

# HOUSE BILL NO. 5471

February 22, 2024, Introduced by Rep. Schriver and referred to the Committee on Government Operations.

A bill to amend 2014 PA 448, entitled "Continuing care community disclosure act," by amending section 17 (MCL 554.917).

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 17. (1) A continuing care community that is licensed in  
2 whole or part under article 17 of the public health code, 1978 PA  
3 368, MCL 333.20101 to ~~333.22260~~, **333.22121**, or the adult foster  
4 care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737,  
5 is exempt from any rules promulgated under article 17 of the public  
6 health code, 1978 PA 368, MCL 333.20101 to ~~333.22260~~, **333.22121**, or

1 the adult foster care facility licensing act, 1979 PA 218, MCL  
2 400.701 to 400.737, that would interfere with a resident's access  
3 to a common area, subject to the resident's need for care and  
4 supervision.

5 (2) A continuing care community may request a variance from  
6 the application of a rule promulgated under article 17 of the  
7 public health code, 1978 PA 368, MCL 333.20101 to ~~333.22260,~~  
8 **333.22121**, or promulgated under the adult foster care facility  
9 licensing act, 1979 PA 218, MCL 400.701 to 400.737, and applicable  
10 to a home for the aged or adult foster care facility, respectively,  
11 that is part of the continuing care community. The department of  
12 **health and** human services shall grant the variance upon a finding  
13 of both of the following:

14 (a) That the rule unnecessarily segregates members of the  
15 continuing care community who reside in the home for the aged or  
16 adult foster care facility from other members of the continuing  
17 care community.

18 (b) That the variance will not result in a risk to human  
19 health or safety.

20 (3) An area where room and board together with personal care,  
21 protection and supervision, or supervised personal care are  
22 provided to a member is not a home for the aged as defined in  
23 section 20106 of the public health code, 1978 PA 368, MCL  
24 333.20106, or an adult foster care facility as defined in section 3  
25 of the adult foster care facility licensing act, 1979 PA 218, MCL  
26 400.703, if the services are only provided on a temporary basis  
27 under any of the following circumstances:

28 (a) While the member is recovering from an illness or  
29 accident.

1           (b) Until a living unit in an appropriate licensed area of the  
2 continuing care community becomes available.

3           (4) The relationship between a continuing care community and a  
4 member or prospective member is not subject to laws regulating the  
5 relationship between a landlord and a current or prospective  
6 tenant.

7           Enacting section 1. This amendatory act does not take effect  
8 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5477 (request no.  
9 01038'23) of the 102nd Legislature is enacted into law.