

HOUSE No. 5376

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley and Carole A. Fiola

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to assisted living residences in the Commonwealth.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|-------------------------|------------------|
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | <i>3/30/2026</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> | <i>4/2/2026</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> | <i>4/1/2026</i> |

HOUSE No. 5376

By Representatives Stanley of Waltham and Fiola of Fall River, a petition (subject to Joint Rule 12) of Thomas M. Stanley, Carole A. Fiola and Patricia D. Jehlen relative to assisted living residences. Aging and Independence.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to assisted living residences in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 10 of the General Laws is hereby amended by inserting after
2 section 35TTT the following section:-

3 SECTION 35UUU. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund known as the Assisted Living Residences Trust Fund. The fund
5 shall be administered by the secretary of aging and independence. The secretary may use
6 amounts credited to the fund to pay for: (i) assisted living certification unit staffing; (ii) assisted
7 living certification compliance reviews; (iii) assisted living complaint and incident
8 investigations; (iv) ombudsman services for residents of assisted living and residents’ families;
9 (v) maintaining public-facing data, reporting and accountability measures; (vi) managing appeals
10 of findings and fines; and (vii) oversight enhancements.

11 (b) The fund shall consist of: (i) any revenues collected from certification application and
12 renewal fees under subsection (b) of section 4 of chapter 19D; (ii) any revenues collected from

13 fines under clause (iii) of subsection (a) of section 6 of said chapter 19D; (iii) any revenues or
14 other financing sources directed to the fund by appropriation; (iv) any amount recovered by the
15 commonwealth and credited thereto in connection with civil actions brought pursuant to section
16 8 of said chapter 19D; (v) bond revenues or other money authorized by the general court and
17 specifically designated to be credited to the fund; (vi) any income derived from the investment of
18 amounts credited to the fund or repayment of loans from the fund; (vii) funds from public or
19 private sources, including, but not limited to, gifts, federal or private grants, donations, rebates
20 and settlements received by the commonwealth that are specifically designated to be credited to
21 the fund; and (viii) all other amounts credited or transferred into the fund from any other source.
22 The department shall seek to maximize fund revenues through federal money, matching funds
23 and grants. Any unexpended balances in the fund at the end of the fiscal year shall not revert to
24 the General Fund and shall be available for expenditures in subsequent fiscal years. Any fiscal
25 year-end balance in the fund shall be excluded from the calculation of the consolidated net
26 surplus pursuant to section 5C of chapter 29. The fund shall not be subject to appropriation.

27 SECTION 2. Section 4 of chapter 19D of the General Laws, as appearing in the 2024
28 Official Edition, is hereby amended by adding the following subsection:-

29 (i) All certification application and renewal fees collected pursuant to this section shall be
30 deposited into the Assisted Living Residences Trust Fund established in section 35UUU of
31 chapter 10.

32 SECTION 3. Section 6 of said chapter 19D, as so appearing, is hereby amended by
33 adding the following subsection:-

34 (c) All fines collected pursuant to this section shall be deposited into the Assisted Living
35 Residences Trust Fund established in section 35UUU of chapter 10.

36 SECTION 4. Section 8 of said chapter 19D, as so appearing, is hereby amended by
37 adding the following subsection:-

38 (c) All civil penalties collected pursuant to this section shall be deposited into the
39 Assisted Living Residences Trust Fund established in section 35UUU of chapter 10.

40 SECTION 5. Subsection (a) of section 72W¹/₂ of chapter 111 of the General Laws, as
41 appearing in the 2024 Official Edition, is hereby amended by inserting after “long-term care
42 facilities” the following words:- and assisted living residences as defined in section 1 of chapter
43 19D of the General Laws.

44 SECTION 6. Subsection (b) of said section 72W¹/₂ of said chapter 111, as so appearing, is
45 hereby amended by inserting after “long-term care facilities” the following words:- and assisted
46 living residences as defined in section 1 of chapter 19D of the General Laws

47 SECTION 7. (a) there shall be a task force to study and make recommendations on
48 creating and improving access to affordable assisted living residences. The task force shall meet
49 not less than 5 times and shall hold not less than 1 public hearing.

50 (b) The task force shall consist of the secretary of aging and independence, or their
51 designee, who shall serve as chair; the secretary of housing and livable communities, or their
52 designee; the assistant secretary for MassHealth, or their designee; the commissioner of public
53 health, or their designee; the chairs of the joint committee on aging and independence, or their
54 designees; 1 person to be appointed by the minority leader of the house of representatives; 1

55 person to be appointed by the minority leader of the senate; a representative of the Massachusetts
56 Housing Finance Agency; a representative of the Community Economic Development
57 Assistance Corporation; a representative of Massachusetts Aging Access Association, Inc.; a
58 representative of MassPACE, Inc.; a representative of LeadingAge Massachusetts, Inc.; a
59 representative of the Massachusetts Assisted Living Association, Inc.; a representative of the
60 Massachusetts Senior Care Association, Inc.; and 4 members to be appointed by the governor, 1
61 of whom shall have expertise in developing affordable assisted living residences, 1 of whom
62 shall have expertise in operating affordable assisted living residences, 1 of whom shall represent
63 an organization that represents low-income tenants and 1 of whom shall be a resident or a family
64 member of a resident of an assisted living residence.

65 (c) In making recommendations, the task force shall consider issues including, but not
66 limited to: (i) creating an operational definition of an “affordable assisted living residence”; (ii)
67 identifying the target population and service needs of qualifying residences; (iii) creating a
68 current inventory of qualifying residences; (iv) assessing the service, housing, and operational
69 costs of qualifying residences; (v) identifying and evaluating any gaps in the continuum of care
70 for older adults; (vi) estimating statewide need for qualifying residences; (vii) recommending
71 sustainable “housing plus services” financing models for qualifying residences; (x) reviewing the
72 financing and affordability models for the defined population in other settings; (xi) studying
73 financing and affordability models for the defined population in other states; (xii) reviewing
74 Medicaid supported options and subsidized housing options; (xiii) establishing a feasible
75 affordability model for assisted living residences in commonwealth.

76 (d) The task force shall submit a report of its findings, including any recommendations or
77 proposed legislation necessary to carry out its recommendations, to the clerks of the senate and

- 78 house of representatives, the joint committee on aging and independence, and the senate and
- 79 house committees on ways and means, not later than December 31, 2027.