

1.1 moves to amend H.F. No. 4220, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2022, section 144G.08, subdivision 7, is amended to read:

1.4 Subd. 7. **Assisted living facility.** (a) "Assisted living facility" means a facility that
1.5 provides sleeping accommodations and assisted living services to one or more adults.

1.6 Assisted living facility includes assisted living facility with dementia care, ~~and~~.

1.7 (b) Assisted living facility does not include:

1.8 (1) emergency shelter, transitional housing, or any other residential units serving
1.9 exclusively or primarily homeless individuals, as defined under section 116L.361;

1.10 (2) a nursing home licensed under chapter 144A;

1.11 (3) a hospital, certified boarding care, or supervised living facility licensed under sections
1.12 144.50 to 144.56;

1.13 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
1.14 9520.0500 to 9520.0670, or under chapter 245D, 245G, or 245I;

1.15 (5) services and residential settings licensed under chapter 245A, including adult foster
1.16 care and services and settings governed under the standards in chapter 245D;

1.17 (6) a private home in which the residents are related by kinship, law, or affinity with the
1.18 provider of services;

1.19 (7) a duly organized condominium, cooperative, and common interest community, or
1.20 owners' association of the condominium, cooperative, and common interest community
1.21 where at least 80 percent of the units that comprise the condominium, cooperative, or
1.22 common interest community are occupied by individuals who are the owners, members, or
1.23 shareholders of the units;

2.1 (8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

2.2 (9) a setting offering services conducted by and for the adherents of any recognized
2.3 church or religious denomination for its members exclusively through spiritual means or
2.4 by prayer for healing;

2.5 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
2.6 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
2.7 units financed by the Minnesota Housing Finance Agency that are intended to serve
2.8 individuals with disabilities or individuals who are homeless, ~~except for those developments~~
2.9 ~~that market or hold themselves out as assisted living facilities and provide assisted living~~
2.10 ~~services;~~

2.11 (11) rental housing developed under United States Code, title 42, section 1437, or United
2.12 States Code, title 12, section 1701q;

2.13 (12) rental housing designated for occupancy by only elderly or elderly and disabled
2.14 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
2.15 families under Code of Federal Regulations, title 24, section 983.56;

2.16 (13) rental housing funded under United States Code, title 42, chapter 89, or United
2.17 States Code, title 42, section 8011;

2.18 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or

2.19 (15) any establishment that exclusively or primarily serves as a shelter or temporary
2.20 shelter for victims of domestic or any other form of violence.

2.21 (c) Notwithstanding paragraphs (a) and (b), assisted living facility includes a facility,
2.22 setting, or development, however funded, that markets or holds itself out as assisted living,
2.23 an assisted living facility, an assisted living facility with dementia care, memory care, or a
2.24 memory care facility.

2.25 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.26 Sec. 2. Minnesota Statutes 2022, section 144G.52, subdivision 8, is amended to read:

2.27 Subd. 8. **Content of notice of termination.** (a) The notice required under subdivision
2.28 7 must contain, at a minimum:

2.29 (1) the effective date of the termination of the assisted living contract;

2.30 (2) a detailed explanation of the basis for the termination, including the clinical or other
2.31 supporting rationale;

3.1 (3) a detailed explanation of the conditions under which a new or amended contract may
3.2 be executed;

3.3 (4) a statement that the resident has the right to appeal the termination by requesting a
3.4 hearing, and information concerning the time frame within which the request must be
3.5 submitted and the contact information for the agency to which the request must be submitted;

3.6 (5) a statement that the facility must participate in a coordinated move to another provider
3.7 or caregiver, as required under section 144G.55;

3.8 (6) the name and contact information of the person employed by the facility with whom
3.9 the resident may discuss the notice of termination;

3.10 (7) information on how to contact the Office of Ombudsman for Long-Term Care and
3.11 the Office of Ombudsman for Mental Health and Developmental Disabilities to request an
3.12 advocate to assist regarding the termination;

3.13 (8) information on how to contact the Senior LinkAge Line under section 256.975,
3.14 subdivision 7, and an explanation that the Senior LinkAge Line may provide information
3.15 about other available housing or service options; and

3.16 (9) if the termination is only for services, a statement that the resident may remain in
3.17 the facility and may secure any necessary services from another provider of the resident's
3.18 choosing.

