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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

1.1 A bill for an act
1.2 relating to human services; creating housing support services; requiring the
1.3 commissioner of human services to seek necessary federal waivers; proposing
1.4 coding for new law in Minnesota Statutes, chapter 256B.

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

1.6 Section 1. 256B.051 HOUSING SUPPORT SERVICES.

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

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

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

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

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

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

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

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

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

2.8 (g) "Segregated setting" means:

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

2.10 (2) a licensed board and lodge facility;

2.11 (3) a licensed boarding care facility;

2.12 (4) a licensed adult foster care;

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

2.14 (6) a supervised living facility.

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

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

2.18 (2) is enrolled in medical assistance;

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

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

2.23 (5) has housing instability evidenced by:

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

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

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

2.28 or

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

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

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

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

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

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

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

3.14 (b) Housing transition services are defined as:

3.15 (1) tenant screening and housing assessment;

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

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

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

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

3.20 (6) developing a housing support crisis plan.

3.21 (c) Housing and tenancy sustaining services include:

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

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

3.26 (3) coaching to develop and maintain key relationships with property managers and
3.27 neighbors;

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

3.30 (5) assistance with housing recertification process;

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

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

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

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

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

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

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

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

4.19 **EFFECTIVE DATE.** This section is effective upon federal approval. The commissioner
4.20 of human services shall notify the revisor of statutes when federal approval is obtained.

4.21 **Sec. 2. FEDERAL WAIVER.**

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

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