

52:27D-182 to 52:27D-191

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:27D-182 to 52:27D-191 (Congregate Housing Service Act - establishes system of supportive services)

LAWS 1981 CHAPTER 553

Bill No. A3626

Sponsor(s) Lesniak and Deverin

Date Introduced Nov. 16, 1981

Committee: Assembly Institutions, Health & Welfare

Senate -----

Amended during passage Yes No

Date of Passage: Assembly Jan. 11, 1982

Senate Jan. 11, 1982

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement Yes ~~NR~~

Committee Statement: Assembly Yes ~~NR~~

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports Yes ~~NR~~

Hearings ~~Yes~~ No

974.90 Schoeman, Stephen.  
H842 Congregate housing. Governor's  
1981m Office of Policy and Planning.  
September, 1981. Trenton, 1981.

See attached: Maryland statute on sheltered housing .

6/22/81

CHAPTER 053 LAWS OF N. J. 1981  
APPROVED 1-12-82

ASSEMBLY, No. 3626

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 16, 1981

By Assemblymen LESNIAK and DEVERIN

Referred to Committee on Institutions, Health and Welfare

AN ACT establishing a program of assistance for supportive services in congregate housing facilities in the Department of Community Affairs and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Congregate  
2 Housing Services Act."

1 2. The Legislature finds and declares that: the housing require-  
2 ments of the growing population of senior citizens are significantly  
3 different from the rest of the population due to functional or  
4 social impairments and progressive limitations of mobility and  
5 physical capabilities over time; as a result of the absence of  
6 specially designed housing with supportive services, elderly per-  
7 sons suffering from short-term or permanent disability or the  
8 natural consequences of aging are often subject to inappropriate,  
9 premature or overextended institutionalization resulting in over-  
10 utilization of costly services and the negative impact of the insti-  
11 tutional environment on the individual's emotional and physical  
12 well-being; a need exists to fill this gap in the housing continuum  
13 between independent living and institutionalization for those senior  
14 citizens who do not require highly intensive support systems yet  
15 cannot maintain a totally independent lifestyle; congregate housing  
16 has proven to be a successful and cost effective means of fulfilling  
19 basic shelter and everyday service needs of elderly persons thereby  
20 enabling them to preserve their dignity and independence in a  
21 secure environment.

22 The Legislature further finds and declares that critical defi-  
23 ciencies in the availability of congregate housing services are par-  
24 tially attributable to the inability of a large percentage of the  
25 elderly population on fixed or limited incomes to absorb the cost  
26 of the services as part of the rental payments.

27 The Legislature, therefore, declares it to be the policy of this  
28 State to promote the health, safety and welfare of its senior citizens  
29 by encouraging the development of congregate facilities where none  
30 presently exist and by providing financial assistance to those frail  
31 elderly persons who are in need of basic services but cannot afford  
32 the cost of such services. The Legislature further declares that the  
33 provision of congregate housing service subsidies for frail elderly  
34 persons is a public purpose for which moneys may be expended  
35 or granted and the enactment of this act is in the public interest.

1 3. As used in this act:

2 a. "Commissioner" means the Commissioner of the Department  
3 of Community Affairs or his designee;

4 b. "Congregate housing facility" means that part of a resi-  
5 dential housing facility which incorporates subsidized senior citizen  
6 housing consisting of individualized apartment units and supportive  
7 services needed by project residents who are functionally or  
8 socially impaired to enable them to maintain or to return to a  
9 semi-independent lifestyle and to avoid premature institution-  
10 alization;

11 c. "Department" means the Department of Community  
12 Affairs;

13 d. "Disabled person" means a person having an impairment  
14 which is expected to be of long-continued and indefinite duration  
15 and substantially impedes the person's ability to live independently  
16 unless the person receives supportive services.

