

SENATE BILL 535

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2002 Regular Session
2lr0526

By: **Senator Green**

Introduced and read first time: February 1, 2002

Assigned to: Finance

A BILL ENTITLED

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 requiring the Secretary to adopt regulations necessary to carry out the
13 provisions of this Act; defining certain terms; providing for the application of
14 this Act; requiring the Secretary to annually report to the General Assembly
15 about the status and effectiveness of the Program; making this Act subject to a
16 certain contingency; providing for the termination of this Act; and generally
17 relating to the Naturally Occurring Retirement Community Demonstration
18 Program.

19 BY adding to
20 Article 70B - Department of Aging
21 Section 37 through 44, inclusive, to be under the new subtitle "Naturally
22 Occurring Retirement Community Demonstration Program"
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

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

Article 70B - Department of Aging

NATURALLY OCCURRING RETIREMENT COMMUNITY DEMONSTRATION PROGRAM.

37.

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

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

(1) AT LEAST 60 YEARS OLD;

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

(3) THE HEAD OF A HOUSEHOLD.

(C) "NATURALLY OCCURRING RETIREMENT COMMUNITY" MEANS AN APARTMENT BUILDING OR HOUSING COMPLEX THAT:

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

(2) WAS NOT ORIGINALLY BUILT FOR ELDERLY INDIVIDUALS;

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

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

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

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

38.

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

39.

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

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

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

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

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

- 9 (1) CASE MANAGEMENT;
- 10 (2) CARE COORDINATION;
- 11 (3) COUNSELING;
- 12 (4) HEALTH ASSESSMENT AND MONITORING;
- 13 (5) TRANSPORTATION;
- 14 (6) SOCIALIZATION ACTIVITIES; AND
- 15 (7) HOME CARE FACILITATION AND MONITORING.

16 40.

17 THE SECRETARY SHALL ADMINISTER THE PROGRAM AND SET THE ELIGIBILITY
18 CRITERIA FOR THE AWARDING OF GRANTS TO PROGRAM APPLICANTS, IN
19 CONSULTATION WITH:

- 20 (1) THE COMMISSION ON AGING;
- 21 (2) THE INTERAGENCY COMMITTEE ON AGING SERVICES; AND
- 22 (3) REPRESENTATIVES FROM HOUSING AND SENIOR CITIZEN GROUPS
23 DRAWN FROM ALL GEOGRAPHIC AREAS OF THE STATE.

24 41.

25 WHEN ADMINISTERING THE PROGRAM, THE SECRETARY SHALL:

- 26 (1) DOCUMENT THE NUMBER, SIZE, TYPE, AND LOCATION OF THE
27 PROJECTS FUNDED BY THE PROGRAM;
- 28 (2) ASSURE THAT A GEOGRAPHIC BALANCE IN THE DISTRIBUTION OF
29 THE PROJECTS IS MAINTAINED, CONSISTENT WITH THE NEEDS TO BE ADDRESSED,
30 AVAILABLE FUNDING, APPLICATIONS RECEIVED, AND ANY OTHER CRITERIA
31 DEVELOPED BY THE SECRETARY;

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

4 (4) REQUIRE THAT AT A MINIMUM, A PROGRAM APPLICANT ACTIVELY
5 MANAGE THE PROVISION OF THE PROPOSED SERVICES, BUT MAY NOT REQUIRE
6 THAT THE PROGRAM APPLICANT BE THE SOLE PROVIDER OF THE PROPOSED
7 SERVICES.

8 42.

9 (A) THE ELIGIBILITY CRITERIA SHALL REQUIRE THAT A PROGRAM APPLICANT
10 SPECIFY:

11 (1) THE NEED FOR THE PROJECT, INCLUDING WRITTEN EVIDENCE OF
12 SUPPORT FROM THE OWNER OR GOVERNING BODY OF THE NATURALLY OCCURRING
13 RETIREMENT COMMUNITY THAT THE PROJECT WOULD SERVE;

14 (2) THE NUMBER AND CONCENTRATION OF THE ELDERLY RESIDENTS
15 TO BE SERVED BY AN INDIVIDUAL PROJECT, BUT WHERE A PROJECT INCLUDES
16 SEVERAL BUILDINGS, THE NUMBER OF ELDERLY RESIDENTS TO BE SERVED IN EACH
17 INDIVIDUAL BUILDING NEED NOT BE LISTED;

18 (3) THE DEMOGRAPHIC CHARACTERISTICS OF THE ELDERLY RESIDENTS
19 TO BE SERVED;

20 (4) THE AVAILABILITY OF THE MATCHING FUNDS REQUIRED UNDER § 43
21 OF THIS SUBTITLE;

22 (5) THE SCOPE, INTENSITY, AND APPROPRIATENESS OF THE SERVICES
23 TO BE PROVIDED;

24 (6) THE EXPERIENCE AND FINANCIAL STABILITY OF THE PROGRAM
25 APPLICANT;

26 (7) THE PROCEDURES THAT WOULD BE ESTABLISHED TO ALLOW FOR
27 ELDERLY RESIDENTS WHO WILL BE SERVED BY THE PROJECT TO ACTIVELY AND
28 MEANINGFULLY PARTICIPATE IN THE DESIGN, IMPLEMENTATION, AND EVALUATION
29 OF THE PROJECT; AND

30 (8) THE POLICY AND PROJECT ROLES OF THE PROGRAM APPLICANT AND
31 ANY OTHER PERSON INVOLVED IN THE PROVISION OF SERVICES OR MANAGEMENT
32 OF THE PROJECT, INCLUDING THE OWNER OR GOVERNING BODY OF THE
33 NATURALLY OCCURRING RETIREMENT COMMUNITY THAT THE PROJECT WOULD
34 SERVE.

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

1 43.

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

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

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

15 44.

16 THE SECRETARY SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE
17 PROVISIONS OF THIS SUBTITLE.

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

21 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary shall
22 annually report to the General Assembly on or before December 1, in accordance with
23 § 2-1246 of the State Government Article, on the status and effectiveness of the
24 Naturally Occurring Retirement Community Demonstration Program.

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

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

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