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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **865**

02/06/2017 Authored by McDonald; Murphy, E.; Zerwas; Hamilton; Schomacker and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform  
02/20/2017 Adoption of Report: Amended and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act  
1.2 relating to human services; creating housing support services; modifying certain  
1.3 general assistance provisions governing special needs of recipients; requiring the  
1.4 commissioner of human services to seek necessary federal waivers; amending  
1.5 Minnesota Statutes 2016, section 256D.44, subdivision 5; proposing coding for  
1.6 new law in Minnesota Statutes, chapter 256B.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. **[256B.051] HOUSING SUPPORT SERVICES.**

1.9 Subdivision 1. **Purpose.** Housing support services are established to provide housing  
1.10 support services to an individual with a disability that limits the individual's ability to obtain  
1.11 or maintain stable housing. The services support an individual's transition to housing in the  
1.12 community and increases long-term stability in housing, to avoid future periods of being  
1.13 at-risk of homelessness or institutionalization.

1.14 Subd. 2. **Definitions.** (a) For the purposes of this section, the terms defined in this  
1.15 subdivision have the meanings given.

1.16 (b) "At-risk of homelessness" means (1) an individual that is faced with a set of  
1.17 circumstances likely to cause the individual to become homeless, or (2) an individual  
1.18 previously homeless, who will be discharged from a correctional, medical, mental health,  
1.19 or treatment center, who lacks sufficient resources to pay for housing and does not have a  
1.20 permanent place to live.

1.21 (c) "Commissioner" means the commissioner of human services.

1.22 (d) "Homeless" means an individual or family lacking a fixed, adequate nighttime  
1.23 residence.

2.1 (e) "Individual with a disability" means:

2.2 (1) an individual who is aged, blind, or disabled as determined by the criteria used by  
2.3 the title 11 program of the Social Security Act, United States Code, title 42, section 416,  
2.4 paragraph (i), item (1); or

2.5 (2) an individual who meets a category of eligibility under section 256D.05, subdivision  
2.6 1, paragraph (a), clauses (1), (3), (5) to (9), or (14).

2.7 (f) "Institution" means a setting as defined in section 256B.0621, subdivision 2, clause  
2.8 (3), and the Minnesota Security Hospital as defined in section 253.20.

2.9 (g) "Segregated setting" means:

2.10 (1) a registered housing with services establishment under chapter 144D;

2.11 (2) a licensed board and lodge facility;

2.12 (3) a licensed boarding care facility;

2.13 (4) a licensed adult foster care;

2.14 (5) intensive residential treatment (IRTs); or

2.15 (6) a supervised living facility.

2.16 Subd. 3. **Eligibility.** An individual with a disability is eligible for housing support services  
2.17 if the individual:

2.18 (1) is 18 years of age or older;

2.19 (2) is enrolled in medical assistance;

2.20 (3) has an assessment of functional need that determines a need for services due to  
2.21 limitations caused by the individual's disability;

2.22 (4) resides in or plans to transition to a community-based setting as defined in Code of  
2.23 Federal Regulations, title 42, section 441.301(c); and

2.24 (5) has housing instability evidenced by:

2.25 (i) being homeless or at-risk of homelessness;

2.26 (ii) being in the process of transitioning from, or having transitioned in the past six  
2.27 months from, an institution or segregated setting;

2.28 (iii) being eligible for waiver services under section 256B.0915, 256B.092, or 256B.49;

2.29 or

3.1 (iv) having been identified by a long-term care consultation under section 256B.0911  
3.2 as at risk of institutionalization.

3.3 Subd. 4. **Assessment requirements.** (a) An individual's assessment of functional need  
3.4 must be conducted by one of the following methods:

3.5 (1) a certified assessor according to the criteria established in section 256B.0911,  
3.6 subdivision 3a, using a format established by the commissioner;

3.7 (2) documented need for services as verified by a professional statement of need as  
3.8 defined in section 256I.03, subdivision 12; or

3.9 (3) according to the continuum of care coordinated assessment system established in  
3.10 Code of Federal Regulations, title 24, section 578.3, using a format established by the  
3.11 commissioner.

3.12 (b) An individual must be reassessed within one year of initial assessment, and annually  
3.13 thereafter.

3.14 Subd. 5. **Housing support services.** (a) Housing support services include housing  
3.15 transition services and housing and tenancy sustaining services.

