House Bill 2547
Housing with Services
Task Force

HB 2547 Agenda: HB 2547 Task Force – November 19, 2015 1:30 PM-3:30 PM

CATC – Fort Rock Room 118
3414 Cherry Ave NE
Salem, OR 97305

Teleconference line:
Call-in: 1-888-557-8511
Guest Code: 1426740

Members:			
	Senator Sara Gelser		Donna Keddy
	Senator Tim Knopp		Howard Klink
	Representative Bill Kennemer		Kenny La Point
	Representative Rob Nosse		Kyndall Mason
	Ashley Carson-Cottingham **		Nicolette Merino
	Jerry Cohen		Cynthia Noordijk
	Lee Girard		Fred Steele
	Joe Greenman		Dan Valliere
	****Facilitator/Member**		
Stakeholders			
Staff:			
	Angela Allbee		
	Jeff Puterbaugh		
	Deborah White		

Agenda Item	Time	Owner	Discussion/Decision
Welcome & Introductions	**30 Min**	**Ashley/All**	
Election of TF Chair	**10 Min**	**All**	
Background & Memo	**10 Min**	**All**	
Overview of HB 2547	**15 Min**	**Jeff**	
Information & Discussion	**45 Min**	**All**	
Next Meeting	**10 Min**	**Ashley**	

Notes:

Next meeting: December 1, 2015 1:30 PM to 3:30 PM DHS Office 3406 Cherry Ave NE, Salem OR 97305

Enrolled
House Bill 2547

Sponsored by Representatives HOYLE, GILLIAM (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) The Task Force on Housing with Services is established, consisting of 16 members appointed as follows:

(a) The President of the Senate shall appoint two members from among members of the Senate, one of whom is a Democrat and one of whom is a Republican.

(b) The Speaker of the House of Representatives shall appoint two members from among members of the House of Representatives, one of whom is a Democrat and one of whom is a Republican.

(c) The Governor shall appoint the following members:

(A) One individual representing a Housing with Services project;

(B) Two individuals representing an affordable housing provider, a health care organization that serves medical assistance recipients or a community-based social service provider;

(C) One individual representing counties;

(D) One individual from the division of the Department of Human Services that administers programs for seniors and people with disabilities;

(E) One individual representing a residential care facility;

(F) Two individuals representing statewide nonprofit organizations that advocate for the service needs of seniors;

(G) One individual from a labor union that represents home care workers;

(H) The Long Term Care Ombudsman or a designee of the ombudsman;

(I) One individual from the division of the Department of Human Services that licenses residential facilities; and

(J) One individual from the Housing and Community Services Department.

(2) The task force shall seek input from stakeholders including, but not limited to:

(a) The Department of Veterans' Affairs;

(b) The director of the division in the Department of Justice responsible for consumer protection;

(c) County governments;

(d) Nonprofit civil legal services organizations;

(e) Residents of residential facilities for seniors;

(f) Providers of services to residents of housing facilities; and

(g) Organizations that advocate for seniors.

(3) The task force shall recommend:

(a) A definition for a Housing with Services project that addresses the physical characteristics of the facility, the types of residents served, the supportive and health services that are available and how the services are provided;

(b) Consumer protections to address resident expectations, needs and grievances within a Housing with Services project;

(c) Whom the residents may rely upon to assist them in advocating for their rights;

(d) Whether a standardized tenancy contract should be developed and, if so, what standard provisions should be included;

(e) Which government agency should be responsible for ensuring that residents' rights are protected, reports of abuse are quickly and thoroughly investigated and residents have a voice and avenue to express concerns and grievances;

(f) Whether a Housing with Services project should be licensed or registered and, if so, what the thresholds and standards for licensing or registration should be and which government agency should do the licensing or registration;

(g) Whether there are differences that should be addressed between a Housing with Services project and other licensed and unlicensed congregate senior supportive housing; and

(h) The safety standards for a Housing with Services project including:

(A) Fire safety, evacuation requirements, emergency and disaster preparedness and building codes; and

(B) Whether there should be standards for resident acuity based on the scope of supportive and health services provided, building code standards and potential safety risks.

