



## ASSISTED LIVING IN MINNESOTA

### INFORMATION FOR RESIDENTS AND FAMILIES

Changes effective August 1, 2021

#### What's Happening?

Minnesota assisted living laws and regulations are currently a complex mixture of housing law and health services licensing law. But the system is changing. On **August 1, 2021** all Assisted Living Facilities in Minnesota will have to be licensed – either as an Assisted Living Facility, or an Assisted Living Facility With Dementia Care. Facilities that currently call themselves assisted living therefore have a choice – they can continue operating and get a license, or can choose not to operate any longer.

The Minnesota Department of Health [will begin the licensing process on June 1, 2021](#) and facilities will decide if they will be seeking a license, and which license they will apply for.

#### WHAT DOES IT MEAN FOR AN ASSISTED LIVING FACILITY TO HAVE A LICENSE?

- The new licensing system will mean residents have more rights, including stronger protections against discharge and stronger protections for persons with dementia. It will also provide for stronger oversight of these facilities by the Minnesota Department of Health. Contact a representative of your facility to see if they will be applying for a new license.

#### WHAT HAPPENS IF MY FACILITY DOES NOT GET A LICENSE?

- Facilities must give a **written notice to residents no later than May 31, 2021 if they are not intending** to become a licensed Assisted Living Facility. If this happens, you will have options about what to do next. You may be able to remain in the same setting or, you may need to move to a new setting that provides the services you need. If you have questions, you should contact the [Ombudsman for Long Term Care](#) at **651-431-2555 or 1-800-657-3591**.

#### WHAT HAPPENS IF I DO NOT RECEIVE A NOTICE?

- Many facilities that are already calling themselves an Assisted Living Facility (or Housing with Services) will choose to get a new license. No matter what type of license a facility receives, persons with dementia can live in either Assisted Living or Assisted Living With Dementia Care. If you have questions or concerns, you should contact a representative of the facility. You can also contact the [Ombudsman for Long Term Care](#) or [Minnesota Elder Justice Center](#).



## What Happens Before August 1, 2021?

Even before the new licensing law takes effect, under current law you have protections and rights as a resident in Housing With Services.

### A HOUSING WITH SERVICES FACILITY MUST:

- Allow you to place a camera in your room if you follow instructions on the consent forms that can be found on the [Minnesota Department of Health](#) Website.
- Follow the [Housing With Services Bill of Rights](#).
- Follow landlord-tenant law. This means as a renter, you have rights. If you are evicted, facilities must follow fair housing laws and eviction law.
- Help coordinate a transfer of your services if you have to move.

### THEY CANNOT:

- Retaliate against you. For example, if a resident receives notice of a termination of discharge in response to a complaint made of the resident's care, that may be considered retaliation.
- Discharge you without following landlord-tenant law.
- End your services without giving you notice, or giving you the chance to bring in your own services.
- End your services without providing a notice, which in most circumstances must be 30 days' notice, although sometimes may only be 10 days' notice.

### PANDEMIC EVICTION PROTECTIONS

- Since the beginning of the pandemic, there have been special rules in place about evictions. These rules apply to Assisted Living and Housing With Services. Until those protections are changed or ended, the landlord cannot evict you from your setting.

If you have questions about your facility, are being evicted from the facility, or the facility provides a notice that they are ending your service contract, contact any of the following:

[Minnesota Elder Justice Center](#) at 651-440-9300

[Ombudsman for Long Term Care](#) at 651-431-2555 or 1-800-657-3591

[Law Help MN](#) to find a local legal aid office



## What if I Do Not Live in Assisted Living? How Do I Know?

I'm not sure I'm living in an Assisted Living Facility or Housing With Services. What should I do?

- There are many other types of settings and facilities besides Assisted Living, where people live and receive services. Sometimes it is not easy to tell the difference. [Housing Benefits 101](#) provides a list of various types of settings and further information if you are looking for [a new facility that provides services](#). You may also be able to search for your specific facility on the [Minnesota Department of Health – Health Care Provider Directory](#).

