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Re: Changes to Assisted Living Community Licensure

In anticipation of the forthcoming changes to assisted living community licensure enacted by 22RS SB 11, an act relating to long-term care facilities; 23RS SB 110, an act relating to health care; 23RS SB 111, an act relating to health care; and the administrative regulations promulgated thereunder, the Department of Housing, Buildings and Construction (“Department”) is releasing this bulletin to clarify the use and occupancy classification requirements for certain facilities pursuant to the 2018 Kentucky Building Code (“KBC”).

KRS 194A.710 and 902 KAR 20:480 establish three categories for assisted living community licensure: (1) social model assisted living community (“ALC”); (2) assisted living community with basic health care (“ALC-BH”); and (3) assisted living community with dementia care (“ALC-DC”).

ALC, ALC-BH, and ALC-DC facilities with more than five (5), but not more than sixteen (16) residents, who reside on a 24-hour basis in a supervised residential environment and receive custodial care shall be classified as Group R-4 occupancies pursuant to 2018 KBC Section 310.6.

ALC facilities with more than sixteen (16) residents shall be classified as Group R-2 occupancies pursuant to 2018 KBC Section 310.4.

ALC-BH and ALC-DC facilities with more than sixteen (16) residents, who reside on a 24-hour basis, in a supervised environment and receive custodial care shall be classified as Group I-1 occupancies pursuant to 2018 KBC Section 308.3.

Facilities certified as assisted living communities prior to the effective date of 902 KAR 20:480 wishing to obtain licensure as an ALC-BH or ALC-DC should contact the Department to determine whether a change of use or occupancy will occur, as permitting, plan review, and inspection requirements may be triggered.