



March 11, 2024

**To:** Chair Noor and Members of the Human Service Financing Committee

**From:** Office of the Ombudsman for Long-Term Care, Office of the Ombudsman for Mental Health and Developmental Disabilities, AARP Minnesota, Alzheimer’s Association, MN Elder Justice Center, Legal Aid

**Re:** Support for Representative Lee’s bill HF 4220 (Resident Protections for Vulnerable Adults Living in HUD and Low-Income Tax Credit (LITC) Housing Receiving Assisted Living Services)

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Dear Chair Noor and Members of the Committee:

Our organizations are writing in strong support of Representative Lee’s bill (**HF4220**) which protects vulnerable residents living in HUD and Low-Income Tax Credit Facilities who are receiving assisted living services.

When the Minnesota Legislature in 2019 passed the landmark Eldercare and Vulnerable Adult Protection Act in response to horrific cases of elder abuse, HUD and Low-Income Tax Credit (LITC) Facilities were exempted from the law, not because the residents weren’t vulnerable, but rather with how the facilities interact with a federal agency (HUD) or are financed.

This means residents in these settings – who are identically situated as those in licensed facilities – **do not receive the same resident protections**. Yet, these residents are just as vulnerable including those having significant mental health and cognitive impairments. According to DHS data, a majority of residents have a mental health disorder (91%) and or a cognitive disorder (82%).

Thus, we urge lawmakers to close this gap to better serve all vulnerable Minnesotans in need of assisted living. This would include the following protections found in Chapter 144 G intended to protect assisted living residents:

- *protections against arbitrary terminations and unsafe relocations in the event of termination including extending services terminations from 10 days to 30 days*
- *protections against retaliation;*
- *robust appeal rights;*
- *standards around safety, staffing, and training requirements including protections for people with dementia.*

Thank you in advance for your support of this important legislation.

