

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

**S**

**1**

**SENATE BILL 1804\***

Short Title: Multiunit Asst. Housing Svs. Regis. Fee. (Public)

---

Sponsors: Senators Malone, Swindell, Dorsett, Forrester; Allran, Apodaca, Atwater, Berger of Franklin, Hartsell, Jenkins, Jones, Nesbitt, Purcell, Snow, Soles, and Weinstein.

---

Referred to: Finance.

---

May 21, 2008

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE MULTIUNIT ASSISTED HOUSING WITH SERVICES  
2 (MAHS) PROGRAMS TO REGISTER ANNUALLY WITH THE DIVISION OF  
3 HEALTH SERVICE REGULATION AND TO AUTHORIZE THE  
4 DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH  
5 CERTAIN FEES, AS RECOMMENDED BY THE STUDY COMMISSION ON  
6 AGING.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 131D-2(a)(7a) reads as rewritten:

10 "(7a) Effective July 1, 1996, "multiunit assisted housing with services"  
11 means an assisted living residence in which hands-on personal care  
12 services and nursing services which are arranged by housing  
13 management are provided by a licensed home care or hospice agency,  
14 through an individualized written care plan. The housing management  
15 has a financial interest or financial affiliation or formal written  
16 agreement which makes personal care services accessible and  
17 available through at least one licensed home care or hospice agency.  
18 The resident has a choice of any provider, and the housing  
19 management may not combine charges for housing and personal care  
20 services. All residents, or their compensatory agents, must be capable,  
21 through informed consent, of entering into a contract and must not be  
22 in need of 24-hour supervision. Assistance with self-administration of  
23 medications may be provided by appropriately trained staff when  
24 delegated by a licensed nurse according to the home care agency's  
25 established plan of care. Multiunit assisted housing with services  
26 programs are required to ~~register~~register annually with the Division of  
27 Health Service Regulation and to ~~provide a disclosure statement.~~

1           Regulation. The Department shall charge each registered multiunit  
2           assisted housing with services program a nonrefundable annual  
3           registration fee of three hundred and fifty dollars (\$350.00). Any  
4           individual or corporation that establishes, conducts, manages, or  
5           operates a multiunit housing with services program, subject to  
6           registration under this section, that fails to register is guilty of a Class  
7           3 misdemeanor, and upon conviction shall be punishable only by a fine  
8           of not more than fifty dollars (\$50.00) for the first offense and not  
9           more than five hundred dollars (\$500.00) for each subsequent offense.  
10          Each day of a continuing violation after conviction shall be considered  
11          a separate offense. Multiunit assisted housing with services programs  
12          are required to provide a disclosure statement to the Division of Health  
13          Service Regulation. The disclosure statement is required to be a part of  
14          the annual rental contract that includes a description of the following  
15          requirements:

- 16          a.     Emergency response system;
- 17          b.     Charges for services offered;
- 18          c.     Limitations of tenancy;
- 19          d.     Limitations of services;
- 20          e.     Resident responsibilities;
- 21          f.     Financial/legal relationship between housing management and
- 22               home care or hospice agencies;
- 23          g.     A listing of all home care or hospice agencies and other
- 24               community services in the area;
- 25          h.     An appeals process; and
- 26          i.     Procedures for required initial and annual resident screening
- 27               and referrals for services.

28          Continuing care retirement communities, subject to regulation by the  
29          Department of Insurance under Chapter 58 of the General Statutes, are  
30          exempt from the regulatory requirements for multiunit assisted  
31          housing with services programs."

32          **SECTION 2.** This act becomes effective January 1, 2010.