

---

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.