



May 10, 2026

The Honorable Thomas Stanley, Chair
The Honorable Patricia Jehlen, Chair
Joint Committee on Aging and Independence

Dear Chairs Stanley, Jehlen and Members of the Committee:

On behalf of LeadingAge Massachusetts, I am writing to offer comments on HB5376 and SB3057, An Act Relative to Assisted Living Residences in the Commonwealth.

LeadingAge Massachusetts is a statewide association of not-for-profit providers of housing and services for older adults. Our mission-driven members serve more than 30,000 older adults across the Commonwealth in nursing facilities, rest homes, assisted living residences, continuing care retirement communities, affordable senior housing or through the provision of home and community-based services. We are working to ensure that all older adults can receive the services they need, when they need them in the place they call home.

LeadingAge Massachusetts was very pleased to be a member of the Assisted Living Commission which met throughout 2025 and issued its final report in January 2026. The thoughtful deliberations of the Commission and the final report reflected a sincere effort to balance enhanced oversight and quality improvement with the need to preserve the assisted living model as a social model of care that emphasizes independence, choice, and dignity.

HB5376 and SB3057 seek to implement a few of the proposed recommendations from the Commission's final report.

Section 1 would establish an Assisted Living Residences Trust Fund to be administered by the Secretary of Aging and Independence for the purpose of paying for certification unit staffing, compliance reviews, complaint and incident investigations, ombudsman services, maintenance of public-facing data, reporting and accountability measure, managing appeals of findings and fees, and oversight enhancements. These are all critical functions that require adequate funding that should come from a combination of appropriations and certification application fees. However, we oppose the use of fines and penalties in funding the operations of the certification unit. We believe there is an inherent conflict of interest when the regulator's requirement for funding for operations is dependent upon the issuance of fines and penalties. Related to this, we have previously expressed our deep concerns that AGE's proposed regulations establishing AGE's ability to assess fines of not more than \$300 a day for failure or refusal to comply with any requirement is glaringly broad. This sweeping language allows AGE to



assess fines without differentiating the seriousness or scope of the deficiency. Based on information shared by AGE during their quarterly stakeholder calls, most certification reviews result in findings. Many of these findings are minor administrative matters that are easily corrected. While fines may be appropriate in ongoing, willful disregard of regulations that impact resident safety, a penalty structure that does not distinguish between minor administrative lapses and serious safety violations risks being disproportionate and could undermine collaborative quality improvement efforts. We have asked AGE to work with stakeholders to develop an enforcement framework that differentiates deficiencies based on scope and severity, reserving financial penalties for serious, repeated, or willful violations affecting, or having the potential to affect resident safety and/or wellbeing. We further suggest that funds from penalties and fines be directed towards quality improvement and workforce development initiatives. Investments in training, recruitment, and retention of the assisted living workforce would yield meaningful, long-term benefits for residents, providers, and the Commonwealth as a whole and would more directly address many of the root challenges facing the sector.

LeadingAge MA supports the inclusion of section 7 to establish a task force on affordable assisted living. Unfortunately, too many older adults in Massachusetts are unable to benefit from the high quality, supportive environments provided by Massachusetts Assisted Living Residences due to insufficient resources. A task force will review the gaps that currently exist and make recommendations on potential models that could expand access to assisted living for more of the Commonwealth's older adults.

Sincerely,

A handwritten signature in black ink that reads "Elissa Sherman". The signature is fluid and cursive.

Elissa Sherman
President