

16-08-010 Residential Facilities for Elderly Persons.

1. A residential facility for elderly persons may not operate as a business.
2. A residential facility for elderly persons shall:
 - a. Be owned by one of the residents or by an immediate family member of one of the residents, or by an eleemosynary, charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;
 - b. Be consistent with existing zoning of the desired location;
 - c. Be occupied on a 24 hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and
 - d. conform with applicable standards of the Department of Human Services and be licensed and inspected by that department.
3. A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.
 - a. The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15% of that fee.
 - b. A person charging a fee shall:
 - i. keep a record of all expenses and costs related to the fee; and
 - ii. make a record available for inspection by any resident of the facility, the Department of Human Services, and local building officials.