

HOUSE No. 4198

The Commonwealth of Massachusetts

PRESENTED BY:

Brian M. Ashe and Angelo J. Puppolo, Jr.

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 entrance fee refund provisions in continuing care agreements and written residency agreements.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|---|-------------------|
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>10/23/2023</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>10/23/2023</i> |
| <i>Jacob R. Oliveira</i> | <i>Hampden, Hampshire and Worcester</i> | <i>11/1/2023</i> |

HOUSE No. 4198

By Representatives Ashe of Longmeadow and Puppolo of Springfield, a petition (subject to Joint Rule 12) of Brian M. Ashe, Angelo J. Puppolo, Jr., and Jacob R. Oliveira relative to entrance fee refund provisions in continuing care agreements and written residency agreements. Elder Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to entrance fee refund provisions in continuing care agreements and written residency agreements.

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. Section 14 of chapter 19D of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the word “regulation”, in line 18, the
3 following words: ; provided, that the department shall require, in the case of a written residency
4 agreement that provides for a refundable entrance fee, the facility shall assign a vacated unit a
5 sequential refund number among all the available units with refundable entrance fees after the
6 date that all the conditions for issuing a sequential refund number, as provided in the written
7 residency agreement, are fulfilled. Any balance to the resident shall be payable based upon the
8 order of the sequential refund number, or within 1 year after the unit has been vacated,
9 whichever comes first.

10 SECTION 2. Section 76 of chapter 93 of the General Laws, as so appearing, is hereby
11 amended by inserting after the word “dies”, in line 137, the following words: ; provided,

12 however, that in the case of a continuing care agreement that provides for a refundable entrance
13 fee, the facility shall assign a vacated unit a sequential refund number among all the available
14 units with refundable entrance fees after the date that all the conditions for issuing a sequential
15 refund number, as provided in the continuing care agreement, are fulfilled. Any balance to the
16 resident shall be payable based upon the order of the sequential refund number, or within 1 year
17 after the unit has been vacated, whichever comes first.