17 e. "Eligible participant" refers to a project resident who is of  
18 low income or suffering economic hardships because of medical or  
19 personal reasons and is in need of supportive services but cannot  
20 afford the total cost of such services;

21 f. "Low income" shall be determined by the commissioner  
22 pursuant to regulations promulgated under this act, except that the  
23 commissioner shall take into account the Federal Department of  
24 Housing and Urban Development standards for low income for  
25 the various communities within this State;

26 g. "Project resident" means a disabled person or a person  
27 62 years of age and over who resides in a congregate housing  
28 facility;

29 h. "Qualified housing agency" means any nonprofit or limited  
30 dividend housing sponsor, owner, entity, or individual, or any  
31 municipality, county or public authority constructing, maintaining  
32 or operating a congregate housing facility under a federal low or  
33 moderate income housing program, under a New Jersey Housing  
34 Finance Agency program or under other programs for low and  
35 moderate income occupancy;

36 i. "Service subsidy" means the sum necessary to provide sup-  
37 portive services to an eligible participant in excess of that indi-  
38 vidual's ability to pay for services as determined by regulations  
39 promulgated by the commissioner;

40 j. "Supportive services" includes a meal program which shall  
41 include at least one hot meal a day providing at least one-third of  
42 the Recommended Daily Dietary Allowance as determined by the  
43 Nutrient Standard Method of menu planning, housekeeping assist-  
44 ance, personal care assistance, and other services conducive to the  
45 maintenance of independent living;

1 4. The Commissioner of the Department of Community Affairs  
2 is authorized to enter into contracts with qualified housing agencies  
3 utilizing sums appropriated under this act to provide service sub-  
4 sidies to eligible participants and to establish congregate housing  
5 facilities.

6 The commissioner shall also take such actions as he deems  
7 necessary to implement this act including the provision of advisory  
8 and technical assistance, and training and education programs to  
9 assist housing agencies to develop supportive service programs and  
10 to qualify for financial assistance under this act.

1 5. Whenever any qualified housing agency makes an application  
2 to the Commissioner of the Department of Community Affairs for  
3 assistance under this act, the agency shall include, as part of the  
4 application, a plan specifying the type and priorities of the sup-  
5 portive services it proposes to provide during the term of the  
6 contract. The plan, including fee schedules, shall be related to the  
7-9 needs and characteristics of the project residents eligible for assist-  
10 ance and other residents in need of supportive services.

11 Each application submitted by the housing agency for assistance  
12 under this act shall contain a statement affirming that the sup-  
13 portive services provided will not duplicate any services which are  
14 already accessible, affordable and sufficiently available to eligible  
15 project residents under programs administered by any federal,  
16 State or local agency or any public or private agency or organiza-  
17 tion and that fees established for services provided under this act  
18 are reasonable.

1 6. In evaluating applications for assistance under this act, the  
2 commissioner shall take into consideration:

3 a. The supportive services to be provided and the relationship  
4 of each to the needs and characteristics of the project residents  
5 who are to receive the services;

6 b. How quickly supportive services will be established following  
7 approval of the application;

8 c. The adequacy of local social services in assisting project  
9 residents to maintain independent living and avoid unnecessary  
10 institutionalization;

11 d. The reasonableness of fee schedules established for each  
12 supportive service. These fees shall not exceed the cost of provid-  
13 ing the services.

1 7. The commissioner is authorized to adopt rules and regulations  
2 in accordance with the "Administrative Procedure Act," P. L.  
3 1968, c. 410 (C. 52:14B-1 et seq.) as he may deem necessary to  
4 effectuate the purposes of this act. The rules and regulations shall  
5 provide for at least the following:

6 a. Standards for the provision of supportive services under  
7 this act;

8 b. Procedures for determination of eligible participants of  
9 service subsidies which shall accord each individual fair treatment  
10 and due process;

11 c. Procedures for the review and evaluation of the performance  
12 of the qualified housing agencies under this act;

13 d. An annual evaluation of the effectiveness of the supportive  
14 services program to be submitted by the qualified housing agency  
15 receiving assistance under this act;

16 e. Accounting and other standards to prevent any fraudulent  
17 or inappropriate use of funds under this act;

18 f. Procedures for reallocation of funds if services are not estab-  
19 lished within 6 months after funding approval is granted, if serv-  
20 ices do not meet the standards promulgated under this act, or if  
21 funds are unexpended for whatever reason, except that the 6 month  
22 period may be extended by the commissioner where justified.