(4) The task force shall investigate the market demand for Housing with Services projects.

(5) A majority of the voting members of the task force constitutes a quorum for the transaction of business.

(6) Official action by the task force requires the approval of a majority of the voting members of the task force.

(7) The task force shall elect one of its members to serve as chairperson.

(8) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(9) The task force shall meet at times and places specified by the call of the chairperson or of a majority of the voting members of the task force.

(10) The task force may adopt rules necessary for the operation of the task force.

(11) All meetings of the task force are subject to ORS 192.610 to 192.690.

(12) The task force shall submit a report in the manner provided by ORS 192.245, and may include recommendations for legislation, to the interim committees of the Legislative Assembly related to human services and housing as appropriate no later than December 1, 2015.

(13) The Department of Human Services shall provide staff support to the task force.

(14) Members of the task force who are not members of the Legislative Assembly are not entitled to compensation, but may be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of their official duties in the manner and amounts provided for in ORS 292.495. Claims for expenses incurred in performing functions of the task force shall be paid out of funds appropriated to the Department of Human Services for purposes of the task force.

(15) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties.

<u>SECTION 2.</u> The Department of Human Services may not commit financial resources to a new Housing with Services project until the earlier of the date on which the Task Force

on Housing with Services submits its report to the interim committees of the Legislative Assembly or December 31, 2015.

SECTION 3. Section 1 of this 2015 Act is repealed on December 31, 2015.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 30, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate July 3, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State

Briefing Memo: Housing with Services Workgroup
Update as of June, 2015

Overview and Purpose: In the Fall of 2014, the Department of Human Services and Aging and People with Disabilities program (APD) formed a steering committee in response to stakeholder questions about resident rights, safety, and oversight related to a new model of housing with services that is being piloted in downtown Portland. The steering committee focused on housing and services for older adults and people with disabilities across the State of Oregon. Because of broad nature of this issue, the steering committee decided to develop a larger and more diverse stakeholder group in order to frame a wide-ranging policy discussion.

The larger and diverse stakeholder group determined that engaging stakeholders to discuss the following questions in order to determine what constitutes Housing with Services and whether or not the defined model includes:

- Clearly understood resident rights, including consumer choice, grievance policies, etc.,
- The appropriate level of safety and emergency planning,
- State oversight.

Membership: Membership includes **AARP***, Alzheimer's Association, Campaign for Oregon's Seniors & People with Disabilities, Cascadia Behavioral Healthcare, Cedar Sinai Park, Central City Concern, Disability Rights Oregon, Enterprise Community Partners, Home Forward, Housing and Urban Development – Portland Office, Human Solutions, Inc., Klink Consulting Services, **LeadingAge Oregon***, Legal Aid Services of Oregon, Mary's Woods, Multnomah County Aging & Disability Services, **Office of Long Term Care Ombudsman(LTCO)***, Oregon Association of Area Agencies on Aging (O4AD), **Oregon Department of Human Services (DHS) – APD***, **Oregon Department of Veterans Affairs***, Office of the State Fire Marshall, Oregon Health Authority (OHA), Oregon Health Care Association (OHCA), **Oregon Housing and Community Services (OHCS)***, Oregon Law Center, **Oregon Office of the Attorney General***, Oregon Trial Lawyers Association, REACH Community Development Corporation , Representative Hoyle's office, Service Employees International Union (SEIU), USDA Rural Development. **(* Represents Steering Committee Members)**

Meeting Dates: The Workgroup met on the following dates – January 22, February 25, April 20, May 29 and June 25.

Presentations: Several of the meetings included presentations by various presenters. The presentation materials are available upon request.