### IF YOU ARE IN ONE OF THE FOLLOWING SETTINGS:

- **Nursing Home:** Ask management to confirm you are in a Nursing Home (sometimes called a Skilled Nursing Facility). There are no new requirements or changes to Nursing Home licensure. As a resident, you have significant protections against unfair discharge and other rights. Contact one of the agencies listed in this factsheet if you have a problem in your Nursing Home.
- **Group Home:** Sometimes called corporate foster care or family adult foster care, these settings serve up to four or five adult residents in a single home. Residents in these settings have significant protections and rights against discharge. If you are having problems in a Group Home, contact any of the resources on this fact sheet or the [Minnesota Disability Law Center](#) at 612-334-5970.
- **Independent Living:** Independent living settings do not have to be licensed. There may be a few basic services provided at these settings. Landlords must follow housing and landlord-tenant law, but you do not have additional protections that are connect to licensed settings.
- **Other Licensed Facilities:** The Department of Health and the Department of Human Services license many other types of facilities including supervised living facilities, intermediate care facilities, mental health facilities, and others. For questions about these facilities – contact any of the resources on this fact sheet, visit the [Department of Health – Health Care Provider Directory](#), or the [Department of Human Services Licensing Look-up](#).

### IF YOU ARE IN A PUBLIC HOUSING FACILITY, YOUR FACILITY WILL FOLLOW DIFFERENT RULES:

- Most public housing settings do not have to get an Assisted Living License and do not have to give you any type of notice related to the assisted living law changes.
- Public housing settings do still have to follow landlord-tenant law. Service providers in public housing settings still have to follow home care service laws. Residents do have rights under the [Homecare Bill of Rights](#).

It may not be easy to tell if you live in one of these public housing settings. You should contact the landlord to ask if they have to get a license. You can also contact the [Ombudsman for Long Term Care](#) at 651-431-2555 or 1-800-657-3591

## Links for Reference

### LINKS FROM PAGE 1:

[MDH Assisted Living License Information](#) -

<https://www.health.state.mn.us/facilities/regulation/assistedliving/factsheets.html>

[Ombudsman for Long Term Care](#) - <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4732-ENG>

[Minnesota Elder Justice Center](#) - <https://elderjusticemn.org/our-services/victim-services/>

### LINKS FROM PAGE 2:

[Minnesota Department of Health](#) - <https://www.health.state.mn.us/facilities/regulation/emonitoring/index.html>

[Housing With Services Bill of Rights](#) -

[https://www.health.state.mn.us/facilities/regulation/billofrights/docs/mn\\_hcboral\\_eng\\_reg.pdf](https://www.health.state.mn.us/facilities/regulation/billofrights/docs/mn_hcboral_eng_reg.pdf)

[Minnesota Elder Justice Center](#) - <https://elderjusticemn.org/our-services/victim-services/>

[Ombudsman for Long Term Care](#) - <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4732-ENG>

[Law Help MN](#) - <https://www.lawhelpmn.org/lawhelpmn-guide>

### LINKS FROM PAGE 3:

[Housing Benefits 101](#) - [https://mn.hb101.org/glossary.htm#\\_aG](https://mn.hb101.org/glossary.htm#_aG) AND <https://mn.hb101.org/nav/programs/>

[Minnesota Department of Health – Health Care Provider Directory](#)

<https://www.health.state.mn.us/facilities/regulation/directory/providerselect.html>

[Department of Health – Health Care Provider Directory](#)

<https://www.health.state.mn.us/facilities/regulation/directory/providerselect.html>

[Department of Human Services Licensing Look-up](#) - <https://licensinglookup.dhs.state.mn.us>

[Homecare Bill of Rights](#) -

[https://www.health.state.mn.us/facilities/regulation/billofrights/docs/mn\\_hcbor\\_eng\\_reg.pdf](https://www.health.state.mn.us/facilities/regulation/billofrights/docs/mn_hcbor_eng_reg.pdf)

[Ombudsman for Long Term Care](#) - <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-4732-ENG>