

SENATE BILL 535

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2002 Regular Session
(2lr0526)

ENROLLED BILL
-- Finance/Environmental Matters --

Introduced by **Senator Green**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **The Elderly - Naturally Occurring Retirement Community Demonstration**
3 **Program**

4 FOR the purpose of establishing the Naturally Occurring Retirement Community
5 Demonstration Program; stating the purpose of the Program; requiring the
6 Secretary of Aging to set certain eligibility criteria, in consultation with certain
7 parties; requiring the Secretary to take certain actions when administering the
8 Program; requiring Program applicants to provide certain information and
9 agree to certain requirements; restricting the total amount of grant money that
10 may be awarded to a project within a certain period of time; requiring, subject to
11 a certain exception, that a matching grant be provided by certain parties;
12 prohibiting the State from expending any State general funds to implement the
13 Program; requiring the Secretary to adopt regulations necessary to carry out the
14 provisions of this Act; defining certain terms; providing for the application of
15 this Act; requiring the Secretary to annually report to the General Assembly
16 about the status and effectiveness of the Program; making this Act subject to a
17 certain contingency; providing for the termination of this Act; and generally

1 relating to the Naturally Occurring Retirement Community Demonstration
2 Program.

3 BY adding to
4 Article 70B - Department of Aging
5 Section 37 through 44, inclusive, to be under the new subtitle "Naturally
6 Occurring Retirement Community Demonstration Program"
7 Annotated Code of Maryland
8 (1998 Replacement Volume and 2001 Supplement)

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

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

12 **NATURALLY OCCURRING RETIREMENT COMMUNITY DEMONSTRATION PROGRAM.**

13 37.

14 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "ELDERLY RESIDENT" MEANS AN INDIVIDUAL WHO IS:

17 (1) AT LEAST 60 YEARS OLD;

18 (2) A RESIDENT OF A NATURALLY OCCURRING RETIREMENT
19 COMMUNITY; AND

20 (3) THE HEAD OF A HOUSEHOLD.

21 (C) "NATURALLY OCCURRING RETIREMENT COMMUNITY" MEANS A DEFINED
22 GEOGRAPHIC AREA OR IDENTIFIABLE RESIDENTIAL COMMUNITY THAT HAS EXISTED
23 FOR AT LEAST 20 YEARS AND, AS A RESULT OF NATURALLY OCCURRING
24 DEMOGRAPHIC CHANGES, HAS COME TO BE CHARACTERIZED BY CONCENTRATED
25 CLUSTERS OF RESIDENTS OVER THE AGE OF 60 YEARS. AN APARTMENT BUILDING OR
26 HOUSING COMPLEX THAT:

27 ~~(1) WAS CONSTRUCTED WITH MONETARY ASSISTANCE PROVIDED BY~~
28 ~~THE FEDERAL, STATE, OR A LOCAL GOVERNMENT;~~

29 ~~(2) WAS NOT ORIGINALLY BUILT FOR ELDERLY INDIVIDUALS;~~

30 ~~(3) DOES NOT RESTRICT ADMISSIONS SOLELY TO ELDERLY~~
31 ~~INDIVIDUALS; AND~~

32 ~~(4) HOUSES AT LEAST 2,500 ELDERLY RESIDENTS OR HOUSES AN~~
33 ~~ELDERLY RESIDENT IN AT LEAST 50 PERCENT OF THE UNITS.~~

1 (D) "PROGRAM" MEANS THE NATURALLY OCCURRING RETIREMENT
2 COMMUNITY DEMONSTRATION PROGRAM.

3 (E) "PROGRAM APPLICANT" MEANS A NONPROFIT OR GOVERNMENT AGENCY
4 THAT PROVIDES HOUSING, HEALTH, OR OTHER HUMAN SERVICES IN AN AREA
5 WHERE A NATURALLY OCCURRING RETIREMENT COMMUNITY IS LOCATED.

6 38.

7 THE SECRETARY SHALL ESTABLISH A NATURALLY OCCURRING RETIREMENT
8 COMMUNITY DEMONSTRATION PROGRAM.

9 39.