1 8. The commissioner is empowered to hire, employ or assign such  
2 secretarial, clerical or other technical or professional personnel as  
3 shall be required to provide technical assistance, conduct perform-  
4 ance evaluations and otherwise secure the accountability of the  
5 qualified housing agency for compliance with the provisions of this  
6 act.

7 The commissioner may, with the approval of the Director of the  
8 Division of Budget and Accounting in the Department of the  
9 Treasury, allocate from any appropriation made to implement  
10 this act, an amount not to exceed \$60,000.00 for the administration  
11 of this act.

1 9. Each qualified housing agency shall, to the maximum extent  
2 practicable, utilize project residents of congregate housing facili-  
3 ties who do not themselves require supportive services, to partici-  
4 pate in providing assistance to eligible participants receiving such

5 services. Such persons shall be paid wages which shall not be lower  
6 than the State minimum wage.

7 Employment provided under this section shall be limited to a  
8 maximum of 5 hours per day and 20 hours per week for each  
9 participating resident. No services or wages provided to an eligible  
10 participant under this act may be treated as income for the pur-  
11 poses of any other program or provision of State law.

1 10. The Commissioner of the Department of Community Affairs  
2 shall report annually to the Legislature an evaluation of the effec-  
3 tiveness of this act. The Legislature shall, upon receiving the  
4 report, issue as it may deem necessary and proper, recommenda-  
5 tions for administrative or legislative changes affecting the imple-  
6 mentation of this act and make appropriations as are necessary to  
7 implement this act.

1 11. There is appropriated to the Department of Community  
2 Affairs from investment income earned on the Casino Revenue  
3 Fund the sum of \$500,000.00 to fund the program of assistance for  
4 supportive services in congregate housing facilities.

1 12. This act shall take effect 180 days after enactment.

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#### STATEMENT

This bill would combine shelter and services for elderly persons who are no longer fully capable of maintaining a completely independent lifestyle and cannot afford to pay the full cost of these services. Congregate services offer elderly persons who are functionally impaired or socially isolated, but otherwise in good health, the residential accommodations and supporting services, they need to maintain or return to a semi-independent lifestyle and prevent premature or unnecessary institutionalization. Congregate housing not only provides a more positive environment than a more institutional setting or nursing facility but it does this at a lower cost.

Congregate Services Programs are also in place in other states including Maryland where the program is referred to as Sheltered Housing. The Division on Aging is currently administering a pilot Congregate Housing Program in twelve housing sites in the counties of Bergen, Passaic, Essex, Monmouth, Mercer and Cumberland. One sponsor has estimated the program has kept five individuals out of nursing homes at a savings of \$30,000.00 for 1 year. The program is currently funded through general revenues but this bill would fund the Congregate Housing Services Program from investment income earned on the Casino Revenue Fund.

A3626 (1981)

ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3626

**STATE OF NEW JERSEY**

DATED: DECEMBER 7, 1981

This bill provides subsidized congregate housing facilities and other supportive services for low income senior citizens and disabled persons who can no longer function independently yet do not need to be institutionalized.

A congregate housing facility consists of individual apartment units in residential housing facilities incorporating subsidized senior citizen housing. Supportive services include at least one hot meal daily, house-keeping assistance, personal care assistance and other services conducive to independent living.

The Division on Aging in the Department of Community Affairs is presently administering a congregate housing program in six counties (Bergen, Cumberland, Essex, Mercer, Monmouth and Passaic). The qualification for receiving a subsidy under this program is based on an individual's income and rent.

The bill appropriates \$500,000 to the Department of Community Affairs from investment income earned on the Casino Revenue Fund.

The committee agrees with the purpose of this legislation and released the bill without amendment.

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ARTICLE 70B.

OFFICE ON AGING.

Sec.