3.16 (b) Housing transition services are defined as:

3.17 (1) tenant screening and housing assessment;

3.18 (2) assistance with the housing search and application process;

3.19 (3) identifying resources to cover one-time moving expenses;

3.20 (4) ensuring a new living arrangement is safe and ready for move-in;

3.21 (5) assisting in arranging for and supporting details of a move; and

3.22 (6) developing a housing support crisis plan.

3.23 (c) Housing and tenancy sustaining services include:

3.24 (1) prevention and early identification of behaviors that may jeopardize continued stable  
3.25 housing;

3.26 (2) education and training on roles, rights, and responsibilities of the tenant and the  
3.27 property manager;

3.28 (3) coaching to develop and maintain key relationships with property managers and  
3.29 neighbors;

4.1 (4) advocacy and referral to community resources to prevent eviction when housing is  
4.2 at risk;

4.3 (5) assistance with housing recertification process;

4.4 (6) coordination with the tenant to regularly review, update, and modify housing support  
4.5 and crisis plan; and

4.6 (7) continuing training on being a good tenant, lease compliance, and household  
4.7 management.

4.8 (d) A housing support service may include person-centered planning for people who are  
4.9 not eligible to receive person-centered planning through any other service, if the  
4.10 person-centered planning is provided by a consultation service provider that is under contract  
4.11 with the department and enrolled as a Minnesota health care program.

4.12 Subd. 6. **Provider qualifications and duties.** A provider eligible for reimbursement  
4.13 under this section shall:

4.14 (1) enroll as a medical assistance Minnesota health care program provider and meet all  
4.15 applicable provider standards and requirements;

4.16 (2) demonstrate compliance with federal and state laws and policies for housing support  
4.17 services as determined by the commissioner;

4.18 (3) comply with background study requirements under chapter 245C and maintain  
4.19 documentation of background study requests and results; and

4.20 (4) directly provide housing support services and not use a subcontractor or reporting  
4.21 agent.

4.22 Subd. 7. **Housing support supplemental service rates.** Supplemental service rates for  
4.23 individuals in settings according to sections 144D.025, 256I.04, subdivision 3, paragraph  
4.24 (a), clause (3), and 256I.05, subdivision 1g, shall be reduced by one-half over a two-year  
4.25 period. This reduction only applies to supplemental service rates for individuals eligible for  
4.26 housing support services under this section.

4.27 **EFFECTIVE DATE.** (a) Subdivisions 1 to 6 are contingent upon federal approval and  
4.28 not effective until nine months after federal approval is obtained. The commissioner of  
4.29 human services shall notify the revisor of statutes when federal approval is obtained.

4.30 (b) Subdivision 7 is contingent upon federal approval of subdivisions 1 to 6 and not  
4.31 effective until ten months after federal approval is obtained. The commissioner of human  
4.32 services shall notify the revisor of statutes when federal approval is obtained.

5.1 Sec. 2. Minnesota Statutes 2016, section 256D.44, subdivision 5, is amended to read:

5.2 Subd. 5. **Special needs.** In addition to the state standards of assistance established in  
5.3 subdivisions 1 to 4, payments are allowed for the following special needs of recipients of  
5.4 Minnesota supplemental aid who are not residents of a nursing home, a regional treatment  
5.5 center, or a group residential housing facility.

5.6 (a) The county agency shall pay a monthly allowance for medically prescribed diets if  
5.7 the cost of those additional dietary needs cannot be met through some other maintenance  
5.8 benefit. The need for special diets or dietary items must be prescribed by a licensed physician.  
5.9 Costs for special diets shall be determined as percentages of the allotment for a one-person  
5.10 household under the thrifty food plan as defined by the United States Department of  
5.11 Agriculture. The types of diets and the percentages of the thrifty food plan that are covered  
5.12 are as follows:

5.13 (1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;

5.14 (2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent of  
5.15 thrifty food plan;

5.16 (3) controlled protein diet, less than 40 grams and requires special products, 125 percent  
5.17 of thrifty food plan;

5.18 (4) low cholesterol diet, 25 percent of thrifty food plan;

5.19 (5) high residue diet, 20 percent of thrifty food plan;

5.20 (6) pregnancy and lactation diet, 35 percent of thrifty food plan;

5.21 (7) gluten-free diet, 25 percent of thrifty food plan;

5.22 (8) lactose-free diet, 25 percent of thrifty food plan;

5.23 (9) antidumping diet, 15 percent of thrifty food plan;

5.24 (10) hypoglycemic diet, 15 percent of thrifty food plan; or

5.25 (11) ketogenic diet, 25 percent of thrifty food plan.

