

(2) A reasonable financial plan has been developed for developing and operating the project;

(3) A market for the facility appears to exist;

(4) The feasibility study was prepared by a recognized authority;

(5) The actuarial forecast supports the projections for the project;

(6) The escrow agreement and deposit agreement are approved by the Department; and

(7) The approved escrow agreement is executed by the provider and the financial institution.

(f) If the provider plans to advertise before having [a] AN INITIAL certificate of registration issued under § 11 of this subtitle, the form and substance of any advertisement or advertising campaign must be submitted to the Department before the advertisement or advertising campaign may be used.

11.

(a) A provider may not provide continuing care until the issuance of [a] AN INITIAL certificate of registration by the Department. The application shall be filed in a form satisfactory to the Department. The application shall contain at least the following information:

(1) For a project other than a conversion, verification that subscribers' continuing care agreements have been executed for at least 65 percent of the independent living units and at least 10 percent of the total entrance fee for each contracted unit has been collected;

(2) For a conversion project, verification that at least 80% of the accommodations in the project that are not licensed as assisted living or comprehensive care beds are occupied or reserved in accordance with:

(i) Leases;

(ii) Continuing care agreements executed with subscribers who have provided a deposit that:

1. Is equal to at least 10% of the total entrance fee; and

2. Has been deposited by the provider under a proper escrow agreement; or

(iii) Other appropriate contractual arrangements.

(3) Verification that the provider has received a written commitment for permanent long-term financing, and, when requested by the permanent financing lender, the Department may issue a letter stating that all requirements of paragraph (1) of this subsection have been met; and