

Chapter 19D: ASSISTED LIVING

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1. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 1 Definitions

Section 1. When used in this chapter, unless the context otherwise requires, the following terms shall have the following meanings:

“Applicant”, any person applying to the department for original certification as a sponsor.

“Assistance with activities of daily living”, physical support, aid or assistance with bathing, dressing/grooming, ambulation, eating, toileting or other similar tasks.

“Assistance with” or “Supervision of instrumental activities of daily living”, providing support, aid, assistance, prompting, guidance, or observations of meal preparation, housekeeping, clothes laundering, shopping for food and other items, telephoning, use of transportation and other similar tasks.

“Assisted living residence” or “Residence”, any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

1. provides room and board; and
2. provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provider; and
3. collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same.

“Department”, the executive office of elder affairs.

“Elderly housing”, any residential premises available for lease by elderly or disabled individuals which is financed or subsidized in whole or in part by state or federal housing programs established primarily to furnish housing rather than housing and personal services, as set forth in a listing established by the secretary of elder affairs, and which was never licensed under chapter one hundred and eleven.

“Manager”, the individual who has general administrative charge of an assisted living residence.

“Personal services”, assistance with or supervision of activities of daily living, self-administered medication management, or other similar services specified by regulation, but not including concierge services, recreational or leisure services, or assistance with instrumental activities of daily living.

“Resident”, an adult who resides in an assisted living residence and who receives housing and personal services and, when the context requires or permits, such individual’s legal representative.

“Self-administered medication management”, reminding residents to take medication, opening containers for residents, opening prepackaged medication for residents, reading the medication label to residents, observing residents while they take medication, checking the self-administered dosage against the label of the container, and reassuring residents that they have obtained and are taking the dosage as prescribed.

“Skilled nursing care”, the skilled services described in 106 CMR 456.252 as revised on July first, nineteen hundred and ninety-one.

“Sponsor”, the person who is named in the certification of an assisted living residence.

“Supervision of activities of daily living”, reminding residents to engage in personal hygiene and other self-care activities and, when necessary, observing or assisting residents while they attend to activities such as bathing or dressing to assure their health, safety or welfare.

“Unit”, a portion of an assisted living residence designed for and occupied pursuant to residency agreements by one or more individuals as the private living quarters of such individuals.

2. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 2 Sponsor duties

Section 2. Every sponsor of an assisted living residence shall:

- (i) obtain and maintain certification as provided in sections three and four;
- (ii) be subject to oversight as provided in sections five and seven;
- (iii) afford residents the rights set forth in section nine;
- (iv) provide self-administered medication management as set forth in section ten;
- (v) provide services to residents in accordance with service plans developed through a process by which staff of the residence discuss the service plan and the needs of the resident with the resident and his representative or designee in such a way that the consequences of a decision, including any inherent risk, are understood by all parties and reviewed periodically in conjunction with the service plan, taking into account changes in the resident's status and the ability of the residence to respond accordingly, and as set forth in section twelve;
- (vi) coordinate and provide personal services and other services required under service plans as set forth in section twelve;
- (vii) maintain a written progress report on each person who receives such services which describes the type, amount, duration, scope, and outcome of services that are rendered and the general status of the resident's health;
- (viii) enter into a residency agreement with each resident as set forth in section fourteen; and
- (ix) meet the minimum management and staffing qualifications as set forth in section fifteen.

3. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 3 Certification of assisted living residences; exemptions

Section 3. Assisted Living Residences to be Certified; Exemptions. No person shall advertise, operate or maintain an assisted living residence without the certification required by this chapter, including assisted living residences sponsored by the following entities; provided, however, that the provisions of this chapter shall not apply to such entities for the original facilities and services for which said entities were originally licensed or organized to provide:

- (1) convalescent homes, nursing homes, rest homes, charitable homes for the aged or intermediate care facilities for persons with an intellectual disability licensed pursuant to section seventy-one of chapter one hundred and eleven;
- (2) hospices licensed pursuant to the provisions of section fifty-seven D of chapter one hundred and eleven;
- (3) facilities providing continuing care to residents as defined by section seventy-six of chapter ninety-three;
- (4) congregate housing authorized by section thirty-nine of chapter one hundred and twenty-one B;
- (5) group homes operating under contract with the department of mental health or the department of developmental services; or
- (6) housing operated for only those duly ordained priests, or for the members of the religious orders of the Roman Catholic church in their own locations, buildings, residences or headquarters to provide care, shelter, treatment and medical assistance for any of the said duly ordained priests or members of the said religious orders.