Meeting Discussions / Conclusions: Each meeting involved activities which brought about discussions, collaborations and potential conclusions/outcomes. Below are the discussion topics from the meetings:

- Consumer protections
- Safety measures
- Resident Rights and/or Resident Councils
- Access to LTCO
- Roles for State, County or Local governments
- Review of draft Comparison Matrix – feedback from group
- Review of Housing Matrix – feedback from group
- Review of Housing Tour Proposal – feedback from group
- Housing with Services definition within Oregon

Next Steps: Below are carry forward items from the Housing with Services Workgroup discussions:

- Continue to provide thoughts and ideas in the preparation of the Housing with Services Task Force
- Continue tours of various sites and meet with property managers, service coordinators and residents
- Continue to gather information from broader stakeholder community and advocated in preparation for the Housing with Services Task Force.
- Nine Task Force recommendation requirements of HB 2547.
  - (a) A definition for a Housing with Services project that addresses the physical characteristics of the facility, the types of residents served, the supportive and health services that are available and how the services are provided;
  - (b) Consumer protections to address resident expectations, needs and grievances within a Housing with Services project;
  - (c) Whom the residents may rely upon to assist them in advocating for their rights;
  - (d) Whether a standardized tenancy contract should be developed and, if so, what standard provisions should be included;
  - (e) Which government agency should be responsible for ensuring that residents' rights are protected, reports of abuse are quickly and thoroughly investigated and residents have a voice and avenue to express concerns and grievances;
  - (f) Whether a Housing with Services project should be licensed or registered and, if so, what the thresholds and standards for licensing or registration should be and which government agency should do the licensing or registration;
  - (g) Whether there are differences that should be addressed between a Housing with Services project and other licensed and unlicensed congregate senior supportive housing; and
  - (h) The safety standards for a Housing with Services project including:

    - (A) Fire safety, evacuation requirements, emergency and disaster preparedness and building codes; and
    - (B) Whether there should be standards for resident acuity based on the scope of supportive and health services provided, building code standards and potential safety risks.
- The task force shall investigate the market demand for Housing with Services projects.

PRESENTATION

HB 2547 – Housing with Services Task Force

DHS | Oregon Department of Human Services

Housing with Services Task Force Charge:

- A definition for a Housing with Services project that addresses the physical characteristics of the facility, the types of residents served, the supportive and health services that are available and how the services are provided;
- Consumer protections to address resident expectations, needs and grievances within a Housing with Services project;

DHS | Oregon Department of Human Services

- Whom the residents may rely upon to assist them in advocating for their rights;

- Whether a standardized tenancy contract should be developed and, if so, what standard provisions should be included;

DHS | Oregon Department of Human Services

– Which government agency should be responsible for ensuring that residents' rights are protected, reports of abuse are quickly and thoroughly investigated and residents have a voice and avenue to express concerns and grievances;

– Whether a Housing with Services project should be licensed or registered and, if so, what the thresholds and standards for licensing or registration should be and which government agency should do the licensing or registration;

- Whether there are difference that should be addressed between a Housing with Services project and other licensed and unlicensed congregate senior supportive housing; and;

– The safety standards for a Housing with Services project including:

» (A) Fire safety, evacuation requirements, emergency and disaster preparedness and building codes; and

» (B) Whether there should be standards for resident acuity based on the scope of supportive and health services provided, building code standards and potential safety risks.

– The task force shall investigate the market demand for Housing with Services projects.

FACT SHEET

Housing With Services

Consumer Protections Resources

Landlord Tenant Law

- The federal Fair Housing Act makes it illegal for a landlord to discriminate based on race, national origin, sex, disability, and other factors. The federal Americans with Disabilities Act provides additional protections for persons with disabilities.

If you believe you have been discriminated against, contact the

- Fair Housing Council of Oregon http://fhco.org/
  (503) 223-8197 Extension 2 or 800-424-3247 Extension 2
  Phone hours: 1 PM to 4 PM (**Monday, Tuesday & Thursday**)

If you need to report Abuse, Neglect or Financial Exploitation, please call the number below. This number will direct you to the appropriate investigative entity:

- Call 1-855-503-SAFE (7233) or access information at: http://www.oregon.gov/dhs/spwpd/adult-abuse/pages/index.aspx

For residents who live in Adult Foster Homes (AFH), Assisted Living Facilities (ALF), Residential Care Facilities (RCF) or Nursing Facilities (NF) may contact the

