

**Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES**  
**Division 15—Division of Senior and Disability Services**  
**Chapter 4—Older Americans Act**

**PROPOSED AMENDMENT**

**19 CSR 15-4.175 Funding for [Acquisition or Construction of Multipurpose Senior Centers] Establishment, Maintenance, Modernization, Acquisition, or Construction of Multipurpose Senior Centers.** The department is amending sections (1) – (18), (20) and (21).

*PURPOSE: This amendment updates the purpose, terminology, legal authority, procedures, and guidance.*

*PURPOSE: This rule sets forth the procedures and guidance mandated in 42 U.S.C. 3030b and Administration on Aging PI-91-04 for financing [building acquisitions or improvements] **the establishment, maintenance, modernization, acquisition, or construction of multipurpose senior centers** with funding received from the division.*

(1) The requirements of this rule apply to the use of division funding *[to acquire, construct, alter or renovate multipurpose senior centers]* **for establishment, maintenance, modernization, acquisition, or construction of multipurpose senior centers.** The requirements apply whether division funding is used to finance the cost in whole or in part.

(2) Area agencies **on aging** may utilize supportive services funding received from the division to finance the acquisition, *[construction, alteration or renovation of multipurpose senior centers]* **establishment, maintenance, modernization, or construction of multipurpose senior centers** only where an area plan or area plan update has been approved by the division, where funding has been explicitly identified and designated in the plan or plan update for the named center and where—

(A) The center is operated under an approved direct service waiver where title to the structure is held by the area agency **on aging**; or

(3) Area agencies **on aging** must notify the division in writing within thirty (30) days of any decision to acquire, *[construct, alter or renovate a center]* **establish, maintain, modernize, or construct a multipurpose senior center.** The notification must include:

(D) Nature of the project funded (acquisition, establishment, *[construction, alteration or renovation]* **maintenance, modernization, or construction**);

(E) Name and address of grantee, where applicable; *[and]*

(F) Name and address of the center*[.]*; **and**

**(G) A plan to use the skills and services of older adults in paid and unpaid work, including multigenerational and older adult to work.**

(4) Total cost, for the purposes of this rule, includes all costs incurred by the title holder whether financed with division funding, other area agency **on aging** funding or funding from third parties. Total cost does not include the value of any third-party in-kind contributions.

(5) Funding under the **area agency[’s] on aging’s** grant/contract with the division, for the purposes of this rule, includes funding received from the division and funding counted toward satisfying any matching requirement for receipt of division funding.

(6) Area agencies **on aging** must file the following notice of record with the appropriate unit of local government when acquiring or constructing an agency-owned center:

“This is to serve as notice to all potential sellers, purchasers, transferors and recipients of a transfer of the real property described below as to the federal government’s reversionary interests as set forth in section 312 of the Older Americans Act of 1965, as amended, *[in 1987]* 42 U.S.C. 3030b, which have arisen as a result of (grantee’s name) receipt and use of Department of Health and Human Services’ grant funds in connection with the purchase or construction of said property. The property to which this notice is applicable is (address) and identified as parcel (insert appropriate number(s)) in the books and records of (insert appropriate name of local unit of government’s recording agency). Said real property is also described as: (insert description provided in survey). Further information as to the federal government’s interest referred to above can be obtained from: (name and address of area agency on aging).”

(7) Area agencies **on aging** must include a requirement in all grant awards for acquisition, *[or construction of a center]* **establishment, maintenance, modernization, or construction of a multipurpose senior center** that the grantee file the notice of record detailed in section (6) and deliver a copy of the filed notice to the agency.

(8) Within thirty (30) days of the filing date, area agencies **on aging** must deliver a copy of all filed notice of records to the division.