10 (A) THE PURPOSE OF THE PROGRAM IS TO HELP ELDERLY RESIDENTS BY:

11 (1) ASSURING ACCESS TO A CONTINUUM OF NECESSARY SERVICES;

12 (2) PREVENTING UNNECESSARY HOSPITAL AND NURSING HOME STAYS;

13 AND

14 (3) INCREASING PRIVATE AND CHARITABLE FINANCIAL SUPPORT FOR
15 THE GRANTS AWARDED BY THE PROGRAM.

16 (B) THE PROGRAM SHALL AWARD GRANTS TO PROGRAM APPLICANTS TO
17 PROVIDE SERVICES THAT HELP ELDERLY RESIDENTS EXTEND THEIR
18 INDEPENDENCE, IMPROVE THEIR QUALITY OF LIFE, AND AVOID UNNECESSARY
19 HOSPITAL AND NURSING HOME STAYS, AND INCLUDES:

20 (1) CASE MANAGEMENT;

21 (2) CARE COORDINATION;

22 (3) COUNSELING;

23 (4) HEALTH ASSESSMENT AND MONITORING;

24 (5) TRANSPORTATION;

25 (6) SOCIALIZATION ACTIVITIES; AND

26 (7) HOME CARE FACILITATION AND MONITORING.

27 40.

28 THE SECRETARY SHALL ADMINISTER THE PROGRAM AND SET THE ELIGIBILITY
29 CRITERIA FOR THE AWARDING OF GRANTS TO PROGRAM APPLICANTS, IN
30 CONSULTATION WITH:

31 (1) THE COMMISSION ON AGING;

1 (2) THE INTERAGENCY COMMITTEE ON AGING SERVICES; AND

2 (3) REPRESENTATIVES FROM HOUSING AND SENIOR CITIZEN GROUPS
3 DRAWN FROM ALL GEOGRAPHIC AREAS OF THE STATE.

4 41.

5 WHEN ADMINISTERING THE PROGRAM, THE SECRETARY SHALL:

6 (1) DOCUMENT THE NUMBER, SIZE, TYPE, AND LOCATION OF THE
7 PROJECTS FUNDED BY THE PROGRAM;

8 (2) ASSURE THAT A GEOGRAPHIC BALANCE IN THE DISTRIBUTION OF
9 THE PROJECTS IS MAINTAINED, CONSISTENT WITH THE NEEDS TO BE ADDRESSED,
10 AVAILABLE FUNDING, APPLICATIONS RECEIVED, AND ANY OTHER CRITERIA
11 DEVELOPED BY THE SECRETARY;

12 (3) REQUIRE THAT A MAJORITY OF ELDERLY RESIDENTS TO BE SERVED
13 BY A PROJECT ARE LOW OR MODERATE INCOME, AS DEFINED BY THE UNITED
14 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

15 (4) REQUIRE THAT AT A MINIMUM, A PROGRAM APPLICANT ACTIVELY
16 MANAGE THE PROVISION OF THE PROPOSED SERVICES, BUT MAY NOT REQUIRE
17 THAT THE PROGRAM APPLICANT BE THE SOLE PROVIDER OF THE PROPOSED
18 SERVICES.

19 42.

20 (A) THE ELIGIBILITY CRITERIA SHALL REQUIRE THAT A PROGRAM APPLICANT
21 SPECIFY:

22 (1) THE NEED FOR THE PROJECT, ~~INCLUDING WRITTEN EVIDENCE OF~~
23 ~~SUPPORT FROM THE OWNER OR GOVERNING BODY OF THE NATURALLY OCCURRING~~
24 ~~RETIREMENT COMMUNITY THAT THE PROJECT WOULD SERVE;~~

25 (2) THE NUMBER AND CONCENTRATION OF THE ELDERLY RESIDENTS
26 TO BE SERVED BY AN INDIVIDUAL PROJECT, ~~BUT WHERE A PROJECT INCLUDES~~
27 ~~SEVERAL BUILDINGS, THE NUMBER OF ELDERLY RESIDENTS TO BE SERVED IN EACH~~
28 ~~INDIVIDUAL BUILDING NEED NOT BE LISTED;~~

29 (3) THE DEMOGRAPHIC CHARACTERISTICS OF THE ELDERLY RESIDENTS
30 TO BE SERVED;

