



Granny Pods Have Landed in Tennessee!

Tennessee has joined other states in passing a law that allows a family member with a disability to age in place near their families while retaining their privacy and relative independence. In Tennessee, the General Assembly dubbed this option a temporary family health care structure.

Tennessee's steps toward linking health care and housing policy are cause for optimism as we look toward creative solutions to enable older adults to "age in place."

Tennessee Public Chapter 992 went into effect on July 1, 2016, allowing Tennesseans to apply for a permit to place a unique "Granny Pod" on their property. This law amends Title 12, Title 68 and Title 71¹. References to a "Granny Pod" in this article will be to the Tennessee "temporary family health care structure." This sets Tennessee's version of the Granny Pod apart from other structures generally called "accessory dwelling units" (ADU) that do not have all the medical and technological bells and whistles necessary to qualify as a temporary family health care structure in Tennessee.

Who may live in a temporary family health care structure?

A Tennessee resident who is "mentally or physically impaired and requires assistance with two or more activities of daily living" qualifies to live in Tennessee's version of the Granny Pod.

Who may build a Tennessee Granny Pod?

An owner of a single family residence may utilize a Granny Pod, if she is caring for a "mentally or physically impaired person, and the [landowner/caregiver] is related by blood, marriage or adoption." A landowner who is or will be the legal guardian of the person with the disability may also utilize a Tennessee Granny Pod.

How does a Granny Pod qualify as a "temporary family health care structure?"

The Granny Pod must be a "transportable health care environment that is specifically designed with:

- environmental controls,
- biometric and other remote monitoring technology,
- sensors and
- communication systems to support extended home-based medical care and rehabilitation."

In Tennessee, a temporary family health care structure must be primarily assembled somewhere other than the caregiver's property. Only one person may live in the structure, and the square footage may not exceed 500 gross square feet. It may not be laid on a permanent foundation. The Granny Pod must meet the accessibility guidelines of HUD and the Americans with Disabilities Act. 42 U.S.C. §12131 et seq. It must also meet the codes adopted by the county.

Where can you purchase a Tennessee qualified Granny Pod?

There are several companies that build Granny Pods. "MedCottage" appears to fit the Tennessee statutory requirements. The company also offers a "Mother Ship" which is designed on an RV platform. According to the company (www.medcottage.com), this structure is accepted in 90 percent of municipali-



The Tennessee General Assembly approved temporary family health care structures, also known as Granny Pods.
Photo © MedCottage

ties. MedCottage offers an alternative to a Granny pod by offering plans for a “Living Roo” which is designed to fit inside a two-bay garage.

Will a Tennessee Granny Pod resident be able to receive Medicaid home and community based services?

The law requires the Bureau of TennCare to contact the Centers for Medicare and Medicaid Services and inquire as to whether Tennessee’s Granny Pod may qualify as a place a resident may receive home and community based services through CHOICES. Stay tuned.

Presently, in order for a Medicaid beneficiary to receive care at home, he must have a live-in caregiver. It appears the question is whether the caregiver may live in her own home, but her loved one qualify for Medicaid benefits even though he is living in a separate structure.


Will long-term care insurance pay for care in a Granny Pod?

There are many different provisions in

long-term care insurance policies. I have reviewed many policies that provide a reduced daily benefit if the person stays at home. I dusted off my own long-term care insurance policy and upon review learned that it will pay the same daily rate whether I receive care at home, in assisted living or in a nursing home. However, for the majority of my clients, their long-term care insurance would not pay the full daily benefit if they lived in a Granny Pod.

Given burgeoning costs, and the negative perceptions related to institutional care, baby boomers are considering other creative options so that they may “age in place.” Designing or remodeling a home using universal design principals is a step in the right direction. There are a number of cooperative living models, where household and care expenses are shared within a wide variety of floor plans and structures. A “pocket neighborhood” is a planned community, which consists of small cottages with front porches all facing a “town square.” The idea is to create that quintessential neighborhood where “everyone knows

your name.”² Pocket neighborhoods are designed to be multigenerational, where the sharing of potluck dinners and support services is common.

Tennessee’s steps toward linking health care and housing policy are cause for optimism as we look toward creative solutions to enable older adults to age in place and access affordable, quality care in an environment that supports greater self-determination and quality of life. 

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Notes

1. *Tenn. Code Ann.* §§13-7-501, 71-5-14, 68-120-1.
2. A lyric from “Where Everybody Knows Your Name,” the theme song written by Gary Portnoy and Judy Hart Angelo for *Cheers*, a 1980s TV sitcom.