

April 3, 2024

Chair Stephenson and Committee Members,

My grandma, Liudmila, is a woman of warmth and kindness. She helped to raise my brother and I when we first immigrated to the United States. She showed me unconditional love, support, and has been one of the most influential people in my life.

It is with a heavy heart though that the same woman who gave so selflessly was also the one mistreated and neglected in a facility that was meant to provide her with care, comfort and security. In 2020 my grandma moved to a HUD subsidized locked memory care facility in the Twin Cities metro. Since last year, she has experienced a significant decline. She hardly recalls faces or can identify the people closest to her. She now requires full assistance with her daily cares, including repositioning, dressing, bathing, eating, and walking. My grandma experienced numerous falls, unexplained injuries, bruising, and was even found lying in her own stool and urine for hours at a time.

In September of 2023 she was placed on 1:1 staffing needs for loss of inhibitions, which is a normal and expected part of dementia progression. However, they did this without a physician order, no documented progress notes, no complaints from staff, and no justifiable reasoning for why continuous supervision was needed. Due to my grandma's needs for continuous supervision, the facility sent a letter with a 10-day notice of termination of services. Due to current state statute, my grandma had minimal rights or protection and was not able to appeal her termination of notice. As a registered nurse, I knew what was happening with my grandma was unethical and wrong. The facility did not provide us with resources when the termination notice was sent and did not provide support in finding a new safe facility. I spent countless hours with her health care team, collecting and sifting through thousands of pages of medical records, and consulting with various health professionals just to prove that my grandma is not a harm to anyone. We were getting rejected from facility after facility because of the alleged need for continuous observation that my grandma did not need from the start. At this point, we felt helpless. I felt that there was no clear path forward. When I asked what would happen if we were unable to find a facility in time, they said that she can remain living there, but she would have no services. This would mean, nobody would feed her, bathe her, change her, or keep her safe.

Unfortunately, this is a reality that not only my grandma faces but so many other families and vulnerable adults. Not only fearing the safety of our loved ones, but also navigating the physical, emotional and financial burden associated with current termination laws. This is a facility that continues to advertise as an assisted living facility, provides memory care and assisted living services, yet does not uphold the ethical standards and principles and takes advantage of vulnerable non-English speaking adults. It is not new that the older adult population is growing and I stand here to help you hear me. Let's demand better standards for elder care facilities. Let's advocate and work together to employ legal protections to safeguard the wellbeing of older adults. This is your grandma, grandpa, mom, dad or anyone else that means the world to you. I am sharing my grandma's hardship to start a crucial conversation and to advocate for those that have given so much to us.

Thank you!

Sasha Rybakina



April 3, 2024

To: Chair Stephenson and Members of the Commerce Committee

From: Office of the Ombudsman for Long-Term Care, Office of the Ombudsman for Mental Health and Developmental Disabilities, AARP Minnesota, Alzheimer’s Association, MN Elder Justice Center, Legal Aid

Re: Support for Representative Lee’s bill HF 4220 (Resident Protections for Vulnerable Adults Living in HUD and Low-Income Tax Credit (LITC) Housing Receiving Assisted Living Services)

Dear Chair Stephenson and Members of the Committee:

Our organizations strongly support Representative Lee’s bill (HF4220), which protects vulnerable residents living in HUD and Low-Income Tax Credit Facilities who are receiving assisted living services. We believe the amendment being offered will address concerns raised by stakeholders.

When the Minnesota Legislature in 2019 passed the landmark Eldercare and Vulnerable Adult Protection Act in response to horrific cases of elder abuse, HUD and Low-Income Tax Credit (LITC) Facilities were exempted from the law, not because the residents weren’t vulnerable, but rather with how the facilities interact with a federal agency (HUD) or are financed.

This means residents in these settings – who are identically situated as those in licensed facilities – **do not receive the same resident protections**. Yet, these residents are just as vulnerable including those having significant mental health and cognitive impairments. According to DHS data, a majority of residents have a mental health disorder (91%) and or a cognitive disorder (82%).

Thus, we urge lawmakers to close this gap to better serve all vulnerable Minnesotans in need of assisted living. This would include the following protections found in Chapter 144 G intended to protect assisted living residents:

- *protections against arbitrary terminations and unsafe relocations in the event of termination including extending services terminations from 10 days to 30 days*
- *protections against retaliation;*
- *robust appeal rights;*
- *standards around safety, staffing, and training requirements including protections for people with dementia.*

Thank you in advance for your support of this important legislation.

elder voice

ADVOCATES

April 3, 2024

The Honorable Zack Stephenson
Chair, Minnesota House Commerce Finance and Policy Committee
449 State Office Building
St. Paul, MN 55155

The Honorable Tim O'Driscoll
Republican Lead, Minnesota House Finance and Policy Commerce Committee
237 Minnesota State Office Building
St. Paul, MN 55155

Re: HF4220/SF4044 – HUD Housing Regulation

Dear Chair Stephenson, Lead O'Driscoll, and Members of Commerce Finance and Policy Committee:

Elder Voice Advocates (EVA) works to ensure quality care and protect the rights of elders and people with disabilities. We support the author's amendment H4220DE1 to HF4220. Residents of these housing providers need the rights and discharge protections offered in this amendment.

A recent example was at the Red Pine Estates, a subsidized housing facility in Bemidji, which had an emergency evacuation of the building in July of 2023. Their basic rights and protections were violated requiring community volunteers to scramble to find adequate shelter for nearly 50 elderly and disabled residents.

Thank you for your support of elders and people with disabilities.

Sincerely,



Kristine Sundberg, Executive Director

Elder Voice Advocates

**Testimony on Behalf of Lisa Richards
In Support of Rep. Lee's bill HF 4220
Resident Protections in HUD and Low-Income Tax Facilities**

Members of the Commerce committee, my name is Lisa Richards. I live in Bemidji. I was one of the 4 unstoppable women last summer who stepped up and helped 45 vulnerable residents who were evicted suddenly from the Red Pines Estates a low-income housing unit because of structural problems at the building. The residents are mostly elderly, low-income, and have physical issues or mental issues.

This experience has been traumatizing for the residents and I am here to urge lawmakers to support the bill before you to provide more protections for residents in these units so that this nightmare situation never happens again.

With no plan in place to address an emergency there were major health and mental health challenges. That first weekend one resident had to stop stem cell treatments, another could not go to dialysis, another resident needed to have a pacemaker, and many were falling and ending up in the hospital without their medical equipment and trips to the hospital in the ambulance.

Many residents understandably were worrying about a place to live, food, how they were going to pay for the hotel, storage units, and meds, and uncertain how they were going to get their things out of the apartment. And there was little help from the building owner, manager, and city inspector and sadly, the County kept fighting with the City Council that it was their issue, not theirs.

Not only was there no plan for an emergency evacuation but these residents were threatened in their lease that if they complained 3 times they would be evicted. There must be a way that residents can complain and not worry about retaliation.

We became "On Call" for these people 24/7. The 4 main volunteers did the weekend meals out of our own pockets along with other stuff they needed. And the community came through: we raised money from a GOFUNDME and received grants from The United Way, Prime West, and the Northwest Minnesota Foundation.

Now nearly 8 months later poses additional challenges:

- Several residents who found housing must be rehoused because two more apartment buildings are having issues and Residents are still worried about where they are going to live come August when their grants expires.

Red Pine Estate was the 4th or 5th apartment building to close within 1.5 yr. I am worried this situation could happen again. So, I ask you to pass the SF 4044 bill to protect our loved ones so they can live their best lives.