



March 20, 2024

To: Senator Hoffman and Members of the Human Services Committee

From: Office of the Ombudsman for Long-Term Care, Office of the Ombudsman for Mental Health and Developmental Disabilities, AARP Minnesota, Alzheimer's Association, MN Elder Justice Center, Legal Aid

Re: Support for Resident Protections for Vulnerable Adults Living in HUD and Low-Income Tax Credit (LIHTC) Housing Receiving Assisted Living Services

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Dear Senator Hoffman and Members of the Committee: Our organizations are writing to thank you for the inclusion of protection for residents who live in exempt settings in the Omnibus Human Services policy Bill SF4399 (article 3 sections 7-23).

These changes will provide protection to vulnerable residents living in HUD and LIHTC settings who receive the same type of services as those living in licensed assisted living. These core protections include:

- protections against arbitrary terminations and unsafe relocations in the event of termination
- protections against retaliation
- robust appeal rights

When the Minnesota Legislature in 2019 passed the landmark Eldercare and Vulnerable Adult Protection Act in response to horrific cases of elder abuse, HUD and LIHTC Facilities were exempted from the law, not because the residents weren't vulnerable, but rather with how the housing subsidies are financed. This means residents in these settings – who are the same or similarly situated as those in licensed facilities – do not receive the same resident protections. Yet, these residents are just as vulnerable including those having significant mental health and cognitive impairments. According to DHS data, a majority of residents have a mental health disorder (91%) and or a cognitive disorder (82%).

Our coalition has been meeting with other stakeholders on these issues and are working on changes to address any technical issues that would make compliance with these protections and HUD regulations unworkable. Any changes however, must provide the same level of protection residents in these settings as their peers in assisted living.

We do believe a reasonable solution is achievable, as previous DHS work groups have found no conflict between federal law and enhanced consumer protections in these settings. We look forward to closing this important gap in consumer and resident protections this session.