3.19 (b) In addition to the content required under paragraph (a), where a facility is subject to
3.20 federal or state program requirements, the notice must contain any content required under
3.21 the laws governing those state or federal programs.

3.22 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.23 Sec. 3. Minnesota Statutes 2022, section 144G.54, subdivision 5, is amended to read:

3.24 Subd. 5. **Determination; content of order.** (a) The resident's termination must be
3.25 rescinded if the resident prevails in the appeal.

3.26 (b) Unless otherwise prohibited by applicable federal or state funding requirements or
3.27 contracts, the order may contain any conditions that may be placed on the resident's continued
3.28 residency or receipt of services, including but not limited to changes to the service plan or
3.29 a required increase in services.

3.30 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.1 Sec. 4. Minnesota Statutes 2022, section 144G.54, subdivision 7, is amended to read:

4.2 Subd. 7. **Application of chapter 504B to appeals of terminations.** (a) A resident may
4.3 not bring an action under chapter 504B to challenge a termination that has occurred and
4.4 been upheld under this section.

4.5 (b) Notwithstanding paragraph (a):

4.6 (1) residents of a facility, setting, or development defined under section 144G.08,
4.7 subdivision 7, paragraph (b), clauses (11) to (13), that markets or holds itself out as assisted
4.8 living, an assisted living facility, an assisted living facility with dementia care, memory
4.9 care, or a memory care facility retain all rights and procedural protections available under
4.10 state and federal laws and regulations that apply to these facilities, settings, and
4.11 developments; and

4.12 (2) if a facility, setting, or development specified in clause (1) prevails in an appeal to
4.13 termination of housing, the facility, setting, or development may bring an eviction action
4.14 under chapter 504B, and the resident has all the claims and defenses available under chapter
4.15 504B.

4.16 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.17 Sec. 5. Minnesota Statutes 2022, section 256.9741, subdivision 1, is amended to read:

4.18 Subdivision 1. **Long-term care facility.** "Long-term care facility" means a nursing home
4.19 licensed under sections 144A.02 to 144A.10; a boarding care home licensed under sections
4.20 144.50 to 144.56; an assisted living facility or an assisted living facility with dementia care
4.21 licensed under chapter 144G; a licensed or registered residential setting that provides or
4.22 arranges for the provision of home care services; or a setting defined under section 144G.08,
4.23 subdivision 7, paragraph (b), clauses (10) to (13), that provides or arranges for the provision
4.24 of home care services.

4.25 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.26 Sec. 6. Minnesota Statutes 2022, section 256S.20, subdivision 1, is amended to read:

4.27 Subdivision 1. **Customized living services provider requirements.** (a) To deliver
4.28 customized living services or 24-hour customized living services, a provider must:

4.29 (1) be licensed as an assisted living facility under chapter 144G; or

4.30 (2) be licensed as a comprehensive home care provider under chapter 144A, be delivering
4.31 services in a setting exempted from assisted living facility licensure under section 144G.08,

5.1 subdivision 7, paragraph (b), clauses (10) to (13), and meet standards in the federally
5.2 approved home and community-based waiver plans under this chapter or section 256B.49.
5.3 A licensed home care provider is subject to section 256B.0651, subdivision 14.

5.4 (b) Settings exempted from assisted living facility licensure under section 144G.08,
5.5 subdivision 7, paragraph (b), clauses (10) to (13), must comply with section 325F.722.

5.6 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.7 Sec. 7. Minnesota Statutes 2022, section 256S.205, subdivision 1, is amended to read:

5.8 Subdivision 1. **Definitions.** (a) For the purposes of this section, the terms in this
5.9 subdivision have the meanings given.

5.10 (b) "Application year" means a year in which a facility submits an application for
5.11 designation as a disproportionate share facility.

5.12 (c) "Customized living resident" means a resident of a facility who is receiving either
5.13 24-hour customized living services or customized living services authorized under the
5.14 elderly waiver, the brain injury waiver, or the community access for disability inclusion
5.15 waiver.

5.16 (d) "Disproportionate share facility" means a facility designated by the commissioner
5.17 under subdivision 4.

5.18 (e) "Facility" means either an assisted living facility licensed under chapter 144G or a
5.19 setting that is exempt from assisted living licensure under section 144G.08, subdivision 7,
5.20 paragraph (b), clauses (10) to (13).

