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## SENIOR HOUSING ESTABLISHMENTS: CONTRACTS

House Bill 4217

Sponsor: Rep. Judith Scranton

Committee: Senior Health, Security and  
Retirement

Complete to 2-19-01

### A SUMMARY OF HOUSE BILL 4217 AS INTRODUCED 2-13-01

The bill would create a new act concerning "housing-with-services establishments" for senior citizens. A housing-with-services establishment would be defined to mean a facility that offers sleeping accommodations to adult residents, at least 80 percent of whom are 55 years of age or older, and providing or offering health-related services (nursing care, nurse aide services, home aide care) or other supportive services (such as laundry, arranging for medical services or social services, transportation, and having a person on-site at all times to assist in an emergency). However, housing-with-services establishments would not include adult foster care facilities or health facilities licensed under the Public Health Code (such as hospitals, medical facilities, nursing homes, hospices, and homes for the aged).

Contracts. The bill would prohibit a facility from operating as a housing-with-services establishment except under a written contract with each resident. A contract would have to include:

- The housing-with-services establishment's name, street address, and mailing address.
- The owner's name and mailing address.
- The name and address of the managing agent.
- The name and address of a person authorized to accept service of process on behalf of the owner and managing agent.
- A statement describing whether the establishment was licensed by a local, state, or federal agency.
- The term of the contract, in months or years.
- A description of the services provided in exchange for the base-rate paid by the resident.
- A description of additional services available for an additional fee, and fee schedules for those services.
- A statement describing the establishment's policy regarding the outside contracting of services by a resident.

House Bill 4217 (2-19-01)

- A description of the process for modifying, amending, or terminating the contract, including the conditions under which a contract could be terminated by the resident or the establishment.

- A description of the establishment's complaint resolution process.
- The resident's designated representative, if any.
- The establishment's referral procedure in the event the contract was terminated.
- Billing and payment procedures and requirements.

A housing-with-services establishment would be required to keep contracts (or copies of them) and related documents for current residents on site, and would have to keep those documents for at least three years after each contract was terminated.

Exclusions. The bill specifies that it would not require a housing-with-services establishment to provide a minimum core of services, to serve a specific number of residents, nor to provide any specific type of physical plant or facility so long as the establishment was in compliance with applicable state and local codes.

Rights and responsibilities. A contract executed in violation of the bill would be voidable at the option of the resident. However, the bill states that its provisions could not be used as a means to avoid a resident's payment obligations if the contract was not executed in violation of the bill.

Finally, the bill states that it would not limit a person's rights or responsibilities under any other applicable state housing or renting act.

Analyst: D. Martens

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.