HOUSING-WITH-SERVICES CONTRACT ACT

Act 424 of 2002

AN ACT to provide for standards for contracts involving certain residential and care services; and to provide for remedies.

History: 2002, Act 424, Imd. Eff. June 5, 2002

The People of the State of Michigan enact:

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333.26501 Short title.

Sec. 1.

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

History: 2002, Act 424, Imd. Eff. June 5, 2002

333.26502 Definitions.

Sec. 2.

As used in this act:

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

(i) Nursing services.

(ii) Nursing services delegated to aides or personal care services including, but not limited to, escort services, reminders, and standby assistance related to dressing or grooming.

(iii) Home aide care tasks.

(b) "Housing-with-services establishment" means an establishment regularly providing or offering to provide leased private unit residences accommodating 1 or more adults, and providing or offering to provide for a fee either 1 or more regularly scheduled health-related services or 2 or more regularly scheduled supportive services, whether offered directly by the establishment or by another person by arrangement of the establishment. Housing-with-services establishment does not include an adult foster care facility licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or a health facility or agency licensed under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

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

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

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333.26503 Contract requirements.

Sec. 3.

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

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

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

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

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

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

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

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

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

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

(i) A statement describing the policy of the housing-with-services establishment regarding the outside contracting of services by a resident.

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

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

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

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

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

(o) Billing and payment procedures and requirements.

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

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333.26504 Compliance with act and state and local codes.

Sec. 4.

(1) A housing-with-services establishment shall comply with this act and shall comply with applicable state and local codes.

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

(a) A minimum core of services.

(b) A specific number of residents.

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

History: 2002, Act 424, Imd. Eff. June 5, 2002

333.26505 Rights or responsibilities not limited.

Sec. 5.

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

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333.26506 Violation of act; contract as void.

Sec. 6.

A contract executed in violation of this act is voidable at the option of the resident. The provisions of this section shall not be used as a means to avoid a resident's payment obligation if the contract is not executed in violation of this act.

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333.26507 Licensure requirements of adult foster care facility licensing act or article 17 of public health code not limited.

Sec. 7.

Nothing in this act limits a facility's responsibilities or obligations to be licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or under article 17 of the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

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