- Office of the Long-Term Care Ombudsman at:

  (800) 522-2602 or (503) 378-6533
  8:00 AM to 5:00 PM (Monday through Friday) or
  Email : info@ltco.state.or.us
  http://www.oregon.gov/ltco/Pages/index.aspx

FACT SHEET

Housing With Services

Advocating for Residents Rights Resources

Background

Current consumers of Long-term Services and Supports (LTSS) in Oregon may contact the following resources to discuss their rights:

- Aging and People with Disabilities (APD) – 800-282-8096 / 503-945-5921 – http://www.oregon.gov/dhs/pages/index.aspx
- Intellectual and Developmental Disabilities (ID/DD) – 503-945-8511 - http://www.oregon.gov/dhs/DD/Pages/index.aspx
- Disability Rights Oregon (DRO) 800-452-1694 or 503-243-2081 - https://droregon.org/
- Aging and Disability Resource Connection (ADRC) – 855-673-2372 – www.adrcoforegon.org
- Abuse Hotline – 855-503-7233 (SAFE) – http://www.oregon.gov/dhs/spwpd/adult-abuse/pages/index.aspx
- Elders in Action- 503-235-5474 - http://eldersinaction.org/
- Governor's Advocacy Office- 1-800-442-5238 - http://www.oregon.gov/dhs/aboutdhs/pages/gao.aspx
- AARP- 1-866-554-5360 - http://states.aarp.org/about-aarp-oregon/
- O4AD (Oregon Association of Area Agencies on Aging) – 503-463-8692 – info@o4ad.org - http://www.o4ad.org/index.html

For those living in Continuing Care Retirement Communities (CCRC), Adult Foster Homes (AFH), Assisted Living Facilities (ALF), Residential Care Facilities (RCF) Memory Care Communities (MCC) or Nursing Facilities (NF):

- Office of Licensing and Regulatory Oversight (OLRO) – 503-373-2227 - http://www.oregon.gov/dhs/providers-partners/licensing/Pages/index.aspx
- Office of Ombudsman for Long Term Care (LTCO) – 800-522-2602; http://www.oregon.gov/ltco/Pages/index.aspx

Additional consumer protection information may be available through:

- Oregon State Bar Center
  (503) 620-0222 or inside Oregon 1-800-452-8260 or
  Email info@osbar.org or
  https://www.osbar.org/

- Oregon Department of Justice – Consumer Protection Hotline
  (503) 378-4320 Salem or
  (503) 229-5576 Portland or
  (877) 877-9392 Toll Free or
  Email: help@oregonconsumer.gov.or
  http://www.doj.state.or.us/consumer/Pages/hotline.aspx

- Oregon Department of Human Services
  (503) 945-5944
  http://www.oregon.gov/dhs/Pages/contact_us.aspx
- Aging and People with Disabilities (APD)
  http://www.oregon.gov/DHS/spwpd/Pages/index.aspx
- Intellectual and Developmental Disabilities
  http://www.oregon.gov/DHS/dd/Pages/index.aspx
- Adult Protective Services (APS)
  http://www.oregon.gov/dhs/spwpd/pages/sua/elder-rights.aspx
- Office of Adult Abuse Prevention and Investigations (OAAPI)
  http://www.oregon.gov/dhs/spwpd/adult-abuse/pages/index.aspx
- Office of Licensing and Regulatory Oversight (OLRO)
  http://www.oregon.gov/dhs/providers-partners/licensing/Pages/index.aspx

- Aging and Disability Resource Connection (ADRC)
  (855) 673-2372 (855-ORE-ADRC)
  Email: ADRC.WebMessages@state.or.us
  https://www.adrcoforegon.org/consite/index.php

- Department of Consumer and Business Services (DCBS) - Division of Finance and Corporate Securities (DFCS)
  (503) 378-4140 or (503) 378-4387
  (866) 814-9710 (Inside Oregon)
  Email: dcbs.dfcsmail@state.or.us
  http://www.cbs.state.or.us/external/dfcs/index.html