(9) Area agencies **on aging** must notify the division in writing within thirty (30) days when—

(A) The **area agency[’s] on aging’s** board of directors approves additional funding for *[a center]* acquisition, *[construction, alteration or renovation]* **establishment, maintenance, modernization, or construction of a multipurpose senior center** project;

(B) The **area agency on aging’s** board of directors approves funding *[to alter or renovate a center acquired or constructed]* **for acquisition, establishment, maintenance, modernization, or construction of a multipurpose senior center** with division funding;

(10) Area agencies **on aging** must maintain a perpetual inventory listing of all multipurpose senior centers **acquired, [acquisitions, constructions, alterations or renovations] established, maintained, modernized, or constructed** financed with division funding.

(11) The inventory listing must include all centers whether owned by the area agency **on aging** or by a public or nonprofit private organization.

(12) The inventory listing must include the following information:

(A) Date the project was approved by the **area agency[’s] on aging’s** board of directors;

(B) Amount approved by the **area agency on aging’s** board of directors for the project;

(C) Percentage of total cost which will be paid from funding under the **area agency[’s] on aging’s** grant/contract with the division;

(D) Nature of the project funded (acquisition, *[construction, alteration or renovation]* **establishment, maintenance, modernization, or construction of multipurpose senior centers**);

(13) Area agencies **on aging** must update the inventory when any of the following occur:

(A) The **area agency on aging’s** board of directors approves new or additional funding for a public or nonprofit private organization to acquire, *[construct, alter or renovate a center]* **establish, maintain, modernize, or construct a multipurpose senior center**;

(B) The **area agency on aging's board of directors** approves new or additional funding to *[construct, alter or renovate an agency-owned center]* **acquire, establish, maintain, modernize, or construct a multipurpose senior center;**

(14) The area agency **on aging** must maintain an annual inventory listing and provide a copy to the division upon request.

(15) The division shall be entitled to recover funds from an area agency **on aging** when a multipurpose senior center within ten (10) years after acquisition, **establishment, maintenance, modernization, or construction** or within twenty (20) years after completion of construction ceases to be—

(B) Used for the purpose for which it was acquired, *[constructed, altered or renovated]* **established, maintained, modernized, or constructed.**

(16) The amount recoverable by the division shall be a percentage of current market value. The percentage shall be equivalent to the percentage of funds contributed under the **area agency[ 's] on aging's** grant/contract with the division to the total original cost of the acquisition, *[or construction]* **establishment, maintenance, modernization, or construction of multipurpose senior centers.**

(17) Area agencies **on aging** are encouraged to enter into legally binding agreements with the grantees permitting the area agency **on aging** to recover an equivalent amount of funding. The division shall be entitled to recover the full amount from the area agency **on aging** regardless of the area agency[ 's] **on aging's** ability to recover funding from a grantee.

(18) An area agency **on aging** may petition for waiver of recovery by submitting a written request within thirty (30) days of any event outlined in section (15). The request must detail the reason(s) the area agency **on aging** believes good cause exists for releasing the agency from the obligation.

(20) Area agencies **on aging** must maintain the following on file:

(B) Records documenting the amount of total costs paid with funding under the **area agency[ 's] on aging's** grant/contract with the division;

(21) Area agencies **on aging** must maintain all material listed in section (20) applicable to a center for three (3) years after the division obtains an independent audit in conformance with federal Office of Management and Budget requirements covering the period in which—

(C) Ten (10) years have elapsed from the time division funding was used to acquire, *[the facility]* **establish, maintain, or modernize, [or construction] the multipurpose senior center;** or

(D) Twenty (20) years have elapsed from the time division funding was used to construct the *[facility]* **multipurpose senior center.**

*AUTHORITY: section [660.050]192.2000, RSMo [Supp. 1999]2016.\* This rule previously filed as 13 CSR 15-4.175. Original rule filed Feb. 11, 1992, effective June 25, 1992. Amended: Filed Aug. 28, 2000, effective March 30, 2001. Moved to 19 CSR 15-4.175, effective Aug. 28, 2001.*

*\*Original authority: 660.050, RSMo 1984, amended 1988, 1992, 1993, 1994, 1995.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Health and Senior Services, Division of Senior and Disability Services, Melanie Highland, Division, Director, PO Box 570, Jefferson City, MO 65102-0570. Telephone: (573) 526-3626. Email: DSDSDirectorsOffice@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*