



OTHER STATES' LAWS ON TEMPORARY HEALTHCARE STRUCTURES

By: Rute Pinho, Principal Analyst
Julia Singer Bansal, Associate Analyst

Temporary Healthcare Structures (THSs)

THSs are small, self-contained, prefabricated dwellings that are temporarily placed on residential property, allowing individuals living in the principal dwelling to care for the THS occupant. Often, THSs are used to help seniors and people with mental or physical disabilities delay or avoid entering long-term care facilities. THSs are often equipped with technology that monitors vital signs, filters air contaminants, allows communication with offsite caregivers via video and cell phone, sends medication reminders, and alerts caregivers if an occupant falls. Generally, THSs cost significantly less than institutional care and can be acquired new or used and sold once they are no longer needed.

mental or physical impairment). Each law specifies who is eligible to live in a THS and who may serve as a caregiver to a THS occupant, addresses the applicability of local zoning regulations to THS siting, establishes structural requirements and a permitting procedure, and specifies when THSs must be removed from a property. Each state's law is more fully described in Table 1 below.

ISSUE

Describe laws in other states concerning temporary healthcare structures, including how the laws treat such structures for zoning and tax purposes.

(This report does not address laws that apply generally to small or temporary dwellings such as "tiny homes," recreational vehicles, in-law apartments, or guest cottages. THSs (also referred to as "granny pods" or "MEDcottages") are distinguishable from these structures because they are designed for individuals who need assistance with daily living activities.)

SUMMARY

We identified four states (Minnesota, North Carolina, Tennessee, and Virginia) with laws establishing uniform requirements for siting THSs. The four laws contain similar provisions requiring, for protection under the law, THSs to provide an environment that facilitates the care of a qualifying occupant (i.e., an individual with a



The primary difference in the laws is that Minnesota and Tennessee make compliance a local option. Minnesota's law allows counties to opt out of the law by passing a resolution. It also exempts counties from complying with the law if they have designated THSs as permitted uses. Tennessee's law allows (but does not require) zoning ordinances to consider THSs as a permitted accessory use.

Additionally, the following are provisions that are unique to one state:

- North Carolina specifies how THSs must be treated for tax purposes;
- Virginia allows more than one person to occupy a THS;
- Minnesota limits to one year the length of time a THS may be located on a property;
- Minnesota requires THS permit applicants to notify adjacent property owners and residents of their intention to locate a THS on the applicant's property; and
- Minnesota lacks a prohibition on signage, located on the structure or on the property on which it sits, advertising or promoting the structure.

Table 1: Comparison of States' THS Laws

	Minnesota Minn. Stat. § 394.307	North Carolina N.C. Gen. Stat. § 160A-383.5	Tennessee Tenn. Code § 13-5-501 et seq.	Virginia Va. Code § 15.2-2292.1
Ability to Opt Out	Yes	No	Yes	No
Local Regulation	<p>Unless a county opts out of the law's requirements, qualifying structures cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage</p> <p>State requirements do not apply if the county has designated these structures as permitted uses</p> <p>Structures must comply with setback requirements and maximum floor area ratio limitations</p>	<p>Qualifying structures must be permitted accessory uses in single family residential zoning districts on lots zoned for single-family detached dwellings</p> <p>Prohibits requiring special use permits for the structures and any other requirements beyond those imposed on authorized accessory structures</p> <p>Structures must comply with setback requirements and maximum floor area ratio limitations</p>	<p>Authorizes local zoning ordinances to consider qualifying structures as permitted accessory uses in single family residential zoning districts on lots zoned for single-family detached dwellings</p> <p>Structures must comply with local requirements concerning this type of accessory dwelling</p> <p>Structures must comply with setback requirements and maximum floor area ratio limitations</p>	<p>Qualifying structures must be permitted accessory uses in single family residential zoning districts on lots zoned for single-family detached dwellings</p> <p>Prohibits requiring special use permits for the structures and any other requirements beyond those imposed on authorized accessory structures</p> <p>Structures must comply with setback requirements and maximum floor area ratio limitations</p>
Qualifying Occupants	<p>A Minnesota resident requiring assistance, as certified by a state-licensed physician, physician assistant, or advanced practice registered nurse, with at least two daily living activities (i.e., meal planning and preparation; basic assistance with paying bills; shopping for food, clothing, and other essential items; performing household tasks integral to the personal care assistance services; communication by telephone and other media; and traveling, including to medical appointments and to participate in the community)</p> <p>Occupancy limited to one individual</p>	<p>A North Carolina resident requiring assistance, as certified by a state-licensed physician, with at least two daily living activities (i.e., bathing, dressing personal hygiene, ambulation or locomotion, transferring, toileting, and eating)</p> <p>Occupancy limited to one individual</p>	<p>Tennessee resident who requires assistance, as certified by a state-licensed physician, with at least two daily living activities</p> <p>Occupant must require extended home-based medical care, rehabilitation, or the provision of home- and community-based support and assistance</p> <p>Occupancy limited to one individual</p>	<p>A Virginia resident requiring assistance, as certified by a state-licensed physician, with at least two daily living activities (i.e., bathing, dressing, toileting, transferring, bowel or bladder control, and eating or feeding)</p> <p>Occupancy limited to one individual, unless the occupants are a married couple, one of whom meets the above requirements; the other must require assistance with at least one daily living activity, as certified by a state-licensed physician</p>