5.21 (f) "Rate year" means January 1 to December 31 of the year following an application
5.22 year.

5.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.24 Sec. 8. Minnesota Statutes 2022, section 325F.722, subdivision 1, is amended to read:

5.25 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
5.26 the meanings given unless the context clearly indicates otherwise.

5.27 (b) "Contract for housing" means a lease executed by an exempt setting housing provider
5.28 and a resident governing the terms and conditions of the resident's living arrangements in
5.29 the exempt setting.

6.1 (c) "Contract for services" means the contract executed by an exempt setting services
6.2 provider and a resident enumerating and describing the services the exempt setting services
6.3 provider agrees to provide to the resident.

6.4 ~~(b)~~ (d) "Exempt setting" means a setting that is exempted from assisted living facility
6.5 licensure under section 144G.08, subdivision 7, paragraph (b), clauses (10) to (13).

6.6 (e) "Exempt setting housing provider" means a housing provider that owns, operates,
6.7 or manages an exempt setting and provides housing to a resident.

6.8 (f) "Exempt setting services provider" means a services provider that has a contract,
6.9 affiliation, or any other arrangement with an exempt setting housing provider and provides
6.10 any of the following services to a resident in an exempt setting:

6.11 (1) customized living services;

6.12 (2) home care services under section 144A.43, subdivision 3;

6.13 (3) services listed under section 144G.08, subdivision 9, clauses (1) to (12); or

6.14 (4) other similar services.

6.15 (g) "Provider" means an exempt setting housing provider or exempt setting services
6.16 provider.

6.17 ~~(e)~~ (h) "Resident" means a person residing in an exempt setting.

6.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

6.19 Sec. 9. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
6.20 to read:

6.21 Subd. 1a. **Scope.** This section applies only to residents who receive both housing and
6.22 services in an exempt setting.

6.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

6.24 Sec. 10. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
6.25 to read:

6.26 Subd. 2a. **Contract for housing and contract for services.** (a) Every exempt setting
6.27 housing provider must execute a written contract for housing with a resident or the resident's
6.28 representative, and every exempt setting services provider must execute a written contract
6.29 for services with a resident or the resident's representative. The provider must operate in
6.30 accordance with the terms of the contract. The resident or the resident's representative must

7.1 be given a complete copy of each contract and all supporting documents and attachments,
7.2 and must be given any changes whenever changes are made.

7.3 (b) The following elements must be included in each contract or in the supporting
7.4 documents or attachments to the contract:

7.5 (1) the name, telephone number, street address, and mailing address, which may not be
7.6 a public or private post office box, of the provider;

7.7 (2) the name and mailing address of the owner or owners of the provider and, if the
7.8 owner or owners are not natural persons, identification of the type of business entity of the
7.9 owner or owners;

7.10 (3) the name and mailing address of the managing agent, through management agreement
7.11 or lease agreement, of the provider, if different from the owner or owners;

7.12 (4) the name and address of at least one natural person who is authorized to accept service
7.13 of process on behalf of the owner or owners and managing agent;

7.14 (5) a statement identifying the license number of the home care provider that provides
7.15 services to some or all of the residents and that is either the exempt setting itself or another
7.16 entity with which the exempt setting has a contract, affiliation, or other arrangement;

7.17 (6) the terms of the contract;

7.18 (7) an itemization and description, as applicable, of the housing or services to be provided
7.19 to the resident;

7.20 (8) a conspicuous notice informing the resident of the policy concerning the conditions
7.21 under which and the process through which the contract may be modified, amended, or
7.22 terminated, including, for a contract for housing, the grounds for termination under Code
7.23 of Federal Regulations, title 24, section 5.851(b);

7.24 (9) a description of the provider's complaint resolution process available to residents,
7.25 including the name and contact information for the person or persons responsible for
7.26 responding to resident questions or complaints;

7.27 (10) if any, the individual designated by the resident as the resident's representative;

7.28 (11) the provider's referral procedures and a summary of the resident's appeal rights if
7.29 the contract is terminated;

7.30 (12) for contracts for housing, a statement regarding the ability of a resident to receive
7.31 services from a services provider with whom the exempt setting housing provider does not
7.32 have a contract, affiliation, or other arrangement;

8.1 (13) a statement regarding the availability of public funds for payment for housing or
8.2 services, or both;

8.3 (14) a statement regarding the availability of and contact information for long-term care
8.4 consultation services under section 256B.0911 in the county in which the provider is located;

8.5 (15) a statement that the resident has rights and protections provided under this section
8.6 and, for contracts for housing, under chapter 504B; and

8.7 (16) contact information, including any toll-free phone numbers, for the Office of
8.8 Ombudsman for Long-Term Care and the Office of Ombudsman for Mental Health and
8.9 Developmental Disabilities.