5.26 (b) Payment for nonrecurring special needs must be allowed for necessary home repairs  
5.27 or necessary repairs or replacement of household furniture and appliances using the payment  
5.28 standard of the AFDC program in effect on July 16, 1996, for these expenses, as long as  
5.29 other funding sources are not available.

5.30 (c) A fee for guardian or conservator service is allowed at a reasonable rate negotiated  
5.31 by the county or approved by the court. This rate shall not exceed five percent of the

6.1 assistance unit's gross monthly income up to a maximum of \$100 per month. If the guardian  
6.2 or conservator is a member of the county agency staff, no fee is allowed.

6.3 (d) The county agency shall continue to pay a monthly allowance of \$68 for restaurant  
6.4 meals for a person who was receiving a restaurant meal allowance on June 1, 1990, and  
6.5 who eats two or more meals in a restaurant daily. The allowance must continue until the  
6.6 person has not received Minnesota supplemental aid for one full calendar month or until  
6.7 the person's living arrangement changes and the person no longer meets the criteria for the  
6.8 restaurant meal allowance, whichever occurs first.

6.9 (e) A fee of ten percent of the recipient's gross income or \$25, whichever is less, is  
6.10 allowed for representative payee services provided by an agency that meets the requirements  
6.11 under SSI regulations to charge a fee for representative payee services. This special need  
6.12 is available to all recipients of Minnesota supplemental aid regardless of their living  
6.13 arrangement.

6.14 (f)(1) Notwithstanding the language in this subdivision, an amount equal to one-half of  
6.15 ~~the maximum allotment authorized by the federal Food Stamp Program~~ federal Supplemental  
6.16 Security Income payment amount for a single individual which is in effect on the first day  
6.17 of July of each year will be added to the standards of assistance established in subdivisions  
6.18 1 to 4 for adults under the age of 65 who qualify as shelter needy and are: (i) relocating  
6.19 from an institution, a group residential housing, or an adult mental health residential treatment  
6.20 program under section 256B.0622; or (ii) home and community-based waiver recipients  
6.21 living in their own home or rented or leased apartment ~~which is not owned, operated, or~~  
6.22 ~~controlled by a provider of service not related by blood or marriage, unless allowed under~~  
6.23 ~~paragraph (g).~~

6.24 (2) Notwithstanding subdivision 3, paragraph (c), an individual eligible for the shelter  
6.25 needy benefit under this paragraph is considered a household of one. An eligible individual  
6.26 who receives this benefit prior to age 65 may continue to receive the benefit after the age  
6.27 of 65.

6.28 (3) "Shelter needy" means that the assistance unit incurs monthly shelter costs that exceed  
6.29 40 percent of the assistance unit's gross income before the application of this special needs  
6.30 standard. "Gross income" for the purposes of this section is the applicant's or recipient's  
6.31 income as defined in section 256D.35, subdivision 10, or the standard specified in subdivision  
6.32 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or state housing subsidy,  
6.33 that limits shelter costs to a percentage of gross income, shall not be considered shelter  
6.34 needy for purposes of this paragraph.

7.1 ~~(g) Notwithstanding this subdivision, to access housing and services as provided in~~  
7.2 ~~paragraph (f), the recipient may choose housing that may be owned, operated, or controlled~~  
7.3 ~~by the recipient's service provider. When housing is controlled by the service provider, the~~  
7.4 ~~individual may choose the individual's own service provider as provided in section 256B.49,~~  
7.5 ~~subdivision 23, clause (3). When the housing is controlled by the service provider, the~~  
7.6 ~~service provider shall implement a plan with the recipient to transition the lease to the~~  
7.7 ~~recipient's name. Within two years of signing the initial lease, the service provider shall~~  
7.8 ~~transfer the lease entered into under this subdivision to the recipient. In the event the landlord~~  
7.9 ~~denies this transfer, the commissioner may approve an exception within sufficient time to~~  
7.10 ~~ensure the continued occupancy by the recipient. This paragraph expires June 30, 2016.~~

7.11 **Sec. 3. FEDERAL WAIVER.**

7.12 The commissioner of human services shall seek necessary federal waiver authority to  
7.13 implement the housing support services program under Minnesota Statutes, section 256B.051.

7.14 **EFFECTIVE DATE.** This section is effective the day following final enactment.