

Testimony on HB 1332
House Human Services Committee
January 26, 2021

Good morning Chairman Weisz and members of the House Human Services Committee. My name is Shelly Peterson, President of the North Dakota Long Term Care Association. We represent 211 assisted living, basic care, and skilled nursing facilities in North Dakota. I am here in support of HB 1332.

What we are striving to accomplish in HB 1332 is to extend the basic care and nursing facility moratorium through July 31, 2023, continue the same exceptions to the basic care moratorium, (for entities to get free beds if they can prove any unmet need), and to allow nursing facilities to change their bed capacity twice, (rather than once), in a 12 month period.

Section 1: Continues the basic care moratorium through July 31, 2023.

Section 2: Continues the nursing facility moratorium through July 31, 2023 and allows nursing facilities to make bed changes twice a year rather than once.

The primary purpose of this legislation is to limit any expansion of basic care beds, (other than DHS and DOH approving based upon need), and nursing facility beds. Why is this necessary when on 1-14-21 we had 1226 open nursing facility beds and 595 open basic care beds? Is there a risk, would anyone want to open a new basic care or nursing facility with the inherent risk of COVID and the lack of demand right now?

We continue to believe it is the best public policy to limit the expansion of the state's institutional expansion capacity. The state just settled the Department of Justice case where it was alleged North Dakota was not providing its citizens with all of the options to live in the most integrated independent setting. Why would we want to go in the opposite direction and potentially open up additional institutional capacity?

Under the moratorium we have had a good re-distribution of nursing facility beds from low demand areas to high demand areas. See the attached chart that displays the changes in our four most populated areas from 2009-2020 (Appendix A).

Today we are experiencing an unprecedented decline in occupancy. As shared with you in the hearing on HB 1065, we have 62 of 79 nursing facilities under 90% occupancy. In the June 30, 2020 cost report, we had 24 nursing facilities lose \$3.7 million in lost reimbursement caused by the occupancy penalty. I wish \$3.7 million was our only loss. Most facilities at this point in time are financially frail, with revenue plummeting and expenses at an all-time high.

At the end of the 2019 legislative session, I became aware of a new LLC-Southwest Crossing that was seeking approval to build a new continuum care retirement community in Minot, ND. They were seeking a zoning change with the city to build 110 assisted living units, 47 memory care, (basic care) units, 197 independent living units, and in the final phase, a 200 bed nursing facility, see Appendix B.

Now see Appendix C, which shows the basic care and nursing facilities in the Minot/Williston area licensed capacity and their occupancy on 1-14-21. I believe a question was raised in the hearing on HB 1065 asking how

a facility could operate when their occupancy has dropped so significantly, they cannot, and they are not. Just as we were surprised when Lutheran Social Services, a 100 year old organization, announced closing and bankruptcy. I fear for the long term care facilities that some may face that same fate.

I reached out to the LLC that is interested in investing and building a new continuum of care facility in Minot. In 2019 I told them about the moratorium and said we would help them identify potential beds to buy for their project. They were not fully aware of the moratorium at the time. I also reached out to them last week to see what their current plans are. They indicated they were still interested in building the facility and are currently evaluating and updating their feasibility study and management options. I told them we would be asking the legislature to continue the moratorium. He indicated they were exploring with some facility(s) options to purchase their existing beds/operations.