1. "Sheltered housing for elderly" defined.
2. Office on Aging.
3. Commission on Aging.

Sec.

4. Powers of Director.
5. Nursing homes.
6. Powers of Commission.

§ 1. "Sheltered housing for elderly" defined.

"Sheltered housing for elderly" means a form of residential environment consisting of independent living assisted by congregate meals, housekeeping, and personal services, for persons 62 years old or older, who have temporary or periodic difficulties with one or more essential activities of daily living, like feeding, bathing, grooming, dressing, or transferring. (1976, ch. 143, § 2.)

**Editor's note.** — Chapter 261, Acts 1975, effective July 1, 1975, repealed former article 70B, "Commission on the Aging," relating to the State Coordinating Commission on the Problems of the Aging and consisting of §§ 1-6, and enacted present §§ 2 to 6 of new article 70B, entitled "Office on Aging." Repealed §§ 5 and 6 derived from ch. 751, Acts 1973.

Chapter 714, Acts 1975, effective July 1, 1975, amended former § 2, which related to the creation and composition of the Commission, the appointment, qualifications, terms, etc., of the members, their compensation and expenses, and vacancies.

Section 3, ch. 261, Acts 1975, provides that "the present Director and personnel of the Office on Aging created by Executive Order of July 19, 1974, shall continue in their respective positions with the Office on Aging created by this act without any loss or diminution of salary

or benefits; the present members of the Commission on Aging who are eligible to serve pursuant to this act shall continue to serve as members of the Commission on Aging created by this act; the Executive Director and all other personnel of the Commission on Aging shall be transferred to the Office on Aging created by this act, and the Executive Director of the Commission shall assume the position of deputy director on aging within the Office on Aging, all without any loss or diminution of salary or benefits; and all moneys, appropriations, books, records, furniture, assets, and liabilities of the former Commission on Aging and Office on Aging shall be transferred to and become the property, assets, and liabilities of the Office on Aging created by this act."

Chapter 143, Acts 1976, effective July 1, 1976, added present § 1 and renumbered former §§ 1 to 5 to be §§ 2 to 6, respectively.

§ 2. Office on Aging.

(a) The Office on Aging is created as part of the Executive Department. The office consists of a Director on Aging and the Commission on Aging.

(b) The Director on Aging shall be appointed by and serve at the pleasure of the Governor and be directly responsible to him. The Director is responsible for the operation of the office and shall establish guidelines and procedures to promote the orderly and efficient administration of the office. He shall receive the salary provided in the State budget.

(c) The office shall have the assistants, consultants, and employees provided in the State budget. (1975, ch. 261, § 2; 1976, ch. 143, § 1.)



Cross reference. — See Editor's note to § 1 of this article.

§ 3. Commission on Aging.

(a) The Commission on Aging is a part of the Office on Aging and shall exercise the powers and duties specified in this article.

(b) The Commission consists of 13 members appointed by the Governor for terms of four years. Of the thirteen members, one shall be a member of the Senate of Maryland, one shall be a member of the House of Delegates of Maryland and eleven shall be selected to reflect geographic representation and because of their interest in the problems of the aging. Of the thirteen members, not less than seven shall be 55 years of age or over. The Governor shall designate one of the thirteen members as chairman of the Commission. In case of a vacancy, the Governor shall appoint a successor to serve for the remainder of the unexpired term. Members are eligible to serve a maximum of two consecutive terms. This limitation of tenure shall not apply to any service prior to July 1, 1975.

(c) The members of the Commission may not receive any compensation for their services, but shall be reimbursed for their reasonable expenses incurred in the performance of their duties, as provided in the State budget. (1975, ch. 261, § 2; 1976, ch. 143, § 1.)

Cross reference. — See Editor's note to § 1 of this article.

§ 4. Powers of Director.

