

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4217

(As passed the House, March 20, 2001)

A bill to provide for standards for contracts involving certain residential and care services; and to provide for remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "housing-with-services contract act".

3 Sec. 2. As used in this act:

4 (a) "Health-related services" means 1 or more of the
5 following:

6 (i) Nursing services.

7 (ii) Nursing services delegated to aides or personal care
8 services including, but not limited to, escort services, remind-
9 ers, and standby assistance related to dressing or grooming.

10 (iii) Home aide care tasks.

11 (b) "Housing-with-services establishment" means an
12 establishment regularly providing or offering to provide leased

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1 private unit residences accommodating 1 or more adults, and
2 providing or offering to provide for a fee either 1 or more regu-
3 larly scheduled health-related services or 2 or more regularly
4 scheduled supportive services, whether offered directly by the
5 establishment or by another person by arrangement of the
6 establishment. Housing-with-services establishment does not
7 include an adult foster care facility licensed under the adult
8 foster care facility licensing act, 1979 PA 218, MCL 400.701 to
9 400.737, or a health facility or agency licensed under article 17
10 of the public health code, 1978 PA 368, MCL 333.20101 to
11 333.22260.

12 (c) "Resident" means an individual leasing and residing in a
13 housing-with-services establishment.

14 (d) "Supportive services" means helping with personal laun-
15 dry, arranging for medical services, health-related services,
16 social services, or transportation to medical or social services
17 appointments, or providing for at least 1 individual awake and
18 alert in the housing-with-services establishment to contact a
19 service provider in an emergency. Supportive services do not
20 include making referrals or assisting a resident in contacting a
21 service provider of the resident's choice.

22 Sec. 3. (1) An establishment shall not function as a
23 housing-with-services establishment for an individual except
24 under a written contract complying with this act.

25 (2) A contract between a housing-with-services establishment
26 and a resident must be in writing and shall include at least all
27 of the following:

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1 (a) The name, street address, and mailing address of the
2 housing-with-services establishment.

3 (b) The owner's name and mailing address.

4 (c) The title and address of the managing agent, whether an
5 owner of a management firm or agency.

6 (d) The title and business address, if different from the
7 establishment address, of at least 1 individual authorized to
8 accept service of process on behalf of the owner and managing
9 agent.

10 (e) A statement describing whether the housing-with-services
11 establishment is licensed by a local, state, or federal agency.

12 (f) The term of the contract described in months or years.

13 (g) A description of the services the establishment will
14 provide to the resident for the base-rate paid by the resident.

15 (h) A description of additional services available for an
16 additional fee from the housing-with-services establishment
17 directly or through arrangements with the housing-with-services
18 establishment.

19 (i) A statement describing the policy of the
20 housing-with-services establishment regarding the outside con-
21 tracting of services by a resident.

22 (j) Fee schedules outlining the cost of additional
23 services.

24 (k) A description of the process through which the contract
25 may be modified, amended, or terminated, including conditions
26 under which a contract may be terminated by the resident or the
27 establishment.

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1 (l) A description of the housing-with-services
2 establishment's complaint resolution process.

3 (m) The resident's designated representative, if any.

4 (n) The establishment's referral procedure in the event the
5 contract is terminated.

6 (o) Billing and payment procedures and requirements.

7 (3) The housing-with-services establishment shall keep the
8 contracts and related documents executed by the establishment and
9 residents for at least 3 years after the date of termination of
10 each contract. Contracts, or copies of the contracts, for cur-
11 rent residents shall be kept at the establishment.

12 Sec. 4. (1) A housing-with-services establishment shall
13 comply with this act and shall comply with applicable state and
14 local codes.

15 (2) This act does not mandate a housing-with-services estab-
16 lishment to provide any of the following:

17 (a) A minimum core of services.

18 (b) A specific number of residents.

19 (c) Physical plant or establishment specifications so long
20 as the housing-with-services establishment is in compliance with
21 applicable state and local codes.

22 Sec. 5. Nothing in this act limits a person's rights or
23 responsibilities under any other applicable state housing or
24 renting act.

25 Sec. 6. A contract executed in violation of this act is
26 voidable at the option of the resident. The provisions of this
27 section shall not be used as a means to avoid a resident's

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1 payment obligation if the contract is not executed in violation
2 of this act.

3 Sec. 7. Nothing in this act limits a facility's responsi-
4 bilities or obligations to be licensed under the adult foster
5 care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737,
6 or under article 17 of the public health code, 1978 PA 368, MCL
7 333.20101 to 333.22260.