Table 1 (continued)

	Minnesota Minn. Stat. § 394.307	North Carolina N.C. Gen. Stat. § 160A-383.5	Tennessee Tenn. Code § 13-5-501 et seq.	Virginia Va. Code § 15.2-2292.1
Qualifying Caregivers	Adult who is a relative (spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece, including half, step, and in-law relationships), legal guardian, or health care agent of the qualifying individual for whom he or she is caring	Adult who provides care for a qualifying individual and is a first or second degree relative of the individual (i.e., spouse, lineal ascendant or descendant, sibling, uncle, aunt, nephew, or niece, including half, step, and in-law relationships) Caregiver must own or occupy the property on which the structure sits, unless the structure sits on the same lot or parcel as the residence of the qualifying occupant's legal guardian	Adult who is related by blood, marriage, or adoption to, or the legally appointed guardian of, the qualifying individual for whom he or she is caring Caregiver must own or occupy the property on which the structure sits If structure is located on an unrelated caregiver's property, the caregiver cannot be paid for his or her services	Adult who is related by blood, marriage, or adoption to, or the legally appointed guardian of, the qualifying individual for whom he or she is caring Caregiver must own or occupy the property on which the structure sits

Table 1 (continued)

	Minnesota Minn. Stat. § 394.307	North Carolina N.C. Gen. Stat. § 160A-383.5	Tennessee Tenn. Code § 13-5-501 et seq.	Virginia Va. Code § 15.2-2292.1
Structural Requirements	<p>Structure must be:</p> <ul style="list-style-type: none"> able to be installed, removed, and transported by a truck, truck tractor, or one-ton pickup truck primarily assembled off-site no more than 300 gross square feet provide access to water and electric utilities either by connecting to the principal dwelling's utilities or by other comparable means universally designed and meet state-recognized accessibility standards built to either (1) Minnesota state building code regulations for prefabricated structures or industrialized/modular buildings, with an Industrialized Buildings Commission seal and data plate evidencing the manufacturer's code compliance, or (2) American National Standards Institute Code Standards located in an area that allows septic services and emergency vehicles to gain access in a safe and timely manner built with (1) exterior materials that are compatible in composition, appearance, and durability to those used in standard residential construction; (2) a minimum insulation rating of R-15; and (3) a backflow check valve to protect potable water supplies <p>May not be on a permanent foundation</p> <p>Only one allowed per lot or parcel</p> <p>Must comply with all applicable state laws and local ordinances</p>	<p>Structure must be:</p> <ul style="list-style-type: none"> transportable primarily assembled off-site no more than 300 gross square feet in compliance with applicable state building codes, including standards for single-family modular homes <p>May not be on a permanent foundation</p> <p>May be required to connect to any water, sewer, and electric utilities serving the principal residence and must comply with all applicable state and local laws and requirements, including state building inspections, as if the structure were permanent real property</p> <p>Only one allowed per lot or parcel</p>	<p>Structure must be:</p> <ul style="list-style-type: none"> transportable primarily assembled off-site no more than 500 gross square feet in compliance with applicable state and county building codes and other county codes, including those related to plumbing and gas built to comply with federal Department of Housing and Urban Development and Americans with Disabilities Act accessibility guidelines <p>May not be on a permanent foundation</p> <p>May be required to connect to any water, sewer, and electric utilities serving the principal residence and must comply with all applicable public health requirements</p> <p>Only one allowed per lot or parcel</p> <p>Must provide a healthcare environment with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home- and community-based support</p>	<p>Structure must be:</p> <ul style="list-style-type: none"> transportable primarily assembled off-site no more than 300 gross square feet in compliance with applicable state building codes <p>May not be on a permanent foundation</p> <p>May be required to connect to any water, sewer, and electric utilities serving the principal residence and must comply with all applicable public health requirements</p> <p>Only one allowed per lot or parcel</p>