(a) The Director on Aging shall:

(1) Administer programs and activities delegated by the federal government to the State under the provisions of the Older Americans Act of 1965, as amended, which are not otherwise committed by law to some other unit of State government;

(2) Coordinate, subject to existing law, assess, and evaluate all State and local programs and services, both public and private, insofar as they relate and are important to the well-being of the State's aged, including programs and services in the areas of income maintenance, public health, mental health, housing and urban development, employment, education, recreation, and rehabilitation of the physically and mentally handicapped;

(3) Review and formulate policy recommendations to the Governor on publicly funded plans and programs which have an impact on the aged;

(4) Consult with and advise the secretaries of the principal departments of State government with respect to the programs and services for the aged, for which they are primarily responsible;

(5) Develop and coordinate and coordinate including housing

(6) Cooperate governmental

(7) Consult

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(1) Accept this article;

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(5) Develop a statewide plan incorporating local plans for a comprehensive and coordinated system of health, social, and community services for the aged, including housing, institutional, and noninstitutional care;

(6) Cooperate with and receive the cooperation of State, federal and local governmental units and agencies in effectuating the purposes of this article;

(7) Consult with the Commission on all matters pertaining to programs.

(b) With the prior approval of the Commission on Aging, the Director shall:

(1) Accept and use any State or federal funds for the purposes specified in this article;

(2) Prepare and submit a budget for the Office on Aging in accordance with the normal budget procedures; and

(3) Submit an annual report to the Governor and to the General Assembly on or before January 1 of each year, setting forth the results of any studies and its recommendations, if any, for legislation; and

(4) Subject to § 2 of this article, appoint a deputy director on aging.

(c) With respect to the sheltered housing for elderly, the Director shall:

(1) Develop sheltered housing for the elderly, in conjunction with any public or private profit or nonprofit corporation or any State or federal agency;

(2) Make maximum use of rent and other subsidies available from federal and State sources and provide for subsidies necessary from State general funds to assist low income aged to reside in sheltered housing as an alternative to more costly, but not required, institutional care. Find sponsors or managers for sheltered housing projects;

(3) Assist developers in formulating design concepts and meeting program needs;

(4) When necessary, provide subsidies for congregate meals, housekeeping, and personal services for sheltered housing, and develop eligibility requirements in connection with these subsidies;

(5) Establish standards and guidelines governing the certification and operation of sheltered housing projects; and

(6) Certify and review the compliance of sheltered housing projects with the standards and guidelines established for governing the certification and operation of these projects. (1975, ch. 261, § 2; 1976, ch. 14; ch. 143, §§ 1, 3.)

**Cross reference.** — See Editor's note to § 1 of this article.

### § 5. Nursing homes.

(a) The Director on Aging shall receive and investigate complaints concerning the operations of related institutions, as defined in § 556 (d) of Article 43, and he may, on his own motion, make on-site visits to determine if these institutions are in compliance with applicable laws, rules, and regulations.

(b) If the Director on Aging finds that any such related institution is in violation of any statute, rule, or regulation of any State agency which is directly and specifically charged with the regulations of any aspect of the institution, he or she shall immediately notify that agency in writing of the findings of fact. If the violation or condition is not corrected within a reasonable time, the Director shall, with the prior approval of the Commission, request the State agency to take the steps necessary to bring the institution into compliance, and the agency shall take appropriate action. (1975, ch. 261, § 2; 1976, ch. 143, § 1.)

**Cross reference.** — See Editor's note to § 1 of this article.

**§ 6. Powers of Commission.**

The Commission on Aging shall act as an advisory body to the Office on Aging. The Commission shall, in addition, review and approve all new programs proposed by the Director on Aging before they are implemented, and shall advise on and approve any of the actions of the Director taken pursuant to § 3 (b) [§ 4 (b)] prior to their being implemented. (1975, ch. 261, § 2; 1976, ch. 143, § 1.)

**Cross reference.** — See Editor's note to § 1 of this article.

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Sec.

1. Who may keep
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**§ 1. Who m**

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ARTICLE 70B.  
OFFICE ON AGING.

Sec.

- 1. Definitions.
- 4. Powers of Director.

