

1.1 **Senator Hoffman from the Committee on Human Services, to which was referred**

1.2 **S.F. No. 4044:** A bill for an act relating to health; expanding settings subject to assisted
1.3 living licensure; modifying requirements for settings exempt from assisted living licensure;
1.4 amending Minnesota Statutes 2022, sections 144G.08, subdivision 7; 325F.722, subdivision
1.5 1, by adding subdivisions; repealing Minnesota Statutes 2022, section 325F.722, subdivisions
1.6 2, 3, 9.

1.7 Reports the same back with the recommendation that the bill be amended as follows:

1.8 Page 1, delete section 1 and insert:

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

1.10 Subd. 7. **Assisted living facility.** (a) "Assisted living facility" means a facility that
1.11 provides sleeping accommodations and assisted living services to one or more adults.

1.12 Assisted living facility includes assisted living facility with dementia care, ~~and~~.

1.13 (b) Assisted living facility does not include:

1.14 (1) emergency shelter, transitional housing, or any other residential units serving
1.15 exclusively or primarily homeless individuals, as defined under section 116L.361;

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

1.17 (3) a hospital, certified boarding care, or supervised living facility licensed under sections
1.18 144.50 to 144.56;

1.19 (4) a lodging establishment licensed under chapter 157 and Minnesota Rules, parts
1.20 9520.0500 to 9520.0670, or under chapter 245D, 245G, or 245I;

1.21 (5) services and residential settings licensed under chapter 245A, including adult foster
1.22 care and services and settings governed under the standards in chapter 245D;

1.23 (6) a private home in which the residents are related by kinship, law, or affinity with the
1.24 provider of services;

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

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

- 2.1 (9) a setting offering services conducted by and for the adherents of any recognized
2.2 church or religious denomination for its members exclusively through spiritual means or
2.3 by prayer for healing;
- 2.4 (10) housing financed pursuant to sections 462A.37 and 462A.375, units financed with
2.5 low-income housing tax credits pursuant to United States Code, title 26, section 42, and
2.6 units financed by the Minnesota Housing Finance Agency that are intended to serve
2.7 individuals with disabilities or individuals who are homeless; ~~except for those developments~~
2.8 ~~that market or hold themselves out as assisted living facilities and provide assisted living~~
2.9 ~~services;~~
- 2.10 (11) rental housing developed under United States Code, title 42, section 1437, or United
2.11 States Code, title 12, section 1701q;
- 2.12 (12) rental housing designated for occupancy by only elderly or elderly and disabled
2.13 residents under United States Code, title 42, section 1437e, or rental housing for qualifying
2.14 families under Code of Federal Regulations, title 24, section 983.56;
- 2.15 (13) rental housing funded under United States Code, title 42, chapter 89, or United
2.16 States Code, title 42, section 8011;
- 2.17 (14) a covered setting as defined in section 325F.721, subdivision 1, paragraph (b); or
- 2.18 (15) any establishment that exclusively or primarily serves as a shelter or temporary
2.19 shelter for victims of domestic or any other form of violence.
- 2.20 (c) Notwithstanding paragraphs (a) and (b), assisting living facility includes a facility,
2.21 setting, or development, however funded, that markets or holds itself out as assisted living,
2.22 an assisted living facility, an assisted living facility with dementia care, memory care, or a
2.23 memory care facility."
- 2.24 Page 3, line 3, reinstate the stricken language and delete the new language
- 2.25 Amend the title as follows:
- 2.26 Page 1, line 2, delete "expanding settings subject to assisted living licensure;"
- 2.27 And when so amended the bill do pass and be re-referred to the Committee on Commerce
2.28 and Consumer Protection. Amendments adopted. Report adopted.

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(Committee Chair)

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March 6, 2024.....

(Date of Committee recommendation)