31 (4) THE AVAILABILITY OF THE MATCHING FUNDS REQUIRED UNDER § 43
32 OF THIS SUBTITLE;

33 (5) THE SCOPE, INTENSITY, AND APPROPRIATENESS OF THE SERVICES
34 TO BE PROVIDED;

35 (6) THE EXPERIENCE AND FINANCIAL STABILITY OF THE PROGRAM
36 APPLICANT;

1 (7) THE PROCEDURES THAT WOULD BE ESTABLISHED TO ALLOW FOR
2 ELDERLY RESIDENTS WHO WILL BE SERVED BY THE PROJECT TO ACTIVELY AND
3 MEANINGFULLY PARTICIPATE IN THE DESIGN, IMPLEMENTATION, AND EVALUATION
4 OF THE PROJECT; AND

5 (8) THE POLICY AND PROJECT ROLES OF THE PROGRAM APPLICANT AND
6 ANY OTHER PERSON INVOLVED IN THE PROVISION OF SERVICES OR MANAGEMENT
7 OF THE PROJECT, INCLUDING THE OWNER OR GOVERNING BODY OF THE
8 NATURALLY OCCURRING RETIREMENT COMMUNITY THAT THE PROJECT WOULD
9 SERVE.

10 (B) AN ELIGIBLE APPLICANT SHALL AGREE TO PARTICIPATE IN ANY DATA
11 COLLECTION OR SURVEY THAT THE SECRETARY DETERMINES IS NECESSARY IN
12 ORDER TO EVALUATE THE PROJECT.

13 43.

14 (A) BASED ON THE AMOUNT OF AVAILABLE FUNDING AND CONSISTENT WITH
15 THE ELIGIBILITY CRITERIA REQUIRED UNDER THIS SUBTITLE, THE SECRETARY MAY
16 APPROVE GRANTS TO ELIGIBLE PROGRAM APPLICANTS, NOT TO EXCEED \$150,000 FOR
17 A PROJECT IN ANY 12-MONTH PERIOD.

18 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
19 GRANT AWARDED UNDER THIS SUBTITLE SHALL BE MATCHED BY AN AMOUNT
20 EQUAL TO THE GRANT, WITH AT LEAST 25 PERCENT OF THE MATCHING AMOUNT
21 BEING PROVIDED BY THE OWNER, GOVERNING BODY, OR RESIDENTS OF A
22 NATURALLY OCCURRING RETIREMENT COMMUNITY GRANT APPLICANT.

23 (2) IF THE SECRETARY FINDS THAT A LOW INCOME NATURALLY
24 OCCURRING RETIREMENT COMMUNITY CANNOT AFFORD TO MEET THE MATCHING
25 REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY MAY
26 WAIVE ALL OR PART OF THE MATCHING REQUIREMENT.

27 (C) THE STATE MAY NOT EXPEND ANY STATE GENERAL FUNDS TO
28 IMPLEMENT THE PROGRAM.

29 44.

30 THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE
31 PROVISIONS OF THIS SUBTITLE.

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary may not
33 approve more than 10 grants in the first 12-month period after the effective date of
34 this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary shall
36 annually report to the General Assembly on or before December 1, in accordance with
37 § 2-1246 of the State Government Article, on the status and effectiveness of the
38 Naturally Occurring Retirement Community Demonstration Program.

1 SECTION 4. AND BE IT FURTHER ENACTED, That the Secretary of Aging
2 shall report to the General Assembly on or before September 30, 2002, in accordance
3 with § 2-1246 of the State Government Article, on any available federal funding,
4 including the amount, for the grants to be awarded under this Act.

5 SECTION 5. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall
6 take effect July 1, 2002. It shall remain effective for a period of 1 year and, at the end
7 of June 30, 2003, with no further action required by the General Assembly, Section 4
8 of this Act shall be abrogated and of no further force and effect.

9 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
10 Section 5 of this Act and contingent on a report by the Secretary of Aging that federal
11 funding is available as described under Section 4 of this Act, this Act shall take effect
12 October 1, 2002. It shall remain effective for a period of 2 years and 11 months and, at
13 the end of August 31, 2005, with no further action required by the General Assembly,
14 this Act shall be abrogated and of no further force and effect.