**Interagency Committee on Aging Services**

- 4A. Committee established.
- 4B. Committee membership; supervision.
- 4C. Powers and duties.
- 4D. Annual report to General Assembly.
- 4E. Family care program of support services.
- 5. Nursing homes.
- 6. Powers of Commission.
- 6A. Single point of entry program established; supervision; services to be provided.
- 6B. Location of single point of entry; availability; personnel.
- 6C. Telephone information and referral service.

**Continuing Care Contracts**

- 7. Definitions.
- 8. Duties of Office on Aging.
- 9. Certificate of registration — Requirement thereof.
- 10. Same — Application.
- 11. Additional requirements of provider; collection and refund of deposits.

**§ 1. Definitions.**

(a) *In general.* — In this article the following words have the meanings indicated.

(b) *Area agency on aging.* — "Area agency on aging" means the local agency designated by the Office on Aging, pursuant to the Older Americans Act of 1965, as amended, within a planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities for the elderly.

(c) *Interagency Committee on Aging Services.* — "Interagency Committee on Aging Services" means the body designated in this article to oversee the coordination and consolidation of services for the elderly in this State.

(d) *Planning and service area.* — "Planning and service area" means a subdivision or subdivisions of the State designated by the Office on Aging, pursuant to the Older Americans Act of 1965, as amended, for the planning and administration of social, health, and other services for the elderly.

(e) *Sheltered housing for elderly.* — "Sheltered housing for elderly" means a form of residential environment consisting of independent living assisted by congregate meals, housekeeping, and personal services, for persons 62 years old or older, who have temporary or periodic difficulties with one or more essential activities of daily living, like feeding, bathing, grooming, dressing, or transferring. (1976, ch. 143, § 2; 1982, chs. 101, 102, 103.)

Sec.

- 12. Removal of records or assets from State.
- 13. Required provisions of agreement.
- 14. Rescission of agreement.
- 15. Discharge of subscriber prior to expiration of agreement.
- 16. Waiver of certain provisions prohibited.
- 17. Inspection and investigation of facilities.
- 18. Violations.
- 19. Actions for recovery of damages.
- 20. Action for equitable relief.
- 21. [Repealed].
- 22. Suspension or revocation of certificate.
- 23. Applicability of other provisions.

**Guardianship Advisory Board**

- 24. Creation; members.

**Community Long-Term Care Program**

- 25. Establishment of pilot program to provide long-term care services to elderly; administration; services; requirements for participation by counties; coordination.

Effect of amendments 102 and 103, Acts 1982, ch. 102, 1982, made identical changes.

**§ 4. Powers of Director**

(a) The Director on Aging shall (1) Administer programs to the State under the government; amended, which are the government;

(2) Evaluate the

(3) Determine the meet the needs of the

(4) Establish programs

(5) Represent the levels of government;

(6) Provide consultation groups developing

(7) Maintain a clear elderly;

(8) Coordinate, local programs and are important to the services in the area housing and urban rehabilitation of the

(9) Review and publicly funded

(10) Consult with State government which they are

(11) Chair the

(12) Develop a and coordinated including housing

(13) Cooperate governmental

(14) Consult with programs; and

(15) Be a member

(b) With the

(1) Accept and this article:

(2) Prepare and the normal budget

(3) Subject to Governor and

**Effect of amendments.** — Chapters 101, 102 and 103, Acts 1982, all effective July 1, 1982, made identical changes. Each designated the former provisions of the section as subsection (e) and added present subsections (a) to (d).