The provisions of this chapter shall not apply to elderly housing.

4. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 4 Application for certification; renewal; operating plan

Section 4. The department shall issue for a term of two years, and shall renew for like terms, a certification, subject to revocation by it for cause, to any person whom it reasonably determines to meet the regulatory requirements promulgated by the department in accordance with this chapter. Such certification shall not be transferable or assignable and shall be issued only to the person and for the premises named in the application. The certificate shall be posted in a conspicuous place on the approved premises.

Upon applying for initial certification or certification renewal, an applicant shall pay the department a fee based on the number of units at the assisted living residence. Said fee for initial application and renewal shall be established by the secretary of administration pursuant to the provisions of section three B of chapter seven of the General Laws; provided, however, that a minimum fee shall be established notwithstanding the number of units at the residence; and provided further, that said fees are sufficient to support the entire cost of the department's administration of this chapter. Monies collected from said fee may be appropriated for the purpose of supporting said administration, including expansion of the ombudsman program provided for by section seven.

Notwithstanding the previous paragraph, no fees, including minimum fees, for initial certification or certification renewal shall be due from any provider for assisted living units created under the HUD Assisted Living Conversion Program.

If an application for renewal is filed at least thirty days before the stated expiration date of the certification, such certification shall not expire on such date but the assisted living residence shall be deemed to be certified until such time as the department may notify the sponsor that the application for renewal has been denied.

Each applicant for initial certification shall file with the department an operating plan which includes the following information:

1. the number of units for which certification is sought and the number of residents per unit;
2. the location of resident units, common spaces and egresses by floor;
3. the base fee to be charged for each such unit;
4. the services to be offered and arrangements for providing such services, including linkages with hospital and nursing facilities if any;
5. the number of staff to be employed in the operation of said residence;
6. such other information as the department may reasonably require or the applicant may choose to provide as affirmative evidence of ability to comply with the regulations and provisions of this chapter.

Applicants and sponsors shall file all material changes to said operating plans prior to their effective date and as may otherwise be required by the department. A sponsor shall file annually on a date established by and on a form prescribed by the department a statement and a professional opinion prepared by a certified public account or comparable reviewer indicating whether the assisted living residence is in sound fiscal condition and is maintaining sufficient cash flow and reserves to meet the requirements of the service plans established for its residents.

Each applicant for initial certification and each sponsor applying for renewal of certification shall disclose the name and address of each officer, director, and trustee, and the names and addresses of limited partners or shareholders with more than twenty-five percent interest in the assisted living residence. The applicant or the sponsor shall furnish assurances that none of such individuals has ever been found in violation of any local, state or federal statute, regulation, ordinance, or other law by reason of that individual's relationship to an assisted living residence; and the applicant shall list, for each such individual, all multifamily housing or health care facilities or providers in the commonwealth or in other states in which she or he has been or is an officer, director, trustee, or general partner.

With respect to those persons who then have or have had within the previous five years before the date of such application an interest in an entity licensed under chapter one hundred and eleven of the General Laws, or a medical provider licensed under other applicable state statutes, or a home health agency certified under Title XVIII of the Social Security Act, as amended, the applicant shall furnish evidence from the department of public health that such facility or agency has substantially met applicable criteria for licensure or certification and, if applicable, has corrected all cited deficiencies without delicensure or decertification being imposed. The department may in its

discretion deny certification to any applicant hereunder who has directly or indirectly had an ownership interest in an entity licensed under chapter one hundred and eleven, or a medical provider licensed under other applicable state statutes, or a home health agency certified under Title XVIII of the Social Security Act, as amended, that (i) has been the subject of a patient care receivership action, (ii) has ceased to operate such an entity as a result of (a) a settlement agreement arising from a decertification action or (b) a settlement agreement in lieu of a patient care receivership, or (c) a delicensure action or involuntary termination of participation in either the medical assistance program or the medicare program, or (iii) has been the subject of a substantiated case of patient abuse or neglect involving material failure to provide adequate protection or services for the resident in order to prevent such abuse or neglect, or (iv) has over the course of its operation been cited for repeated, serious and willful violations of rules and regulations governing the operation of said health care facility that indicate a disregard for resident safety and an inability to responsibly operate an assisted living residence.

5. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 5 Biennial review

Section 5. (a) The department or its authorized designee, shall make or cause to be made at least a biennial review of all assisted living residences. Said authorized designees shall not be sponsors of assisted living residences, and may include, but shall not be limited to, a non-profit agency, one or more home care corporations as defined in clause (c) of section four of chapter nineteen A of the General Laws, a combination of such home care corporations as determined by the department or a separate state agency. A review shall also be conducted prior to the issuance of the sponsor's initial certification, and may be conducted at any time the department has probable cause to believe that an assisted living residence is in violation of a regulation or provision of this chapter. The purpose of such reviews shall be to determine whether the assisted living residence is in compliance with the provisions of this chapter and the department's regulations. A review shall include an inspection of every part of the common areas of the assisted living residence and the living quarters of any resident, but only with the resident's prior consent, and an examination of the operating plan and any resident's service plan and written progress reports, but only with the resident's consent. Said review shall also include resident satisfaction surveys. An inspector shall have authority to interview the sponsor, manager, staff and residents. Interviews with residents shall be confidential and conducted privately.

(b) Whenever a review is conducted, the department shall prepare a written report summarizing all pertinent information obtained during the review and shall not disclose confidential, private, proprietary or privileged information obtained in connection with such review. If the department finds that the applicant or the sponsor is in compliance with this chapter and applicable regulations, a copy of the report shall be mailed to the applicant or the sponsor within ten days after the review of the assisted living residence. If the department finds that the applicant or the sponsor is not in compliance with this chapter or regulations, a copy of the report shall be delivered to the sponsor together with a notice describing such noncompliance with particularity within ten days after completion of the review of the assisted living residence. The applicant or the sponsor shall have the right to submit a written response to such notice within ten days after receipt thereof. The department shall establish an administrative procedure by regulation for resolving disputes regarding findings prior to final departmental action. All completed reports, responses and notices of final action may be made available to the public at the department during business hours together with the responses of the applicants or the sponsors thereto.

6. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 6 Denial, suspension or revocation of certification

Section 6. The department may deny, suspend or revoke a certification in any case in which it finds there has been a failure or refusal to comply with the requirements established under this chapter or the regulations promulgated thereunder. Notice of denial, revocation, suspension or modification and the sponsor's or applicant's right to an adjudicatory proceeding shall be governed by the provisions of chapter thirty A.

7. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 7 Ombudsman program; complaints

Section 7. Subject to the appropriation of funds therefore, the department may expand the scope of the ombudsman program defined in chapter nineteen A for the purpose of receiving and mediating complaints filed by assisted living residents, individuals acting on their behalf or an organization or government agency that has reason to believe that an assisted living residence has engaged in activities, practices or omissions that constitute violations of applicable statutes or regulations or that may have an adverse effect upon the health, safety, welfare or rights of residents of such residences. Any expansion of said program shall be defined by regulations that may include, but shall not be limited to, administrative procedures for the receipt, investigation and resolution of complaints, access to consenting residents and their records in such facilities, prevention of interference with the duties of the ombudsman program and a requirement that assisting the ombudsman program in its duties is a condition to maintaining certification as an assisted living residence. The nature and type of complaints handled by the ombudsman shall be made available to the department and its authorized designee, if applicable, as part of the certification review process established in section five.

8. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 8 Operating without certification; penalty

Section 8. (a) Any person operating an assisted living residence without certification under this chapter shall be subject to liability for a civil penalty of not more than five hundred dollars for each day of such violation assessable by the superior court. Any such violation also shall constitute grounds for refusing to grant or renew, modifying or revoking the certification of the assisted living residence or of any part thereof. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the commonwealth for an injunction or other process against any person to restrain or prevent the operation of an assisted living residence without certification under this chapter.

(b) No person shall knowingly refer an individual for residency to an uncertified assisted living residence. Any person who violates this subsection shall be subject to a civil penalty of not more than five hundred dollars for each such violation assessable by the superior court.

9. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 9 Resident rights

Section 9. (a) Every resident of an assisted living residence shall have the right to:

- (1) Live in a decent, safe, and habitable residential living environment.
- (2) Be treated with consideration and respect and with due recognition of personal dignity, individuality, and the need for privacy.
- (3) Privacy within the resident's unit, subject to rules of the assisted living residence reasonably designed to promote the health, safety and welfare of residents.
- (4) Retain and use his own personal property, space permitting, in the resident's living area so as to maintain individuality and personal dignity.
- (5) Private communications, including receiving and sending unopened correspondence, access to a telephone, and visiting with any person of her or his choice.
- (6) Freedom to participate in and benefit from community services and activities and to achieve the highest possible level of independence, autonomy, and interaction within the community.
- (7) Directly engage or contract with any licensed health care professionals and providers to obtain necessary health care services, in the resident's unit or in such other space in the assisted living residence as may be made available to residents for such purposes to the same extent available to persons residing in private homes.
- (8) Manage his own financial affairs.

(9) Exercise civil and religious liberties.

(10) Present grievances and recommended changes in policies, procedures, and services to the sponsor, manager or staff of the assisted living residence, government officials, or any other person without restraint, interference, coercion, discrimination, or reprisal. This right includes access to representatives of the ombudsman program under section seven hereof.

(11) Upon request, to obtain from the residence in charge of his care the name of the service coordinator or any other persons responsible for his care or the coordination of his care.

(12) To confidentiality of all records and communications to the extent provided by law.

(13) To have all reasonable requests responded to promptly and adequately within the capacity of the residence.

(14) Upon request, to obtain an explanation as to the relationship, if any, of the residence to any health care facility or educational institution insofar as said relationship relates to his care or treatment.

(15) To obtain from a person designated by the residence a copy of any rules or regulations of the residence which apply to his conduct as a resident.

(16) To privacy during medical treatment or other rendering of services within the capacity of the residence.

(17) To informed consent to the extent provided by law.

(18) To not be evicted from the assisted living residence except in accordance with the provisions of landlord tenant law as established by chapter one hundred and eighty-six or chapter two hundred and thirty-nine.

(b) The manager shall ensure that a written notice of the rights, obligations and prohibitions set forth in this chapter is posted in a prominent place in the assisted living residence. This notice shall include the name, address, and telephone numbers of the ombudsman office and the department where complaints may be lodged.

10. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 10 Services for residents

Section 10. (a) The sponsor of the assisted living residence shall provide or arrange for the provision of the following:

(1) Opportunities for socializing and access to community resources.

(2) For all residents whose service plans so specify, such services, supervision of and assistance with activities of daily living including, at a minimum, assistance with bathing, dressing and ambulation.

(3) Up to three meals daily.

(4) Housekeeping.

(5) For all residents whose service plans so specify, self-administered medication management by personnel meeting standards for professional qualifications and training set forth in the regulations.

(6) Ability to provide timely assistance to residents and to respond to urgent or emergency needs, by the presence of twenty-four hour per day on-site staff capability, by the provision of personal emergency response devices for all residents or similar means for the purpose of signaling such staff, and by such other means as the department may deem necessary for each assisted living residence, taking into account the service plans of its residents.

(7) Laundry services at a fee if necessary.

(b) The sponsor of the assisted living residence may provide or arrange for the provision of additional services, including the following:

(1) Barber/beauty services, sundries for personal consumption, and other amenities.

(2) Local transportation for medical and recreational purposes.

(3) Assistance with and supervision of instrumental activities of daily living.

(c) The sponsor may arrange for, but may not use assisted living residence staff for, unless such staff is specifically licensed for the provision of ancillary services for health-related care, such as physician, pharmacist, restorative therapies, podiatry, hospice, home health.

(d) No personnel of an assisted living residence shall control or manage the funds or property of an assisted living resident. If the resident is unable to manage their funds or property, money management and other financial arrangements should be made with an independent party.

11. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 11 Admittance requirements

Section 11. No assisted living residence shall admit any resident who requires twenty-four hour skilled nursing supervision. No assisted living residence shall provide, or admit or retain any resident in need of skilled nursing care unless all of the following are the case:

1. The care will be provided by a home health agency certified under Title XVIII of the Social Security Act, 49 Stat. 620 (1935), 42 U.S.C. 301, as amended or an entity licensed under chapter one hundred and eleven, on a part-time, intermittent basis for not more than a total of ninety days in any twelve-month period, or by a licensed hospice.
2. The certified home health agency, entity licensed under chapter one hundred and eleven of the General Laws, or hospice does not train assisted living residence staff to provide the skilled nursing care.
3. The individual to whom the skilled nursing care is provided is suffering from a short-term illness. For the purposes of this section "short-term illness" is defined as either a medical condition for which recovery can be expected to occur with not more than ninety consecutive days of skilled nursing care or a medical condition requiring skilled nursing care on a periodic, scheduled basis. For the purposes of this section, nursing services provided by a certified home health agency or entity licensed under chapter one hundred and eleven such as injection of insulin or other drugs used routinely for maintenance therapy of a disease, or licensed hospice care may be provided without respect to the ninety day limitation.

12. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 12 Individualized plans for residents

Section 12. (a) Each assisted living residence shall develop and maintain together with each resident, an individualized plan for each resident describing in lay terms the needs of the resident for personal services and the providers, or intended providers thereof, and the frequency and duration of such services, and containing such other information as the department may reasonably require by regulation. Such plan shall be confidential, shall be in writing signed by the resident and available for inspection by the resident, the department and its authorized designees under subsection (a) of section five. For residents receiving assistance under chapter one hundred and eighteen E, such service plans shall be developed in consultation with the pre-screening assessor as set forth in section thirteen of this chapter.

(b) Each assisted living residence shall designate one or more persons to help coordinate the preparation and periodic review and revision of service plans for each resident as service coordinator. The service coordinator may be an employee of the sponsor. The service coordinator shall be qualified by experience and training to develop, maintain and implement or arrange for the implementation of individualized service plans.

(c) Each assisted living residence shall maintain written policies and procedures for the initial evaluation and periodic reassessment of the functional and health status and service requirements of each consenting resident, until such time that the department establishes regulations for uniform requirements relative to said evaluation and periodic reassessments.

13. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 13 Pre- screening and service plan monitoring assessments for medical assistance recipients

Section 13. All elderly residents or residents with special needs who seek admission to an assisted living residence and who are eligible for the medical assistance program under chapter one hundred and eighteen E, shall:

1. Be afforded the opportunity to apply for assisted living residence services, and be informed about the eligibility requirements and his or her rights and obligations under the program.
2. Have an initial pre-screening assessment conducted for the purposes of determining eligibility for and need of assisted living services. Such assessment shall consider the appropriateness of assisted living services for said resident, and other community-based alternatives that are appropriate and available.
3. Have a service plan monitoring assessment conducted by an assessor at the site of the assisted living resident annually from the date of initial occupancy. Said monitoring assessment shall determine if the services provided to the resident are meeting his or her needs as determined in the service plan, the assessor shall report any instances of resident abuse or neglect pursuant to section fifteen of chapter nineteen A and section seventy-two G of chapter one hundred and eleven of the General Laws. With the consent of the division of medical assistance, the secretary may contract for the purpose of administering subparagraphs 1 to 3, inclusive, with one or more non-profit agencies, one or more home care corporations as defined in clause (c) of the third paragraph of section four of chapter nineteen A of the General Laws, a combination of such home care corporations as determined by the department, or a state agency. Privately paying elderly residents or residents with special needs who are not eligible for medical assistance under chapter one hundred and eighteen E of the General Laws, may be offered the services specified in said subparagraphs 1 to 3, inclusive, on a fee for service basis; provided, however, that the executive office of elder affairs shall promulgate such regulations as are necessary to carry out the provisions of this section.

14. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 14 Written residency agreement

Section 14. The sponsor shall enter into a written residency agreement with each resident clearly describing the rights and responsibilities of the resident and the sponsor, including all requirements in section two of this chapter. The residency agreement shall be signed by the sponsor or the sponsor's authorized agent and by the resident and shall include the agreement of the sponsor to provide personal services and other services and goods, lodging and meals, the charges, expenses and other assessments for personal services, lodging and meals, the agreement of the resident to make payment of such charges, expenses and other assessments and the arrangements for such payment, a grievance procedure, the sponsor's covenant to comply with applicable federal and state laws and regulations regarding consumer protection and protection from abuse, neglect and financial exploitation of the elderly and disabled, the conditions under which the agreement may be terminated by either party, reasonable rules for conduct and behavior, and such other similar provisions as the department may reasonably require by regulation.

15. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 15 Managers and staff; qualifications

Section 15. (a) The manager of an assisted living residence shall be at least twenty-one years of age, qualified by education or experience to be responsible for the operation of the residence in conformance with the applicable laws and regulations, and of good moral and responsible character, and shall never have been convicted of a felony.

(b) The sponsor may employ staff directly, in which case it shall comply with department's standards for personal care homemaker services and personnel as from time to time in effect. The sponsor may also engage an agency approved by the department to offer personal care homemaker services. All personnel providing personal care shall be qualified by training or experience to assist with activities of daily living and to provide self-administered medication management.

(c) The department shall promulgate regulations concerning the education, training and experience of the manager and staff, including the service coordinator, necessary to carry out the purposes and requirements of this chapter.

16. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 16 Residence requirements

Section 16. Any assisted living residence shall meet the requirements of all applicable federal and state laws and regulations, including, but not limited to, the state sanitary code, state building and fire safety codes and regulations, and laws and regulations governing handicapped accessibility. In order to facilitate compliance with these laws and regulations, the department, in consultation with the department of housing and community development and the executive office of public safety, shall compile and make available a list of all such applicable laws and regulations.

In order to ensure the maximum residential setting possible, any assisted living residence shall provide only single or double living units with lockable doors on the entry door of each unit. All newly constructed assisted living residences shall provide a private bathroom for each living unit which is equipped with one lavatory, one toilet, and one bath tub or shower stall. All other assisted living residences shall provide at a minimum a private half bathroom for each living unit which is equipped with one lavatory and one toilet, and shall provide at least one bathing facility for every three residents. All assisted living residences shall provide at a minimum either a kitchenette or access to cooking capacity for all living units. The secretary of elder affairs may, when the secretary determines that public necessity and convenience require and to prevent undue economic hardship, waive the requirements relative to bathrooms and the bathing facilities; provided, however, that the secretary finds that the residence will otherwise meet the purposes of assisted living to provide a home-like residential environment, which promotes privacy, dignity, choice, individuality and independence for its residents.

17. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 17 Advisory council

Section 17. Notwithstanding any general or special law to the contrary, there shall be established an assisted living advisory council within the executive office of elder affairs. Said advisory council shall advise the secretary of elder affairs relating to the regulations authorized under this chapter. Said advisory council shall be comprised of the secretary of elder affairs or his designee who shall serve as chairperson, the director of housing and community development or his designee; the secretary of health and human services or his designee, and six members to be appointed by the governor upon nomination by the secretary of elder affairs, three of whom shall represent resident consumer interests and two of whom shall represent sponsors and managers of assisted living residences. The advisory council shall by majority vote establish its own rules and procedures. Members of the council shall be appointed for terms of one year each. The council shall meet not less than on a quarterly basis, and it shall prepare a report of its activities, not less than annually, that shall be made available to the public and the general court.

18. General Laws of Massachusetts - Chapter 19D Assisted Living - Section 18 Classification of assisted living residences

Section 18. (a) Assisted living residences shall not be subject to the provisions of sections twenty-five B to twenty-five H, inclusive, section fifty-one and sections seventy E to seventy-three B, inclusive, of chapter one hundred and eleven or the seventh full paragraph of section nine of chapter forty A of the General Laws.

(b) No person or residential facility offering, providing or arranging for the provision of assistance with or supervision of instrumental activities of daily living only shall be required to obtain certification under this chapter or a license pursuant to section seventy-one of chapter one hundred and eleven of the General Laws.

(c) For the purposes of this chapter, and any other general or special law classifying real estate property for the purpose of taxation, and notwithstanding the provisions of section twenty-seven C of chapter twenty-nine of the General Laws, a municipality shall classify the portion of any building operated as an assisted living residence in the same category as property held or used for human habitation.

(d) Regardless of the designation of an assisted living residence as a residential, institutional or other use under any zoning ordinance, assisted living residences certified under this chapter shall be regarded as residential uses for the purposes of the state building code and shall be so regarded by the building inspectors of each city and town in the commonwealth.