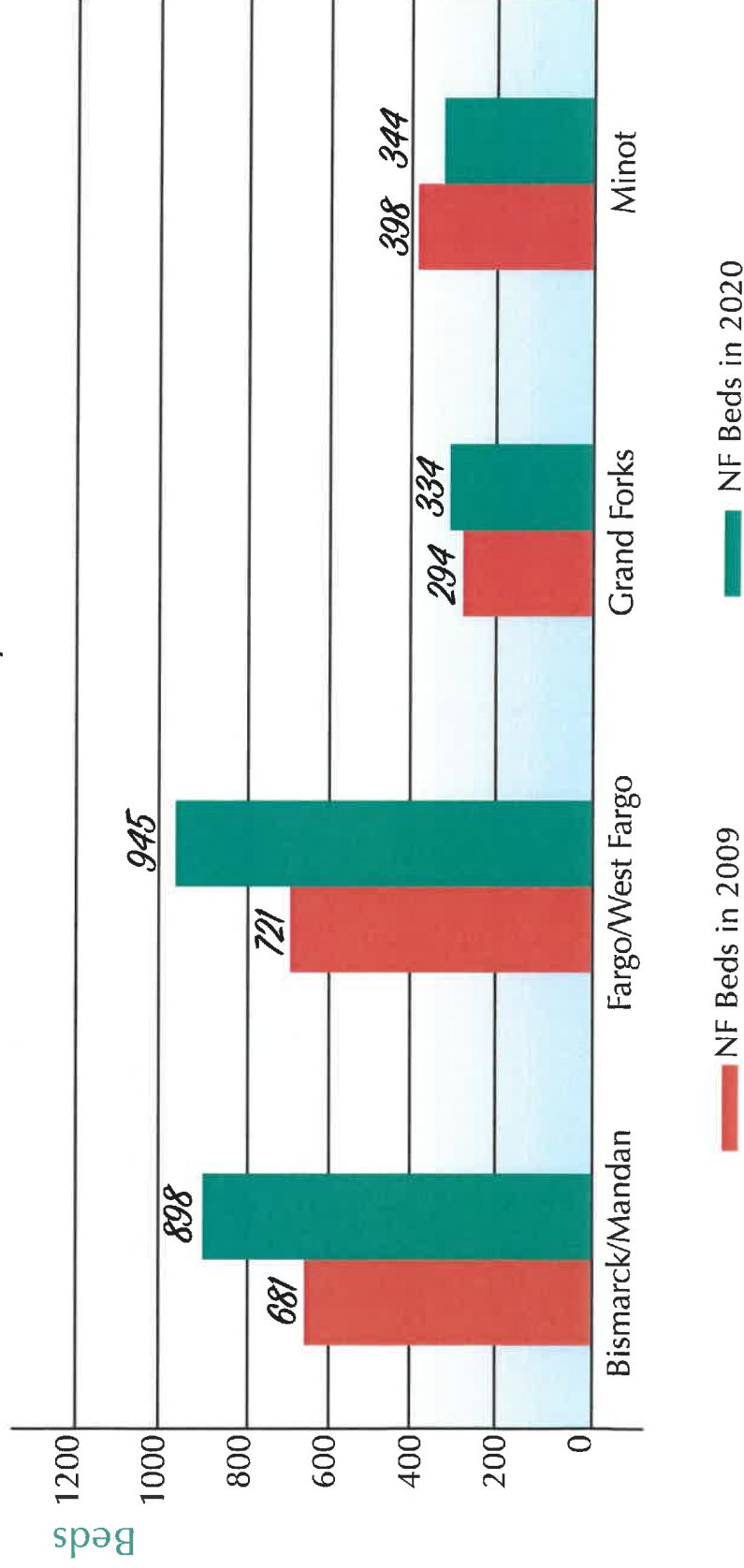
I think this is a win-win situation for all facilities and the state of North Dakota. The alternative of adding 200 nursing facility beds and 47 memory care beds in an already saturated region would further strain the already frail condition of facilities.

In closing I ask for your support of the moratorium and the flexibility to change bed capacity twice a year.

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Licensed Nursing Facility Beds for the 4 Major Cities

2009 & 2020 Comparative



ENLARGED VIEW



Phase One.

ALF and MCU targeted for the fall of 2020.

The ALF and MCU are shown in red.

CRITERIA	ASSISTED LIVING FACILITY	MEMORY CARE UNIT
Legal Description/Size of Parcel	Lot 1, Block 2 4.745 acres	Lot 2, Block 1 2.614 acres
Proposed zoning	RM	RH
Existing Zoning	R3	R4
Max Building Height/Stories Allowed	45/3	45/3
Building Height/Stories Proposed	40/4	16/1
# Units	110	47
Max Units/Acre Density Allowed	16 units/AC	24 units/AC
Units/Acre Density Proposed	23.18 units/AC	17.98 units/AC
Required Parking	55/3 HC/1 VAN	24/2HC/1 VAN
Provided Parking	64/4 HC/1 VAN	25/2HC/1 VAN

Phase Two.

