

To: JointCommittee.ElderAffairs@malegislature.gov
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July 11, 2025 Testimony

Having viewed the Special Commission on CCRC hearings I have the following comments.

My recommendations:

- 1) Improve the definition of "Continuing Care Retirement Community" in MGL Chap 93 Sect 76
- 2) Chap 93 Sect 76, be more specific as to what financial documents are to be made available
- 3) Review documents listed on EOAI CCRC website
- 4) Entrance Fee reimbursement

Improve the definition of "Continuing Care Retirement Community" in MGL Chap 93 Sect 76

[Apr 8 Hearing](#) at 1hr 8mins Robin Lipson discusses marketing of CCRC like products which are in fact not CCRCs. [Jun 2 Hearing](#) Part 1 at [00:03] Keith Robertson from Zigler private investment bank states that there are 1,941 CCRCs in USA, 75% are not for profit and that "if you see one CCRC, you have seen one CCRC", to describe how varied CCRC offerings are.

Given these statements there must be some core elements that define what is a CCRC and what is not a CCRC. Consumers should be able to know if they are buying into a CCRC or a retirement community. Maybe licensing or certification of CCRCs is possible.

Chap 93 Sect 76, be more specific as to what financial documents are to be made available

MGL93/76 subsection (b) states that the Disclosure statement will have "attached as an exhibit" the following list of data. In that list it states that a "balance sheet" is required. Should it also require an "income statement" or other financial statements?

Review documents listed on EOAI CCRC website

MGL Chap 93 Sect 76 states

"Said executive office of elder affairs shall make such information available to the public in a manner which shall allow residents and prospective residents to make informed choices regarding the selection of a provider, packages of services and coverage and care alternatives."

I made a list of the files on the Executive Office of Aging & Independence [website](#). [\[Click Here\]](#)

My list is just a reformat of the links found on the EOAI website. The list is meant to make obvious the wide range of document styles and content listed on the EOAI website. I think looking at the Resident Agreement (RA) and Disclosure (DIS) and document dates and pages shows this. Often the documents are not complete because they do not include information mentioned as an attachment or as a reference in the document.

Although MGL93/76 shows the intent for consumer protection by requiring providers to submit documents to EOAI, only dedicated, computer knowledgeable consumers would find the EOAI website. I suspect that most consumers researching CCRCs rarely find and review the EOAI website. It is also likely that they are unaware of MGL93/76.

I recommend that EOAI:

Require that all CCRCs provide a Disclosure document with the information required in MGL 93/76 subsection (b) in a "searchable PDF" format.

Require the Disclosure document, in at least 10 pt type, to include:

- 1) The URL for MGL Chap 93 Section 76
- 2) The URL for the EOAI CCRC website
- 3) URLs for any Guides which would be helpful to the consumer
- 4) The name, address and EIN of the corporation operating the business
- 5) A list of rate increases for the past 5 or more years
- 6) Other Key Indicators

In addition to data specified by subsection (b).

Require that the Disclosure document be updated each year with EOAI as required items in the Disclosure will change over time such as the rate increases and the balance sheet at the end of the recent year.

Entrance Fee reimbursement

The Commission hearings discussed Entrance Fee reimbursement.

<https://malegislature.gov/Events/Hearings/Detail/5278>

Objections to committing to a definite time for the return of Entrance Fees were that this would be an impediment to lenders and could put the finances of the facility in danger. Without a definite time frame the resident bears the risk of a long delay (possibly years) of getting reimbursed. This can be very disruptive to the resident's financial state. The Entrance Fee is likely to be a significant part of a resident's financial assets at the end of their life and with a fixed income.

To answer objections to committing to a definite time for reimbursement I suggest that state government consider creating a low interest loan program to pay the resident when there is a delay in reimbursement. The provider, knowing that there will be a delay in reselling the living unit, would apply for a loan from the state which would pay the resident by the defined date. When the living unit is resold, the money from the resale would pay off the loan. This "bridge loan" will reduce providers and lenders fears and provide the resident with some certainty.

Other:

The comment was made at the hearings that a CCRC is required to keep a resident even after they have exhausted all of their funds. It was mentioned that there was a law stating this, but no definitive law was stated. Please reply to me with the law that states this.

My career was in computer programming, so I am not a lawyer.

At the end of MGL93/76 where it describes Resident's Rights it says residents have a right to "establish a residents association" and then the rights are stated. Do these rights apply only to the association and can only be invoked through the officers of the association or can each individual resident invoke these rights because they are a member of the association? If the association does not want to act, can the individual act on his own?

The EOAI CCRC Consumer Guide PDF [\[Click Here\]](#) references several links. Pages 1, 3, 4, 13 have broken links.