8.10 (c) In addition to the elements required under paragraph (b), a contract for housing must
8.11 include a statement regarding:

8.12 (1) a resident's ability to furnish and decorate the resident's unit within the terms of the
8.13 lease;

8.14 (2) a resident's right to access food at any time;

8.15 (3) a resident's right to choose the resident's visitors and times of visits;

8.16 (4) a resident's right to choose a roommate if sharing a unit; and

8.17 (5) a resident's right to have and use a lockable door to the resident's unit. An exempt
8.18 setting housing provider's right to entry to a resident's unit is governed by section 504B.211.

8.19 (d) A restriction of a resident's rights under paragraph (c) is allowed only if determined
8.20 necessary for health and safety reasons. Such a restriction must be identified by a home
8.21 care provider's registered nurse in the resident's initial assessment or reassessment required
8.22 under section 144A.4791, subdivision 8, and documented in the resident's written service
8.23 plan under section 144A.4791, subdivision 9. Any restrictions of rights under paragraph
8.24 (c) for individuals served under section 256B.49 and chapter 256S must be documented in
8.25 the resident's support plan, as defined under sections 256B.49, subdivision 15, and 256S.10.

8.26 (e) A provider must maintain all contracts and related documents executed by each
8.27 resident or resident's representative in the provider's files from the date of execution until
8.28 three years after the contract is terminated.

8.29 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.1 Sec. 11. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
9.2 to read:

9.3 Subd. 2b. **Restrictions.** Neither an exempt setting housing provider nor an exempt setting
9.4 services provider, nor any of its employees, contractors, agents, or volunteers may:

9.5 (1) act as an attorney in fact for a resident or accept an appointment as a guardian or
9.6 conservator to a resident;

9.7 (2) borrow a resident's funds or personal or real property, or in any way convert a
9.8 resident's property to the possession of the exempt setting housing provider or exempt setting
9.9 services provider, or an employee, contractor, agent, or volunteer of the exempt setting
9.10 housing provider or exempt setting services provider; or

9.11 (3) serve as a resident's representative.

9.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.13 Sec. 12. Minnesota Statutes 2022, section 325F.722, subdivision 3, is amended to read:

9.14 Subd. 3. **Termination of contract for services.** An exempt setting services provider
9.15 terminating a contract for services must ~~include with notice of termination of contract~~
9.16 ~~information about how to contact the ombudsman for long-term care, including the address~~
9.17 ~~and telephone number, along with a statement of how to request problem-solving assistance~~
9.18 comply with section 144G.52 and Minnesota Rules, part 4659.0120.

9.19 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.20 Sec. 13. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
9.21 to read:

9.22 Subd. 3a. **Termination of contract for housing.** (a) Before terminating a contract for
9.23 housing and commencing an eviction action under chapter 504B, an exempt setting housing
9.24 provider must schedule and conduct a meeting according to the requirements in section
9.25 144G.52, subdivision 1.

9.26 (b) If the meeting required under paragraph (a) does not result in the resident remaining
9.27 in the exempt setting, the exempt setting housing provider must issue a termination notice
9.28 according to the requirements in section 144G.52, subdivision 7.

9.29 (c) The resident has the right to appeal a termination under this subdivision. If the resident
9.30 chooses to appeal the termination, the resident, the resident's representative, or an individual
9.31 acting on the resident's behalf must submit the appeal request directly to the Office of

10.1 Administrative Hearings. The administrative law judge or a person within the Office of
10.2 Administrative Hearings designated by the chief administrative law judge shall decide the
10.3 appeal and issue an order. The provisions of section 144G.54, subdivisions 1 to 6, and
10.4 Minnesota Rules, part 4659.0210, subparts 1 and 3, apply to the appeal.

