§7851. Assisted housing facilities

Assisted housing facilities are authorized under this chapter in the following settings and subject to the following standards and licensure requirements. [PL 2023, c. 176, §7 (AMD).]

1. Standards. Assisted housing facilities further the independence of the resident and respect the privacy and personal choices of the resident, including the choice to continue to reside at home for so long as the assisted housing facility, as it is fundamentally designed, is able to meet the needs of the resident. Assisted housing facilities provided to residents must be consumer oriented and meet professional standards of quality.
[PL 2023, c. 176, §7 (AMD).]

2. Settings. Assisted housing facilities consist of the following settings:

A. Independent housing with services programs, as defined in section 7852, subsection 6; [PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]

B. Assisted living facilities, as defined in section 7852, subsection 4-A; or [PL 2023, c. 176, §7 (AMD).]

C. Residential care facilities, as defined in section 7852, subsection 14. [PL 2001, c. 596, Pt. A, §1 (NEW); PL 2001, c. 596, Pt. B, §25 (AFF).]
[PL 2023, c. 176, §7 (AMD).]

3. Licensure requirements. Licensure of assisted living facilities is governed by subsection 3-A and section 7801, subsection 1. Licensure of residential care facilities is governed by subsection 3-A and section 7801, subsections 1 and 3.
[PL 2023, c. 176, §7 (AMD).]

3-A. Multiple licenses; limitations. This subsection governs the department's issuance of multiple licenses to assisted living facilities and residential care facilities.

A. Except as provided in paragraph B, beginning October 1, 2023, the department may not issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license for services offered in the same location. [PL 2023, c. 176, §7 (NEW).]

B. The department may issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license that, on October 1, 2023, held more than one license at the same license level for services offered in the same location. The department may also issue more than one license at the same license level to an applicant for an assisted living facility license or a residential care facility license if the applicant received municipal approval and permits and project financing approvals prior to March 1, 2023 and began construction, prior to October 1, 2023, on a facility at the same license level for services offered in the same location as long as there were no quality of care and services or resident rights violations of the license substantiated prior to October 1, 2023. [PL 2025, c. 307, §1 (AMD).]

The department shall adopt rules to define license levels for assisted living facilities and residential care facilities. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 307, §1 (AMD).]

4. Prohibited employment based on disqualifying offenses. A licensed assisted housing facility shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including a certified nursing assistant or a direct care worker.

The department may adopt rules necessary to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2023, c. 176, §7 (AMD).]

SECTION HISTORY

PL 2001, c. 596, §A1 (NEW). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 634, §6 (AMD). PL 2015, c. 196, §14 (AMD). PL 2015, c. 299, §22 (AMD). PL 2015, c. 494, Pt. A, §25 (AMD). PL 2023, c. 176, §7 (AMD). PL 2025, c. 307, §1 (AMD).

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