#### § 4. Powers of Director.

(a) The Director on Aging shall:

(1) Administer programs and activities delegated by the federal government to the State under the provisions of the Older Americans Act of 1965, as amended, which are not otherwise committed by law to some other unit of State government;

(2) Evaluate the service needs of elderly persons in the State;

(3) Determine the extent to which existing public and private programs meet the needs of the elderly;

(4) Establish priorities for meeting the needs of the elderly;

(5) Represent the interests of the elderly by serving as an advocate at all levels of government;

(6) Provide consultation and technical assistance to communities and civic groups developing local services for elderly persons;

(7) Maintain a clearinghouse of information related to the interests of the elderly;

(8) Coordinate, subject to existing law, assess, and evaluate all State and local programs and services, both public and private, insofar as they relate and are important to the well-being of the State's aged, including programs and services in the areas of income maintenance, public health, mental health, housing and urban development, employment, education, recreation, and rehabilitation of the physically and mentally handicapped;

(9) Review and formulate policy recommendations to the Governor on publicly funded plans and programs which have an impact on the aged;

(10) Consult with and advise the secretaries of the principal departments of State government with respect to the programs and services for the aged, for which they are primarily responsible;

(11) Chair the Interagency Committee on Aging Services;

(12) Develop a statewide plan incorporating local plans for a comprehensive and coordinated system of health, social, and community services for the aged, including housing, institutional, and noninstitutional care;

(13) Cooperate with and receive the cooperation of State, federal and local governmental units and agencies in effectuating the purposes of this article;

(14) Consult with the Commission on Aging on all matters pertaining to programs; and

(15) Be a member of the Governor's Executive Council.

(b) With the prior approval of the Commission on Aging, the Director shall:

(1) Accept and use any State or federal funds for the purposes specified in this article;

(2) Prepare and submit a budget for the Office on Aging in accordance with the normal budget procedures; and

(3) Subject to Article 40, § 51 of the Code, submit an annual report to the Governor and to the General Assembly on or before January 1 of each year,

setting forth the results of any studies and its recommendations, if any, for legislation; and

(4) Subject to § 2 of this article, appoint a deputy director on aging.

(d) (1) Any person 70 years old or older is eligible for appointment to any permanent merit system position for which he qualifies and the appointment is subject to the provisions of Article 64A.

(2) Any person who is first appointed to a permanent merit system position or unclassified position at the age of 70 or older shall not be eligible for membership in the pension systems of the State.

(3) If a member who is over 70 years old desires to continue employment, the member shall apply for continuation on an annual basis on the form provided by the Secretary of Personnel. The application for continuation of employment, in the first instance, shall be submitted, not less than 30 nor more than 90 days before the end of the fiscal year to the member's department head as well as to the agency that determines a member's employment status. In the case of a department head, the application shall be submitted only to the agency that determines employment status.

(4) If the written notice by the employee is not approved, the employee, on his request, shall be given a hearing before the Maryland Employees Retirement Review Board.

(5) If the written application by the employee is approved, employment shall be authorized for 1 year. Further continuation of employment shall be based on the execution of the appropriate application form not less than 30 nor more than 90 days before each authorized year is completed.

(6) The provisions of this section are of no further effect and may not be enforced after June 30, 1985.

(e) (1) The Director of the Office on Aging shall establish a "golden age card" program and provide a golden age card to any resident of the State who applies to the Office on Aging for a card and who is 65 years of age or older or disabled. The Director shall encourage voluntary programs to provide assistance of any kind to card holders, and encourage support and participation in them by all persons. Card holders shall be entitled to any assistance granted to them by and through these voluntary programs, the laws of this State, or ordinances or resolutions of political subdivisions; however, this subsection does not require any person or organization to provide any assistance to card holders. The Director shall establish and charge a fee of \$1 to accompany application for a card.

(2) Before issuing a golden age card to any person, the Director shall establish the identity of the person who applies for a card and shall ascertain that the person is eligible to receive the card. The Director shall adopt regulations to prevent the issuance of cards to persons not eligible to have them. Cards shall contain the signature of the card holder and any other information the Director considers necessary to carry out the purposes of the golden age card program. Any card that the Director issues may be held in perpetuity by the original card holder and may not be transferable to any other person. A person who loses his card may obtain another card from the office upon providing the same information as was required for the issuance of the original card.

(3) A card holder may not use a golden age card to which the holder is entitled under the code.

(4) As used in this subsection, "disabled" means a person who has been certified as permanently and totally disabled by the Social Security Administration or the United States having the function of a card holder. (1979, ch. 722; 1980, ch. 712, § 2; 1981, ch. 712, § 8.)

