

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1041 Session of
2009

INTRODUCED BY STACK, WASHINGTON, STOUT, RAFFERTY, LOGAN, FERLO,
KITCHEN, HUGHES, GREENLEAF, O'PAKE, FONTANA, BOSCOLA AND
WOZNIAK, JULY 17, 2009

REFERRED TO AGING AND YOUTH, JULY 17, 2009

AN ACT

1 Establishing naturally occurring retirement communities; and
2 providing for powers and duties of the Department of Aging.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Naturally
7 Occurring Retirement Community Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) There is an increasing need for appropriate services
11 to senior citizens residing in houses, apartments and other
12 dwellings not originally constructed for the elderly.

13 (2) Establishing and supporting naturally occurring
14 retirement communities assures access to a continuum of
15 necessary services and prevents or postpones the need for
16 seniors residing in these communities to move to an
17 institutional care setting such as a hospital, nursing home

1 or assisted living residence.

2 Section 3. Definitions.

3 The following words and phrases when used in this act shall
4 have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Department." The Department of Aging of the Commonwealth.

7 "Eligible entity." A nonprofit health or social service
8 organization, a community-based nonprofit organization, an area
9 agency on aging or other local government agency or other entity
10 that:

11 (1) the Secretary of Aging determines to be appropriate
12 to carry out a project under this act; and

13 (2) demonstrates a record of and experience in providing
14 or administering group and individual health and social
15 services for senior citizens.

16 The term does not include an entity providing housing under the
17 congregate housing services program carried out under section
18 802 of the Cranston-Gonzalez National Affordable Housing Act
19 (Public Law 101-625, 42 U.S.C. 8011) or the multifamily service
20 coordinator program carried out under section 202(g) of the
21 National Housing Act (12 U.S.C. 1701q(g)).

22 "Eligible services." Services including, but not limited to,
23 case management, care coordination, counseling, health
24 assessment and monitoring, transportation, socialization
25 activities, home care facilitation and monitoring, technology,
26 assistive technology, home repairs, the eligible entity's
27 infrastructure-related costs, home health care and assistance
28 with daily living activities such as cooking and cleaning, and
29 other services designed to address the needs of residents of
30 naturally occurring retirement communities by helping them

1 extend their independence, improve their quality of life and
2 avoid unnecessary hospital and nursing home stays.

3 "Naturally occurring retirement community." A community with
4 a concentrated population of senior citizens, including, but not
5 limited to, a residential building, housing complex and area,
6 including a rural area, of single-family residences or a
7 neighborhood composed of age-integrated housing that is not an
8 institutional care or an assisted living residence and where:

9 (1) not less than 40% of the heads of households are
10 seniors; or

11 (2) a critical mass of seniors exists, based on local
12 factors that, taken in total, allow an organization to
13 achieve efficiencies in the provision of health and social
14 services to seniors living in the community.

15 "Program." The Naturally Occurring Retirement Community
16 Program.

17 "Secretary." The Secretary of Aging of the Commonwealth.

18 "Senior" or "senior citizen." A person who is 60 years of
19 age or older.

20 Section 4. Naturally Occurring Retirement Community Program.

21 The Naturally Occurring Retirement Community Program is
22 established and shall be administered by the department.

23 Section 5. Powers and duties.

24 (a) Rules and regulations.--The department shall promulgate
25 rules and regulations to carry out the provisions of this act.

26 (b) Grants.--The department shall issue grants to eligible
27 entities to the extent that funds may be available.

28 (c) Advisory board.--The secretary shall establish an
29 advisory board to aid in the development of the program. The
30 advisory board shall consist of all of the following:

1 (1) The secretary, who shall serve as the chairman of
2 the advisory group.

3 (2) Four representatives from existing naturally
4 occurring retirement communities programs, one of whom shall
5 reside in a city of the third class, a township or a borough.

6 (3) Two representatives from senior citizen advocacy
7 groups.

8 (4) Two representatives from area agencies on aging.

9 (5) Two representatives from nonprofit community-based
10 senior centers.

11 (6) Two representatives from home and community-based
12 service providers.

13 (7) One representative appointed by each of the
14 following:

15 (i) The Majority Leader of the Senate.

16 (ii) The Minority Leader of the Senate.

17 (iii) The Majority Leader of the House of
18 Representatives.

19 (iv) The Minority Leader of the House of
20 Representatives.

21 (d) Criteria for grants.--The department shall develop
22 criteria for the awarding of grants consistent with this section
23 and shall include, at a minimum:

24 (1) The number, size, type and location of the projects
25 to be served, except that the advisory board and the
26 secretary shall make reasonable efforts to assure that
27 geographic balance in the distribution of the projects is
28 maintained, consistent with:

29 (i) The needs to be addressed.

30 (ii) Funding available.

1 (iii) Applications from eligible entities.

2 (iv) Other requirements of this section.

3 (v) Other criteria developed by the advisory board
4 and the secretary.

5 (2) The appropriate number and concentration of senior
6 citizens to be served by an individual project.

7 (3) The demographic characteristics, including the age,
8 sex and region of the senior citizens to be served.

9 (4) The financial support required to operate and
10 sustain a naturally occurring retirement community project
11 and the sources of the support, including, but not limited
12 to, a membership contribution or fee that may be assessed on
13 a sliding scale related to income of the member and the
14 specific service provided.

15 (5) The scope and intensity of the services to be
16 provided, and their appropriateness for the senior citizens
17 proposed to be served. The criteria shall not require that
18 the eligible entity be the sole provider of such services,
19 but shall require that the eligible entity at a minimum
20 actively manage the provision of the services utilizing to
21 the extent possible the existing service providers in order
22 to avoid duplication of services and to promote coordination
23 of available services.

24 (6) The experience and financial stability of the
25 eligible entity, except that the criteria shall require that
26 priority be given to programs already in operation.

27 (7) The nature and extent of requirements established
28 for active, meaningful participation for senior citizens to
29 be served in project design, implementation, monitoring,
30 evaluation and governance.

1 (8) Documentation of the need for the project and
2 financial commitments to it from such sources as the advisory
3 board shall deem appropriate given the character and nature
4 of the proposed project. The purpose of the documentation
5 shall be to demonstrate the need for the project, support for
6 it in the areas to be served and financial and managerial
7 ability to sustain the project.

8 Section 6. Reports to General Assembly.

9 On or before March 1 of every year, the secretary shall issue
10 a report to the Governor, the chairman and the minority chairman
11 of the Aging and Youth Committee of the Senate, and the chairman
12 and minority chairman of the Aging and Older Adult Services
13 Committee of the House of Representatives. The report shall
14 discuss the effectiveness of the program and recommendations for
15 improvement. Areas that may be included in the report are:

16 (1) Whether the program is helping to address the needs
17 of naturally occurring retirement community residents.

18 (2) Whether the program is assuring access to a
19 continuum of necessary services.

20 (3) Whether the program receives private, philanthropic
21 and other public funding.

22 (4) Whether the program prevents or postpones the need
23 for seniors residing in a naturally occurring retirement
24 community to move to an institutional care setting, such as a
25 hospital, nursing home or assisted living residence, as
26 measured by the time period commencing on the date a senior
27 first meets the legal criteria for admission to such an
28 institution and ending on the date when he or she applies for
29 such admission.

30 (5) The number, size, type and location of the projects

1 developed and funded, including the number, kinds and
2 functions of staff in each program.

3 (6) The number, size, type and location of the projects
4 proposed but not funded and the reasons for denial of funding
5 for the projects.

6 (7) The age, sex, region and other appropriate
7 demographic information concerning the seniors served.

8 (8) The services provided to seniors, reported in a
9 manner to allow comparison of services by demographic group
10 and region.

11 (9) A listing of the services provided by eligible
12 entities, including the number, kind and intensity of the
13 services.

14 Section 20. Effective date.

15 This act shall take effect in 60 days.