10.5 (d) An exempt setting housing provider that prevails in an appeal may bring an eviction
10.6 action under chapter 504B, and the resident has all the claims and defenses available under
10.7 chapter 504B.

10.8 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.9 Sec. 14. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
10.10 to read:

10.11 Subd. 3b. **Nonrenewal of housing.** An exempt setting housing provider that declines
10.12 to renew a resident's housing under a contract for housing must comply with the provisions
10.13 of section 144G.53 and Minnesota Rules, part 4659.0200.

10.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.15 Sec. 15. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
10.16 to read:

10.17 Subd. 3c. **Coordinated moves.** (a) An exempt setting housing provider and an exempt
10.18 setting services provider must comply with section 144G.55, subdivisions 1 to 3 and 5, and
10.19 Minnesota Rules, part 4659.0120, subparts 6 to 9, if:

10.20 (1) a resident voluntarily chooses to leave an exempt setting without appeal after an
10.21 exempt setting housing provider or an exempt setting services provider conducts the meeting
10.22 required under subdivision 3a or section 144G.52 or issues a termination notice under
10.23 subdivision 3a or section 144G.52;

10.24 (2) an exempt setting housing provider prevails on an appeal or in an eviction action;

10.25 (3) an exempt setting services provider terminates a contract for services or reduces
10.26 services to the extent that a resident needs to move or obtain a new services provider; or

10.27 (4) an exempt setting housing provider conducts a planned closure under subdivision
10.28 10.

10.29 (b) If the resident receives services from an exempt setting services provider that is
10.30 different from the exempt setting housing provider, both providers must coordinate and
10.31 cooperate and together comply with section 144G.55, subdivisions 1 to 3 and 5, and

11.1 Minnesota Rules, part 4659.0120, subparts 6 to 9, before the provider acts on a termination
11.2 of a contract for housing or a contract for services or acts to recover the premises pursuant
11.3 to a writ granted under section 504B.345, subdivision 1.

11.4 **EFFECTIVE DATE.** This section is effective January 1, 2025.

11.5 Sec. 16. Minnesota Statutes 2022, section 325F.722, subdivision 8, is amended to read:

11.6 Subd. 8. **Other laws.** Each exempt setting:

11.7 (1) subject to subdivision 3a, must comply with chapter 504B; and

11.8 (2) must obtain and maintain all other licenses, permits, registrations, or other required
11.9 governmental approvals.

11.10 An exempt setting is not required to obtain a lodging license under chapter 157 and related
11.11 rules.

11.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

11.13 Sec. 17. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
11.14 to read:

11.15 Subd. 10. **Planned closure.** If an exempt setting housing provider elects to voluntarily
11.16 close the exempt setting, the exempt setting housing provider must provide immediate notice
11.17 to all exempt setting services providers providing services to residents at the exempt setting
11.18 and must comply with section 144G.57, subdivisions 1 to 5, and Minnesota Rules, part
11.19 4659.0130, subpart 1, items A and B, and subpart 2, items A to D, except:

11.20 (1) the exempt setting housing provider is not required to notify the commissioner of
11.21 health of the planned closure, submit a proposed closure plan to the commissioner, or receive
11.22 approval of a closure plan from the commissioner before closing; and

11.23 (2) the exempt setting housing provider must personally deliver or mail to residents the
11.24 notice required under section 144G.57, subdivision 5.

11.25 **EFFECTIVE DATE.** This section is effective January 1, 2025.

11.26 Sec. 18. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
11.27 to read:

11.28 Subd. 11. **Retaliation prohibited.** Exempt setting housing providers and exempt setting
11.29 services providers must comply with section 144G.92.

11.30 **EFFECTIVE DATE.** This section is effective January 1, 2025.

12.1 Sec. 19. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision
12.2 to read:

12.3 Subd. 12. **Notice of legal and advocacy services.** Exempt setting housing providers
12.4 and exempt setting services providers must comply with section 144G.93.

12.5 **EFFECTIVE DATE.** This section is effective January 1, 2025.

12.6 Sec. 20. **REPEALER.**

12.7 Minnesota Statutes 2022, section 325F.722, subdivisions 2 and 9, are repealed.

12.8 **EFFECTIVE DATE.** This section is effective January 1, 2025."

12.9 Amend the title accordingly