

SUBSTITUTE FOR
HOUSE BILL NO. 4128

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 a facility
12 regularly providing or offering to provide sleeping

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1 accommodations to 1 or more adult residents, at least 80% of whom
2 are 55 years of age or older, and providing or offering to pro-
3 vide for a fee either 1 or more regularly scheduled
4 health-related services or 2 or more regularly scheduled support-
5 ive services, whether offered directly by the facility or by
6 another person by arrangement of the facility.
7 Housing-with-services establishment does not include an adult
8 foster care facility licensed under the adult foster care facil-
9 ity licensing act, 1979 PA 218, MCL 400.701 to 400.737, or a
10 health facility or agency licensed under article 17 of the public
11 health code, 1978 PA 368, MCL 333.20101 to 333.22260.

12 (c) "Resident" means an individual living 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) A facility 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 address of at least 1 individual autho-
7 rized to accept service of process on behalf of the owner and
8 managing agent.

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

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

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

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

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

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

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

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

16 (a) A minimum core of services.

17 (b) A specific number of residents.

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

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

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

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

[Sec. 7. A housing-with-services establishment shall not bring, maintain, or defend an action to collect compensation for the performance of a contract determined by a court to be in willful violation of or noncompliance with this act.]