

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 4044

(SENATE AUTHORS: HOFFMAN and Abeler)			
DATE	D-PG		OFFICIAL STATUS
02/22/2024	11701	Introduction and first reading	
		Referred to Human Services	
02/26/2024	11825	Author added Abeler	

1.1

A bill for an act

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relating to health; expanding settings subject to assisted living licensure; modifying

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requirements for settings exempt from assisted living licensure; amending

1.4

Minnesota Statutes 2022, sections 144G.08, subdivision 7; 325F.722, subdivision

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1, by adding subdivisions; repealing Minnesota Statutes 2022, section 325F.722,

1.6

subdivisions 2, 3, 9.

1.7

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8

Section 1. Minnesota Statutes 2022, section 144G.08, subdivision 7, is amended to read:

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Subd. 7. **Assisted living facility.** "Assisted living facility" means a facility that provides

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sleeping accommodations and assisted living services to one or more adults. Assisted living

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facility includes assisted living facility with dementia care, and does not include:

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(1) emergency shelter, transitional housing, or any other residential units serving

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exclusively or primarily homeless individuals, as defined under section 116L.361;

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(2) a nursing home licensed under chapter 144A;

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(3) a hospital, certified boarding care, or supervised living facility licensed under sections

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144.50 to 144.56;

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(4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts

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9520.0500 to 9520.0670, or under chapter 245D, 245G, or 245I;

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(5) services and residential settings licensed under chapter 245A, including adult foster

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care and services and settings governed under the standards in chapter 245D;

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(6) a private home in which the residents are related by kinship, law, or affinity with the

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provider of services;

(7) a duly organized condominium, cooperative, and common interest community, or owners' association of the condominium, cooperative, and common interest community where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units;

(8) a temporary family health care dwelling as defined in sections 394.307 and 462.3593;

(9) a setting offering services conducted by and for the adherents of any recognized church or religious denomination for its members exclusively through spiritual means or by prayer for healing;

(10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with low-income housing tax credits pursuant to United States Code, title 26, section 42, and units financed by the Minnesota Housing Finance Agency that are intended to serve individuals with disabilities or individuals who are homeless, except for those developments that market or hold themselves out as assisted living facilities and provide assisted living services;

~~(11) rental housing developed under United States Code, title 42, section 1437, or United States Code, title 12, section 1701q;~~

~~(12) rental housing designated for occupancy by only elderly or elderly and disabled residents under United States Code, title 42, section 1437e, or rental housing for qualifying families under Code of Federal Regulations, title 24, section 983.56;~~

~~(13) rental housing funded under United States Code, title 42, chapter 89, or United States Code, title 42, section 8011;~~

~~(14)~~ (11) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b);  
or

~~(15)~~ (12) any establishment that exclusively or primarily serves as a shelter or temporary shelter for victims of domestic or any other form of violence.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 325F.722, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have the meanings given.

(b) "Assisted living services" has the meaning given in section 144G.08, subdivision 9.

3.1 (c) "Exempt setting" means a setting that in which assisted living services are provided  
3.2 but which is exempted from assisted living facility licensure under section 144G.08,  
3.3 subdivision 7, ~~clauses~~ clause (10) to (13).

3.4 ~~(c)~~ (d) "Resident" means a person residing in an exempt setting.

3.5 (e) "Subsidized assisted living contract" means a legal agreement between a resident  
3.6 and an exempt setting for housing and, if applicable, assisted living services.

3.7 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.8 Sec. 3. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
3.9 to read:

3.10 Subd. 10. **Responsibility for housing and services.** An exempt setting must comply  
3.11 with section 144G.40, subdivision 1.

3.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.13 Sec. 4. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
3.14 to read:

3.15 Subd. 11. **Facility restrictions.** An exempt setting must comply with section 144G.42,  
3.16 subdivision 3, except this subdivision does not apply to an exempt setting owned or operated  
3.17 by a county or other unit of government.

3.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.19 Sec. 5. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
3.20 to read:

3.21 Subd. 12. **Handling residents' finances and property.** An exempt setting must comply  
3.22 with section 144G.42, subdivision 4.

