

ASSEMBLY, No. 2696

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1997

By Assemblyman KELLY

1 AN ACT concerning assisted living residences and supplementing Title
2 26 of the Revised Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. As used in this act:

8 "Assisted living residence" means a facility which is licensed by the
9 Department of Health and Senior Services to provide apartment-style
10 housing and congregate dining wherein an array of supportive personal
11 and health services are available when needed, to four or more adult
12 persons unrelated to the proprietor.

13 "Medicaid" means the medical assistance program established
14 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

15 "Medicaid waiver" means the Assisted Living and Alternate Family
16 Care Waiver approved by the federal Health Care Financing
17 Administration effective January 1, 1996, as a 1915(c) waiver pursuant
18 to the "Omnibus Budget Reconciliation Act of 1981," Pub.L.97-35, or
19 successor waivers.

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21 2. a. The Department of Health and Senior Services shall make
22 available to the New Jersey Housing and Mortgage Finance Agency
23 (HMFA) no less than 200 of the 1500 slots of the Medicaid waiver,
24 for assignment to Medicaid-eligible individuals residing in HMFA-
25 financed assisted living residence developments for use by Medicaid-
26 eligible individuals.

27 b. In order to participate in the Medicaid waiver HMFA program,
28 a developer of assisted living housing shall:

29 (1) contractually commit to set-aside for the life of the mortgage
30 at least 10% of the units for Medicaid-eligible residents; and

31 (2) comply with other HMFA restrictions designed to promote the
32 construction of affordable, quality assisted living residences in New
33 Jersey which shall include the marketing of units, maintenance of first-
34 come, first-served waiting lists, and the establishment of priorities for
35 populations with the greatest need of assisted living residences.

1 3. Pursuant to the provisions of the "Administrative Procedure
2 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Commissioner of
3 Health and Senior Services shall adopt regulations necessary to carry
4 out the purposes of this act.

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6 4. Nothing in this act shall require a Medicaid-eligible individual
7 assigned a Medicaid waiver slot to reside in an HMFA-financed
8 assisted living residence development.

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10 5. This act shall take effect immediately.

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STATEMENT

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15 This bill requires the Department of Health and Senior Services to
16 make available to the New Jersey Housing and Mortgage Finance
17 Agency (HMFA) no less than 200 of the 1500 slots of the Medicaid
18 Assisted Living and Alternate Family Care Waiver the State recently
19 received from the federal government, for assignment to Medicaid-
20 eligible individuals residing in HMFA-financed assisted living residence
21 developments for use by Medicaid-eligible individuals.

22 In order to participate in the waiver, a developer of assisted living
23 residence shall:

24 a. contractually commit to set-aside for the life of the mortgage at
25 least 10% of units for Medicaid-eligible residents; and

26 b. comply with other HMFA restrictions designed to promote the
27 construction of affordable, quality assisted living residences in New
28 Jersey which shall include the marketing of units, maintenance of first-
29 come, first-served waiting lists, and the establishment of priorities for
30 populations with the greatest need of assisted living residences.

31 Nothing in this bill shall require a Medicaid-eligible individual
32 assigned a Medicaid waiver slot to reside in an HMFA-financed
33 assisted living residence development.

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38 Requires DHSS to make certain Medicaid waived slots available to
39 Medicaid-eligible individuals residing in HMFA-financed assisted
40 living residences.