

**Subject** Small assisted living and residential program licensure; notifications; inspection authority; vulnerable adult maltreatment reports

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## Overview

This bill establishes additional licensing and notification requirements for the commissioners of health and human services, relating to assisted living facilities with a licensed resident capacity of six or fewer and residential programs that are considered permitted single-family residential use or serving six or fewer persons.

The bill prohibits the commissioners from granting licenses to these facilities and programs if they will be located within 650 feet of an existing program of the same type, and lists exceptions to this prohibition. Currently, for residential programs licensed by the commissioner of human services, the distance requirement is 1,320 feet. The bill also requires the commissioners to notify municipalities before issuing licenses for these facilities and programs, and specifies what the notices must include.

Sections 3 and 5 allow the commissioners to delegate authority to a county agency or local unit of government, upon their request, to inspect these types of facilities and programs for compliance with applicable building, fire, and safety codes, health rules, and zoning ordinances. Section 7 modifies notification requirements when vulnerable adult maltreatment is reported to the Minnesota Adult Abuse Reporting Center (MAARC).

## Summary

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1	<b>Consideration of applications.</b> Amends § 144G.15. Adds subdivisions.
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**Subd. 1. Considerations.** Requires the commissioner of health to consider, before issuing a license or provisional license for an assisted living facility with a

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licensed resident capacity of six or fewer, the facility's proximity to other assisted living facilities and residential programs.

**Subd. 2. Grounds for licensing action.** Reorganizing paragraph into subdivision.

**Subd. 3. Proximity to other licensed facilities.** Paragraph (a) prohibits the commissioner of health from granting a license or provisional license for an assisted living facility with a licensed resident capacity of six or fewer that will be located within 650 feet of an existing assisted living facility of the same capacity or an existing residential program licensed by the Department of Human Services.

Paragraph (b) permits the commissioner to grant a license or provisional license under the circumstances listed in paragraph (a) if:

- 1) the existing program is located within a hospital;
- 2) the town, municipality, or county zoning authority grants the assisted living facility an interim or special use permit; or
- 3) the facility submits an application for certificate of need and the commissioner approves the certificate of need.

**Subd. 4. Reconsideration rights.** Reorganizing paragraph into subdivision.

Makes the section effective July 1, 2026.

2 **Notice to affected municipality.**

Amends § 144G.16 by adding subd. 8. Requires the commissioner of health to provide a notice to the affected municipality or political subdivision at least 30 days before issuing a license or provisional license to an assisted living facility with a licensed resident capacity of six or fewer. Specifies what the notice must include and allows notice via electronic communication.

Makes the section effective July 1, 2026.

3 **Local law apply; delegating inspection authority.**

Amends § 144G.45, subd. 3. Allows the commissioner of health to delegate authority to a county agency or local unit of government, at the request of the county agency or local unit of government, to inspect an assisted living facility with a licensed resident capacity of six or fewer for compliance with applicable building, fire, and safety codes, health rules, and zoning ordinances, no more than every six months. Requires the inspecting county agency or local unit of government to notify the commissioner of violations or concerns within ten working days.

Section	Description
	<p>Requires the commissioner to ensure that requirements are uniformly enforced throughout the state by reviewing inspecting county agencies or local units of government for compliance at least every four years.</p> <p>Makes this section effective January 1, 2027.</p>
4	<p><b>Notification of affected municipality.</b></p> <p>Amends § 245A.04, subd. 2. Removes exemption to notification requirements for programs considered a permitted single-family residential use. Specifies what the written notification must include.</p> <p>Makes this section effective July 1, 2026.</p>
5	<p><b>Meeting fire and safety codes.</b></p> <p>Amends § 245A.04, subd. 2a. Allows the commissioner of human services to delegate authority to a county agency or local unit of government, at the request of the county agency or local unit of government, to inspect a residential program serving six or fewer persons for compliance with applicable building, fire, and safety codes, health rules, and zoning ordinances, no more than every six months. Requires the inspecting county agency or local unit of government to notify the commissioner of violations or concerns within ten working days.</p> <p>Requires the commissioner to ensure that requirements are uniformly enforced throughout the state by reviewing inspecting county agencies or local units of government for compliance at least every four years.</p> <p>Makes this section effective January 1, 2027.</p>
6	<p><b>Location of residential programs.</b></p> <p>Amends § 245A.11, subd. 4. Paragraph (a) prohibits the commissioner of human services from granting an initial license for a residential program that will be located within 650 feet of an existing residential program or assisted living facility with a licensed residential capacity of six or fewer.</p> <p>Paragraph (b) permits the commissioner to grant a license under the circumstances listed in paragraph (a) if:</p> <ol style="list-style-type: none"><li>1) the existing program is located within a hospital;</li><li>2) the town, municipality, or county zoning authority grants the residential program an interim or special use permit;</li><li>3) the facility submits an application for certificate of need and the commissioner approves the certificate of need; or</li></ol>

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|  | 4) the program is a foster care or a community residential setting, the program submits an application for a certificate of need, and the commissioner approves the certificate of need. |
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Makes the section effective July 1, 2026.

7	<b>Lead investigative agency; notifications, dispositions, determinations.</b>
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Amends § 626.557, subd. 9c. For reports made to MAARC for vulnerable adult maltreatment, requires the lead investigative agency to notify, if applicable, a vulnerable adult's case manager and the case manager's supervisor, in addition to notifying the reporter, of the report's receipt and initial disposition. Adds requirement to include the case number in the notification.

Requires, if the report is accepted for investigation, that the notification include the investigator's name and contact information. If the report is not accepted for investigation or adult protective services, requires the notification to state the reason it was not accepted.

Makes this section effective July 1, 2026.



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