**Effect of amendments.** — The 1979 amendment, effective July 1, 1979, added subsection (d).

The 1980 amendment, effective July 1, 1980, substituted "subsection" for "section" twice in paragraph (4) of subsection (d).

The 1981 amendment, effective July 1, 1981, added subsection (e).

Chapter 101, Acts 1982, effective July 1, 1982, added present paragraphs (2) to (7) in subsection (a), renumbered former paragraphs (2) to (4) to be present paragraphs (8) to (10),

#### INTERAGENCY COMMITTEE ON AGING

### § 4A. Committee established.

There is an Interagency Committee on Aging in each State Department. (1982, ch. 101.)

**Editor's note.** — Chapter 101, Acts 1982, effective July 1, 1982, added new §§ 4A to 4D,

### § 4B. Committee membership; supervision.

(a) **Membership.** — The Interagency Committee on Aging shall consist of the following members:

- (1) The Director of the Office on Aging;
- (2) The Secretary of Health and Mental Hygiene;
- (3) The Secretary of Human Resources.

(b) **Supervision.** — The Director of the Office on Aging shall supervise the meetings and supervise the activities of the Interagency Committee on Aging Services. (1982, ch. 101.)

### § 4C. Powers and duties.

(a) **In general.** — In addition to any other powers and duties set forth in this section, the Interagency Committee on Aging shall:

(b) **Meetings; development of annual report and regulations.** — The Committee shall:

- (1) Meet at least quarterly during each year.

(3) A card holder may not use a golden age card except to obtain a benefit to which the holder is entitled under the conditions of the offer.

(4) As used in this subsection, "disabled person" means a person who has been certified as permanently and totally disabled by an agency of this State or the United States having the function of so classifying persons.

(1979, ch. 722; 1980, ch. 712, § 2; 1981, ch. 259; 1982, chs. 101, 254; ch. 911, § 8.)

**Effect of amendments.** — The 1979 amendment, effective July 1, 1979, added subsection (d).

The 1980 amendment, effective July 1, 1980, substituted "subsection" for "section" twice in paragraph (4) of subsection (d).

The 1981 amendment, effective July 1, 1981, added subsection (e).

Chapter 101, Acts 1982, effective July 1, 1982, added present paragraphs (2) to (7) in subsection (a), renumbered former paragraphs (2) to (4) to be present paragraphs (8) to (10),

added present paragraph (11), renumbered former paragraphs (5) to (7) to be present paragraphs (12) to (14) and added paragraph (15).

Chapter 254, Acts 1982, effective July 1, 1982, rewrote subsection (d).

Chapter 911, Acts 1982, effective July 1, 1982, added "subject to Article 40, § 51 of the Code" at the beginning of paragraph (3) of subsection (b).

As the other subsections were not affected by the amendments, they are not set forth above.

#### INTERAGENCY COMMITTEE ON AGING SERVICES

### § 4A. Committee established.

There is an Interagency Committee on Aging Services in the Executive Department. (1982, ch. 101.)

**Editor's note.** — Chapter 101, Acts 1982, effective July 1, 1982, added new §§ 4A to 4D, to be under the new subtitle "Interagency Committee on Aging Services."

### § 4B. Committee membership; supervision.

(a) *Membership.* — The Interagency Committee on Aging Services consists of the following members:

- (1) The Director of the Office on Aging;
- (2) The Secretary of Health and Mental Hygiene; and
- (3) The Secretary of Human Resources.

(b) *Supervision.* — The Director of the Office on Aging shall chair the meetings and supervise the activities of the Interagency Committee on Aging Services. (1982, ch. 101.)

### § 4C. Powers and duties.

(a) *In general.* — In addition to any other powers granted and duties imposed by this subtitle, the Interagency Committee on Aging Services has the powers and duties set forth in this section.

(b) *Meetings; development of annual services plan; interagency agreement; rules and regulations.* — The Committee shall:

- (1) Meet at least quarterly during each year;