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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 2516** Session of  
2008

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INTRODUCED BY W. KELLER, REED, BELFANTI, BLACKWELL, BUXTON,  
CALTAGIRONE, CAPPELLI, CARROLL, COHEN, DePASQUALE, FRANKEL,  
FREEMAN, GEIST, GEORGE, GERBER, GINGRICH, GODSHALL, GOODMAN,  
GRUCELA, HORNAMAN, JAMES, JOSEPHS, KOTIK, KULA, LONGIETTI,  
MARSHALL, McGEEHAN, McILVAINE SMITH, MELIO, M. O'BRIEN,  
PALLONE, PAYNE, PAYTON, PETRONE, READSHAW, ROSS, RUBLEY,  
SABATINA, SAYLOR, SHAPIRO, SIPTROTH, K. SMITH, SOLOBAY,  
R. TAYLOR, WAGNER, WALKO, WANSACZ, WOJNAROSKI AND YOUNGBLOOD,  
MAY 12, 2008

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REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES,  
MAY 12, 2008

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AN ACT

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

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

6 Section 1. Short title.

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

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

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

14 (2) Establishing and supporting naturally occurring

1 retirement communities assures access to a continuum of  
2 necessary services and prevents or postpones the need for  
3 seniors residing in these communities to move to an  
4 institutional care setting such as a hospital, nursing home  
5 or assisted living residence.

6 Section 3. Definitions.

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

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

11 "Eligible entity." A nonprofit health or social service  
12 organization, a community-based nonprofit organization, an area  
13 agency on aging or other local government agency or other entity  
14 that:

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

17 (2) demonstrates a record of and experience in providing  
18 or administering group and individual health and social  
19 services for senior citizens.

20 The term does not include an entity providing housing under the  
21 congregate housing services program carried out under section  
22 802 of the Cranston-Gonzalez National Affordable Housing Act  
23 (Public Law 101-625, 42 U.S.C. 8011) or the multifamily service  
24 coordinator program carried out under section 202(g) of the  
25 National Housing Act (12 U.S.C. 1701q(g)).

26 "Eligible services." Services including, but not limited to,  
27 case management, care coordination, counseling, health  
28 assessment and monitoring, transportation, socialization  
29 activities, home care facilitation and monitoring, technology,  
30 assistive technology, home repairs, the eligible entity's

1 infrastructure-related costs, home health care and assistance  
2 with daily living activities such as cooking and cleaning, and  
3 other services designed to address the needs of residents of  
4 naturally occurring retirement communities by helping them  
5 extend their independence, improve their quality of life and  
6 avoid unnecessary hospital and nursing home stays.

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

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

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

19 "Program." The Naturally Occurring Retirement Community  
20 Program.

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

22 "Senior" or "senior citizen." A person who is 60 years of  
23 age or older.

24 Section 4. Naturally Occurring Retirement Community Program.

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

27 Section 5. Powers and duties.

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

30 (b) Grants.--The department shall issue grants to eligible

1 entities.

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

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

7 (2) Two representatives from existing naturally  
8 occurring retirement communities programs.

9 (3) Two representatives from senior citizen advocacy  
10 groups.

11 (4) Two representatives from long-term care service  
12 providers.

13 (5) One representative appointed by the Majority Leader  
14 of the Senate, the Minority Leader of the Senate, the  
15 Majority Leader of the House of Representatives and the  
16 Minority Leader of the House of Representatives.

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

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

25 (i) The needs to be addressed.

26 (ii) Funding available.

27 (iii) Applications from eligible entities.

28 (iv) Other requirements of this section.

29 (v) Other criteria developed by the advisory board  
30 and the secretary.

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

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

5 (4) The financial support required to operate a  
6 naturally occurring retirement community project and the  
7 sources of the support.

8 (5) The scope and intensity of the services to be  
9 provided, and their appropriateness for the senior citizens  
10 proposed to be served. The criteria shall not require that  
11 the eligible entity be the sole provider of such services,  
12 but shall require that the eligible entity at a minimum  
13 actively manage the provision of the services.

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

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

21 (8) Documentation of the need for the project and  
22 financial commitments to it from such sources as the advisory  
23 board shall deem appropriate given the character and nature  
24 of the proposed project. The purpose of the documentation  
25 shall be to demonstrate the need for the project, support for  
26 it in the areas to be served and financial and managerial  
27 ability to sustain the project.

28 Section 6. Reports to General Assembly.

29 On or before March 1 of every year, the secretary shall issue  
30 a report to the Governor, the chairman and the minority chairman

1 of the Aging and Youth Committee of the Senate, and the chairman  
2 and minority chairman of the Aging and Older Adult Services  
3 Committee of the House of Representatives. The report shall  
4 discuss the effectiveness of the program and recommendations for  
5 improvement. Areas that may be included in the report are:

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

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

10 (3) Whether the program receives private, philanthropic  
11 and other public funding.

12 (4) Whether the program prevents or postpones the need  
13 for seniors residing in a naturally occurring retirement  
14 community to move to an institutional care setting, such as a  
15 hospital, nursing home or assisted living residence, as  
16 measured by the time period commencing on the date a senior  
17 first meets the legal criteria for admission to such an  
18 institution and ending on the date when he or she applies for  
19 such admission.

20 (5) The number, size, type and location of the projects  
21 developed and funded, including the number, kinds and  
22 functions of staff in each program.

23 (6) The number, size, type and location of the projects  
24 proposed but not funded and the reasons for denial of funding  
25 for the projects.

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

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

1           (9) A listing of the services provided by eligible  
2           entities, including the number, kind and intensity of the  
3           services.

4 Section 7. Appropriation.

5           The sum of \$5,000,000 is hereby appropriated to the  
6 Department of Aging to administer, distribute and fund grants  
7 for naturally occurring retirement communities.

8 Section 20. Effective date.

9           This act shall take effect in 60 days.