

**PETERSBURG BOROUGH
ORDINANCE #2020-01**

**AN ORDINANCE AMENDING PETERSBURG MUNICIPAL CODE CHAPTER 14.30 TITLED
"MOUNTAIN VIEW MANOR ELDERLY HOUSING AND ASSISTED LIVING FACILITY" TO
INCREASE ASSISTED LIVING RENTAL AND SERVICE RATES AND TO ADD A NEW
LEVEL IV OF ASSISTED LIVING CARE**

WHEREAS, Mountain View Manor Assisted Living Facility has operated at a financial loss for many years and has been subsidized annually by the general fund; and

WHEREAS, rental and service rates for the Assisted Living Facility were last adjusted in June, 2018 and are currently lower than comparable facilities in Alaska; and

WHEREAS, with the intent to establish rents and service charges for the facility that will provide revenues to sustain operation and maintenance expenses of the facility per code, the Petersburg Borough Assembly wishes to increase assisted living rental and service rates and add a new level of care in the Assisted Living Facility.

THEREFORE THE PETERSBURG BOROUGH ORDAINS as follows:

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to increase assisted living rental and service rates and to add a new Level IV of assisted living care.

Section 3. Substantive Provisions: Chapter 14.30 of the Petersburg Borough Municipal Code shall be amended to read as follows (the language proposed for deletion is struck through and the language proposed for addition is underlined):

Chapter 14.30 - MOUNTAIN VIEW MANOR ELDERLY HOUSING AND ASSISTED LIVING FACILITY

14.30.010 - Background information, purpose and intent of this chapter.

- A. Mountain View Manor (hereinafter, the "facility") is an elderly housing and assisted living facility owned and operated by the Petersburg Borough. The older portion of the facility, constructed in 1982, consists of low and moderate income elderly housing units, where the rent is subsidized by the U.S. Department of Housing and Urban Development (HUD). The newer portion of the facility, constructed in 2004, consists of assisted living housing units. Federal or state subsidized eligible residents pay monthly rent based on their individual income qualification determinations.
- B. Mountain View Manor shall be governed by this chapter and any state or federal law or regulation that may supersede this chapter.
- C. This chapter is intended to establish rents and service charges for the facility that will provide revenues to sustain operation and maintenance expenses of the facility. This chapter is also intended to provide regulations for the operation of the facility for circumstances where the authority to prescribe regulations is not pre-empted by law or regulation of the state or federal governments.

14.30.020 - Elderly housing rental rates.

The rental rates for the subsidized elderly housing units shall be market rates as set approved by ~~the Alaska Housing Finance Corporation HUD as adjusted~~ on an annual basis.

14.30.030 - Assisted living rental rates, food and service charges.

- A. Residents of the assisted living units with independent care plans shall pay monthly rent ~~based on market rate elderly housing units for one and two bedroom units as approved by the Alaska Housing Finance Corporation or~~ at a rate set by the joint discretion of the finance director and elderly housing/assisted living director.
- B. Residents of the assisted living units with care plans requiring assistance shall pay rent, food and basic service charges, per unit, as follows:

1. Rent:

(a) For the months of April-December of calendar year 2020, the sum of One thousand twenty-five one hundred dollars (\$1,100) per month;

(b) For calendar year 2021, the sum of One thousand two hundred dollars (\$1,200) per month;

(c) For calendar year 2022, the sum of One thousand three hundred dollars (\$1,300) per month;

(d) For calendar year 2023 and thereafter, the sum of One thousand four hundred dollars (\$1,400) per month, or ninety-percent (90%) of market rent applicable to the Section 8 subsidized elderly housing units for one and two bedroom units as approved by the Alaska Housing Finance Corporation and adjusted on an annual basis, whichever is greater.

2. Food: Three hundred fifty dollars (\$350.00) per month.

3. Service charges:

Self-pay units	<u>Four thousand eight hundred eighty dollars \$3,860.00-(\$ 4,880.00)</u> per month for basic care
	Double occupancy: An additional <u>\$700.00- Nine hundred dollars (\$900.00)</u> per month
Medicaid subsidized units	Service charges as approved and adjusted from time to time by Medicaid and Alaska Housing Finance Corporation

- C. Residents in assisted living units who require more care than required for basic care shall be charged for additional services based on a personal assessment determined by an accumulative point system established by this assisted living service plan:

Basic care (0—15 points)	No additional charge
Level I care (16—30 points)	Three hundred fifty <u>dollars (\$350.00)</u> per month
Level II care (31—45 points)	Five hundred fifty <u>dollars \$550.00)</u> per month
Level III care (46—60 points)	Seven hundred fifty <u>dollars (\$750.00)</u> per month
<u>Level IV care (61+ points)</u>	<u>One thousand dollars (\$1,000.00) per month</u>

- D. The elderly housing/assisted living director may increase the number of Medicaid assisted living units when there are no potential self-pay tenants on the waiting list.

14.30.040 - Additional services.

- A. Residents may purchase additional services provided by the facility by paying service charges as follows:

Basic cable TV	\$18.00 per month, plus any additional charges for channels above basic service
Laundry	\$10.00 per month
Covered parking	\$10.00 per month

- B. At the discretion of the housing director, individuals or groups may rent the elderly housing kitchen and/or dining/social hall at the following rates:

Kitchen	\$15.00 per hour
Social/dining hall	\$75.00 per day
	\$50.00 per evening

Social/dining hall rental rates may be waived for Mountain View Manor residents.

14.30.050 - Billing or payment errors -- Refunds and rebates.

- A. The finance director and elderly housing/assisted living director may, by joint action, issue a refund to a resident in the event of an error in billing or payment of rental rates or service charges. Any such claim of error shall be promptly submitted in writing to the director or the director's designee.
- B. In the event that any disputed billing or payment claim is not resolved to the satisfaction of the resident under (A) above within thirty (30) days of submission of the claim, the resident may submit the dispute to the borough manager. If the dispute is not resolved within thirty (30) days thereafter, the resident may submit a request for refund to the borough assembly, by delivery of a written request for refund to the borough clerk, accompanied by all relevant documentation regarding the claim and demonstrating prior submittal of the claim to the director and to the borough manager. The assembly shall take up the matter at its next regular meeting occurring at least fifteen (15) days after the request is submitted. The borough assembly, by resolution, may refund or rebate any user fees or charges collected for service in any manner deemed appropriate and on an equal basis to the affected users.
- C. The borough assembly may authorize, by resolution, the issuance of rRefunds or rebates to existing residents, on an equitable basis, shall only be made when the facility receives unanticipated revenues from funding sources outside the facility's rate structure. Refunds or rebates may also be used to postpone or lessen a planned rate increase but only to the extent of the amount of the refund or rebate.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall be effective April 1, 2020.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2020.

Attest:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: