article, except § 15-603 of the Insurance Article; Title  
21 8 of the Real Property Article; or any county or municipal landlord-tenant law. If a  
22 provider contractually utilizes the services of a licensed home health agency or  
23 residential service agency and is not itself directly providing the type of services  
24 provided by a home health or residential service agency, then the provider shall not be  
25 subject to the provisions of Title 19, Subtitles 4 and 4A of the Health - General Article  
26 of the Maryland Annotated Code. Under § 15-603 of the Insurance Article, the  
27 liability of the provider to the State Department of Health and Mental Hygiene shall  
28 be limited to the amount of money which would be due as a refund if the subscriber

1 were dismissed under § 15 at the time of enrollment in services rendered by, or paid  
2 in full or in part by the State Department of Health and Mental Hygiene.

3 (2) ANY PROPRIETARY LEASE USED IN OPERATIONS SUBJECT TO THE  
4 PROVISION OF THIS SUBTITLE THAT IS ALSO SUBJECT TO THE PROVISIONS OF TITLE  
5 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE SHALL BE  
6 SUBJECT TO THE PROVISIONS OF TITLE 8 OF THE REAL PROPERTY ARTICLE AND ANY  
7 APPLICABLE COUNTY OR MUNICIPAL LANDLORD-TENANT LAW.

8 (b) A provider that offers assisted living program services as part of a  
9 continuum of care in accordance with a continuing care agreement shall have the  
10 choice of:

11 (1) Executing a separate assisted living resident agreement and a  
12 separate assisted living disclosure statement; or

13 (2) Meeting the requirements of §§ 11C(f) and 13(d) of this subtitle.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2000.