Table 1 (continued)

	Minnesota Minn. Stat. § 394.307	North Carolina N.C. Gen. Stat. § 160A-383.5	Tennessee Tenn. Code § 13-5-501 et seq.	Virginia Va. Code § 15.2-2292.1
Local Application and Approval Process	<p>Anyone seeking to install a structure must apply for a permit from the county; county may charge up to \$100 for a permit and up to \$50 for a renewal</p> <p>Before applying for a permit, applicant must notify adjacent property owners and residents</p> <p>No public hearing required</p> <p>Permit is valid for 6 months and may be renewed once for an additional 6 months</p>	<p>Anyone seeking to install a structure must apply for a local permit; city may charge up to \$100 for a permit and up to \$50 annually for a renewal</p> <p>City must grant the permit if the applicant provides sufficient proof of compliance with the law</p>	<p>Anyone seeking to install a structure must apply for a local permit; local government may charge up to \$100 for a permit</p> <p>Local government must grant the permit if the applicant provides sufficient proof of compliance with the law</p>	<p>Anyone seeking to install a structure must apply for a local permit; Local government may charge up to \$100 for a permit</p> <p>Local government must grant the permit if the applicant provides sufficient proof of compliance with the law</p>
Local Oversight	<p>County may require permittees to provide evidence of compliance as long as the structure remains on the property, including allowing inspections of the structure</p>	<p>City may require permittees to provide annual evidence of compliance as long as the structure remains on the property, including annual renewal of the doctor's certification</p> <p>Structure subject to inspections as often as required to ensure compliance</p>	<p>Local government may require permittees to provide annual evidence of compliance as long as the structure remains on the property</p> <p>Structure subject to inspections as often as required to ensure compliance</p>	<p>Local government may require permittees to provide annual evidence of compliance as long as the structure remains on the property</p> <p>Structure subject to inspections as often as required to ensure compliance</p>
Removal Requirements	<p>Structure may be located on property for only one year</p>	<p>Must be removed within 60 days of the date the qualifying occupant stops receiving or needing care, unless structure is needed for another qualifying occupant</p>	<p>Must be removed within 30 days of the date the qualifying occupant stops receiving or needing care</p> <p>After the 30-day period passes, property owner may be fined \$50 per day</p>	<p>Must be removed within 60 days of the date on which it was last occupied by a qualifying occupant</p>
Enforcement Action	<p>County may revoke permit for violations (if revoked, structure must be removed within 60 days)</p>	<p>City may revoke permit for violations and seek injunctive relief or other judicial actions to ensure compliance with this law and the law concerning cisterns and rain barrels</p>	<p>Local government or agent may revoke permit for violations and seek injunctive relief or other judicial actions to ensure compliance</p>	<p>Local government or agent may revoke permit for violations and seek injunctive relief or other judicial actions to ensure compliance</p>

Table 1 (continued)

	Minnesota Minn. Stat. § 394.307	North Carolina N.C. Gen. Stat. § 160A-383.5	Tennessee Tenn. Code § 13-5-501 et seq.	Virginia Va. Code § 15.2-2292.1
Tax Treatment	Not explicitly stated in the statute; according to the League of Minnesota Cities, these structures are treated as personal property	Treated as personal property	Not explicitly stated in the statute; according to the State Board of Equalization, these structures are treated as real property	Not explicitly stated in the statute; according to a county revenue commissioner we contacted, these structures are likely treated as mobile homes, which are assessed like real property and taxed at the same rate as real property (For legal purposes other than property taxation, mobile homes may be classified as either real or personal property, depending on several factors)

RP/JSB:bs