ILF shown in Blue. Projected completion late 2021.

CRITERIA	INDEPENDENT LIVING FACILITY
Legal Description/Size	Lot 2, Block 2 8.405 acres
Proposed Zoning	RH
Existing Zoning	R3

Max Building Height/Stories Allowed	45/3
Building Height/Stories Proposed	50/4
# Units	197 units
Max units/acre density allowed	24 units/AC
Units/acre density proposed	23.44 units/AC
Required Parking	247 + 99 demonstrated = 346
Provided Parking	178 (deficit of 69 spaces, demonstrated parking not addressed)

Phase Three.

SNF shown in yellow. Projected completion late summer 2022.

Twin homes are included in this phase. Staff does not consider the twin homes to be part of this PUD application. Insufficient information is provided to warrant approval.

CRITERIA	SKILLED NURSING FACILITY
Legal Description/Size	Lot, Block 1 6.591 acres
Proposed Zoning	RH
Existing Zoning	RH
Max Building Height/Stories Allowed	45/3
Building Height/Stories Proposed	TBD
# Units	200 beds
Max units/acre density allowed	24 units/AC
Units/acre density proposed	30.34 units/AC
Required Parking	84
Provided Parking	134 (50 more than required)

Phase Four.

Gated Retirement Twin Home Community. No information provided. Phase Four is considered a future phase by staff. Planning Commission and City Council approval will be required.

The highlighted areas in the tables represent areas of concern or discrepancies between what is proposed in the PUD application and what the development standards are in the zoning ordinance. It should be noted that a CCRC is somewhat unique as we attempt to apply development standards. This campus is intended to serve an elderly population, many of whom will not drive a vehicle, however, the parking requirements in the Minot ordinance for the ILF, for example, account for the elderly factor. Still, the number of spaces required and proposed are substantially different.

Proposed density is generally calculated based on the standard planning formula of dwelling units per acre. While this formula works well for most types of housing, some aspects of the CCRC do not fit the same

Amenities Plan



CONCEPTUAL PUD AMENITIES SITE PLAN SOUTHWEST CROSSING CCRC MINOT, ND

LIST OF AMENITIES AND OUTDOOR FEATURES

- ① WATER FEATURE
PICTURE B
- ② COVERED ENTRY
PICTURE C
- ③ MINI GOLF
PICTURE D
- ④ GAZEBO
PICTURE E
- ⑤ LANDSCAPED DRIVEWAY MEDIAN
PICTURE F AND I
- ⑥ HARDSCAPED COURTYARD, OUTDOOR KITCHEN
PICTURE G
- ⑦ LANDSCAPED COURTYARD
PICTURE H, J AND K
- ⑧ THERAPY COURTYARD
PICTURE L AND M
- ⑨ DOG WALKING PARK
- ⑩ GARDENED AREA
- ⑪ PICNIC TABLES AND BENCHES

Indoor amenities that will be included in the design are as follows:

- Automatic entrances with airlock vestibule (one double set for ALF, ILF, MCF, SNF)
- Ice Cream Parlor/Café (one each ALF, ILF, MCF, SNF)
- Central Dining Room (one each ALF, ILF, MCU, SNF)
- Private Dining Room by Special Reservation (one each ALF, ILF, MCU, SNF)
- Library and Newsprint Lounge (one each ALF, ILF, SNF)
- Gift and Convenience Shop (one each ALF, ILF, SNF)
- Beauty and barber Salon (one each ALF, ILF, MCU, SNF)
- Craft Room and Art Studio (one each ALF, ILF, MCU, SNF)
- Billiards Room (ILF)
- Game and Activity Rooms (one each ALF, ILF, MCU, SNF)
- Resident Computer Lab (one each ALF, ILF)
- Living Room (one each ALF, ILF, MCU, SNF)
- TV Lounges (ALF, ILF, MCU, SNF)
- Multi-Media Theater/Performing Arts Center and Meeting Room (one each ALF, ILF)
- Meeting Room with Event Kitchen (ILF)
- Home Health Center with Exam Room and Visiting Doctors Office (ILF)
- Inpatient/Outpatient PT and OT (SNF)
- Gymnasium Fitness Center (one each ALF, ILF)
- Indoor Swimming Pool with Swim Jet (ILF)
- Hot Tub/Spa (ILF)

Outdoor Amenities.

