
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2142 Session of
2014

INTRODUCED BY GINGRICH, MUNDY, KORTZ, SWANGER, PETRI, COHEN,
THOMAS, FRANKEL, WATSON, MILNE, DAVIS AND MURT, APRIL 2, 2014

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,
APRIL 2, 2014

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 determines to be appropriate to carry
12 out a project under this act.

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 services program carried out under section 802 of the
18 Cranston-Gonzalez National Affordable Housing Act (Public Law
19 101-625, 42 U.S.C. § 8011) or the multifamily service
20 coordinator program carried out under section 202(g) of the
21 National Housing Act (48 Stat. 1246, 12 U.S.C. § 1701q(g)).

22 "Eligible services." Services, including, but not limited
23 to, 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 at least 60
19 years of age.

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 community 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 from the American Association of
14 Retired Persons.

15 (8) One representative who is an expert on elder law.

16 (9) One representative who is an expert in social work.

17 (10) One representative from the Department of Health of
18 the Commonwealth.

19 (11) One representative from the Department of Public
20 Welfare of the Commonwealth.

21 (12) One representative appointed by each of the
22 following:

23 (i) The Majority Leader of the Senate.

24 (ii) The Minority Leader of the Senate.

25 (iii) The Majority Leader of the House of
26 Representatives.

27 (iv) The Minority Leader of the House of
28 Representatives.

29 (d) Criteria for grants.--The department shall develop
30 criteria for the awarding of grants consistent with this section

1 and shall include, at a minimum:

2 (1) The number, size, type and location of the projects
3 to be served, except that the advisory board and the
4 secretary shall make reasonable efforts to assure that
5 geographic balance in the distribution of the projects is
6 maintained, consistent with:

7 (i) The needs to be addressed.

8 (ii) Available funding.

9 (iii) Applications from eligible entities.

10 (iv) Other requirements of this section.

11 (v) Other criteria developed by the advisory board
12 and the secretary.

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

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

17 (4) The financial support required to operate and
18 sustain a naturally occurring retirement community project
19 and the sources of the support, including, but not limited
20 to, a membership contribution or fee that may be assessed on
21 a sliding scale related to income of the member and the
22 specific service provided.

23 (5) The scope and intensity of the services to be
24 provided and their appropriateness for the senior citizens
25 proposed to be served. The criteria shall not require that
26 the eligible entity be the sole provider of such services,
27 but shall require that the eligible entity, at a minimum,
28 actively manage the provision of the services utilizing to
29 the extent possible the existing service providers in order
30 to avoid duplication of services and to promote coordination

1 of available services.

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

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

9 (8) Documentation of the need for the project and
10 financial commitments to it from such sources as the advisory
11 board shall deem appropriate given the character and nature
12 of the proposed project. The purpose of the documentation
13 shall be to demonstrate the need for the project, support for
14 it in the areas to be served and the financial and managerial
15 ability to sustain the project.

16 Section 6. Reports to General Assembly.

17 On or before March 1 of every year, the secretary shall issue
18 a report to the Governor, the chairman and the minority chairman
19 of the Aging and Youth Committee of the Senate and the chairman
20 and minority chairman of the Aging and Older Adult Services
21 Committee of the House of Representatives. The report shall
22 discuss the effectiveness of the program and recommendations for
23 improvement. Areas that may be included in the report are:

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

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

28 (3) Whether the program receives private, philanthropic
29 and other public funding.

30 (4) Whether the program prevents or postpones the need

1 for seniors residing in a naturally occurring retirement
2 community to move to an institutional care setting, such as a
3 hospital, nursing home or assisted living residence, as
4 measured by the time period commencing on the date a senior
5 first meets the legal criteria for admission to such an
6 institution and ending on the date when the senior applies
7 for such admission.

8 (5) The number, size, type and location of the projects
9 developed and funded, including the number, kinds and
10 functions of staff in each program.

11 (6) The number, size, type and location of the projects
12 proposed but not funded and the reasons for denial of funding
13 for the projects.

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

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

19 (9) A listing of the services provided by eligible
20 entities, including the number, kind and intensity of the
21 services.

22 Section 7. Effective date.

23 This act shall take effect in 60 days.