3.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

3.24 Sec. 6. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
3.25 to read:

3.26 Subd. 13. **Contract requirements.** An exempt setting may not offer or provide housing  
3.27 or assisted living services unless it has executed a written subsidized assisted living contract  
3.28 that complies with section 144G.50, except for:

3.29 (1) section 144G.50, subdivision 2, paragraph (b), clause (2);

4.1 (2) section 144G.50, subdivision 2, paragraph (c), clause (1); and

4.2 (3) section 144G.50, subdivision 4.

4.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.4 Sec. 7. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
4.5 to read:

4.6 Subd. 14. **Contract terminations.** An exempt setting initiating a termination of a  
4.7 subsidized assisted living contract must comply with section 144G.52, and Minnesota Rules,  
4.8 part 4659.0120.

4.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.10 Sec. 8. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
4.11 to read:

4.12 Subd. 15. **Nonrenewal of housing.** An exempt setting that declines to renew a resident's  
4.13 housing under a subsidized assisted living contract must comply with the provisions of  
4.14 section 144G.53, and Minnesota Rules, part 4659.0200.

4.15 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.16 Sec. 9. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
4.17 to read:

4.18 Subd. 16. **Appeals of contract terminations.** A resident has the right to appeal a  
4.19 termination of a subsidized assisted living contract and the provisions of section 144G.54,  
4.20 and Minnesota Rules, part 4659.0210, subparts 1 to 3, apply to the appeal, except:

4.21 (1) the resident or an individual acting on the resident's behalf must submit the request  
4.22 for an appeal directly to the Office of Administrative Hearings; and

4.23 (2) the administrative law judge shall decide on the appeal and issue an order.

4.24 **EFFECTIVE DATE.** This section is effective January 1, 2025.

4.25 Sec. 10. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
4.26 to read:

4.27 Subd. 17. **Coordinated moves.** An exempt setting that terminates a subsidized assisted  
4.28 living contract, reduces services to the extent that a resident needs to move or obtain a new

5.1 service provider, or conducts a planned closure under subdivision 19, must comply with  
5.2 section 144G.55, subdivisions 1 to 3 and 5.

5.3 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.4 Sec. 11. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
5.5 to read:

5.6 Subd. 18. **Transfer of resident within the facility.** If an exempt setting seeks to transfer  
5.7 a resident to a different location within the exempt setting, the exempt setting must comply  
5.8 with section 144G.56, subdivisions 2 to 7.

5.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.10 Sec. 12. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
5.11 to read:

5.12 Subd. 19. **Planned closure.** In the event that an exempt setting elects to voluntarily close  
5.13 the setting, the exempt setting must comply with section 144G.57, subdivisions 1 to 5, and  
5.14 Minnesota Rules, part 4659.0130, subpart 1, items A and B, and subpart 2, items A to D,  
5.15 except:

5.16 (1) the exempt setting is not required to notify the commissioner of health of the planned  
5.17 closure, submit a proposed closure plan to the commissioner, or receive approval of a closure  
5.18 plan from the commissioner before closing; and

5.19 (2) the exempt setting must personally deliver or mail the notice required under section  
5.20 144G.57, subdivision 5.

5.21 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.22 Sec. 13. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
5.23 to read:

5.24 Subd. 20. **Subsidized assisted living bill of rights.** Section 144G.91 applies to residents  
5.25 of exempt settings.

5.26 **EFFECTIVE DATE.** This section is effective January 1, 2025.

5.27 Sec. 14. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
5.28 to read:

5.29 Subd. 21. **Retaliation prohibited.** An exempt setting must comply with section 144G.92.

6.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

6.2 Sec. 15. Minnesota Statutes 2022, section 325F.722, is amended by adding a subdivision  
6.3 to read:

6.4 Subd. 22. **Notice of legal and advocacy services.** An exempt setting must comply with  
6.5 section 144G.93.

6.6 **EFFECTIVE DATE.** This section is effective January 1, 2025.

6.7 Sec. 16. **REPEALER.**

6.8 Minnesota Statutes 2022, section 325F.722, subdivisions 2, 3, and 9, are repealed.

6.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.