- Seventy-eight (78) Resident Garage Parking Spaces with Valet Parking Service
- Outdoor gazebo Lounge (LAF, ILF, MCF)
- Outdoor Fireplace (ILF)
- Doggie Park (ILF)
- Putting Green (ILF)
- Shuffleboard Court (ILF)

- Outdoor Barbecue Lounge (ILF)
- Arbor (ALF, ILF, MCU, SNF)
- Multiple Water Features (ALF, ILF, MCU, SNF)
- Walking Path Open to the Public with a Park Setting includes Picnic Tables and Benches (loos through all phases of the project).

In addition, the applications states;

All landscape and hardscape design and materials are to be submitted for approval as a condition of any permits issued. The pictures provided are examples of the level of landscaping that will be used in the design and construction. All street landscape buffers will meet or exceed Minot requirements including spacing and size of tree plantings. The run-off from impervious surfaces added will be handled on-site and be an integral part of the landscape design, providing any needed bio-swales, retention, or detention of run-off. These phases will be completely compatible with the existing design of the Southwest Crossing Development.

PHOTOS.



EXAMPLE OF COVERED DRIVE THROUGH



EXAMPLE OF COVERED DRIVE THROUGH



EXAMPLE OF TYPICAL BUILDING



EXAMPLE WATER FEATURE





Rezoning.

The applicant is requesting rezoning from Districts R4, R3, R3C, and R2 to RM and RH (see Existing Zoning exhibit). See previously presented tables for zoning designations.

EXISTING ZONING

Facility Name	County	Total number of licensed beds	Total number of beds occupied for week of 01-19-21	% Occupied
BASIC CARE				
Minot - Edgewood Memory Care South	Ward	28	22	79%
Minot - Edgewood Vista Memory Care BCF	Ward	22	18	82%
Minot - Edgewood Vista Minot Senior Living BCF	Ward	133	97	73%
Minot - Maple View Memory Care BCF	Ward	43	32	74%
Rugby - Haaland Estates BCF	Pierce	60	32	53%
Williston - Bethel Lutheran Nursing & Rehab Center BCF	Williams	19	5	26%
AVERAGE OCCUPANCY		305	206	68%

Facility Name	County	Total number of licensed beds	Total number of beds occupied for week of 01-19-21	% Occupied
NURSING FACILITY				
Bottineau - Good Samaritan Society SNF	Bottineau	48	28	58%
Crosby - St. Luke's Sunrise Care Center SNF	Divide	35	26	74%
Dunseith - Community Nursing Home SNF	Rolette	28	22	79%
Minot - Trinity Homes SNF	Ward	230	113	49%
Minot - Minot Health and Rehab SNF	Ward	114	46	40%
Mohall - Good Samaritan Society SNF	Renville	51	32	63%
Rolette - Rolette Community Care Center SNF	Rolette	42	29	69%
Rugby - Heart of America Medical Center & LTC SNF	Pierce	55	35	64%
Stanley - Mountrail Bethel Home SNF	Mountrail	36	30	83%
Tioga - Tioga Medical Center LTC SNF	Williams	30	21	70%
Velva - Souris Valley Care Center SNF	McHenry	44	27	61%
Watford City - McKenzie Cty Healthcare Systems SNF	McKenzie	41	35	85%
Williston - Bethel Lutheran Nursing & Rehab Center SNF	Williams	150	107	71%
TOTAL		904	551	61%

New Town- Lakeside Community Living Ctr - AL/BC

Mountrail

19 units CLOSED 12-31-19