

119TH CONGRESS  
2D SESSION

# H. R. 8662

To provide assisted living assistance through Medicaid and low-income housing tax credit.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2026

Mr. MILLER of Ohio introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide assisted living assistance through Medicaid and low-income housing tax credit.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. COVERAGE OF SERVICES IN AN ASSISTED LIV-**  
4 **ING RESIDENCE UNDER MEDICAID.**

5 (a) DEFINITION OF MEDICAL ASSISTANCE.—Section  
6 1905(a) of the Social Security Act (42 U.S.C. 1396d(a))  
7 is amended—

8 (1) in paragraph (31), by striking “and” after  
9 the semicolon;

1           (2) by redesignating paragraph (32) as para-  
2           graph (33); and

3           (3) by inserting after paragraph (31), the fol-  
4           lowing new paragraph:

5           “(32) services provided in an assisted living res-  
6           idence consistent with State law permitting such  
7           services, including to individuals who would require  
8           the level of care provided in a hospital or nursing fa-  
9           cility, the cost of which could be reimbursed under  
10          the State plan (or a waiver of such plan), and who  
11          meet the State’s income and resources requirements  
12          adopted under section 1902(a)(10)(A)(i)(V) and for  
13          whom the estimated annual average per capita total  
14          Medicaid cost for all services for individuals receiv-  
15          ing services in an assisted living residence would be  
16          no greater than the estimated annual average per  
17          capita total Medicaid cost for all services that would  
18          have been incurred had those individuals received  
19          services in a hospital or nursing facility; and”.

20          (b) MANDATORY BENEFIT.—Section 1902(a)(10)(A)  
21          of such Act (42 U.S.C. 1396a(a)(10)(A)) is amended in  
22          the matter preceding clause (i), by striking “and (30)”  
23          and inserting “(30), and (32)”.

24          (c) EFFECTIVE DATE.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), the amendments made by this section  
3           shall take effect on January 1, 2027.

4           (2) DELAY PERMITTED IF STATE LEGISLATION  
5           REQUIRED.—In the case of a State plan approved  
6           under title XIX of the Social Security Act (42  
7           U.S.C. 1396 et seq.) which the Secretary of Health  
8           and Human Services determines requires State legis-  
9           lation (other than legislation appropriating funds) in  
10          order for the plan to meet the additional require-  
11          ments imposed by the amendments made by this sec-  
12          tion, the State plan shall not be regarded as failing  
13          to comply with the requirements of such title XIX  
14          solely on the basis of the failure of the plan to meet  
15          such additional requirements before the first day of  
16          the first calendar quarter beginning after the close  
17          of the first regular session of the State legislature  
18          that ends after the 1-year period beginning with the  
19          date of the enactment of this section. For purposes  
20          of the preceding sentence, in the case of a State that  
21          has a 2-year legislative session, each year of the ses-  
22          sion is deemed to be a separate regular session of  
23          the State legislature.

1 **SEC. 2. SELECTION CRITERIA FOR QUALIFIED ALLOCATION**  
2 **PLAN UNDER THE LOW-INCOME HOUSING**  
3 **TAX CREDIT.**

4 (a) IN GENERAL.—Subparagraph (C) of section  
5 42(m)(1) of the Internal Revenue Code of 1986 is amend-  
6 ed by striking “and” at the end of clause (ix), by striking  
7 the period at the end of clause (x) and inserting “, and”,  
8 and by adding at the end the following new clause:

9 “(xi) projects which reduce the med-  
10 ical assistance costs of long-term services  
11 and supports for the elderly by providing  
12 such services and supports in a non-insti-  
13 tutional setting.”.

14 (b) EFFECTIVE DATE.—The amendments made by  
15 this section shall apply to allocations made after January  
16 1, 2027.

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