

INCREASE THE NUMBER OF INDEPENDENT OR ASSISTED LIVING UNITS AND FOR WHICH THE TOTAL PROJECTED COST EXCEEDS THE SUM OF:

(I) 20% OF THE TOTAL OPERATING EXPENSES, LESS DEPRECIATION, AMORTIZATION, AND INTEREST EXPENSE OF THE FACILITY AS SHOWN ON THE CERTIFIED FINANCIAL STATEMENT FOR THE MOST RECENT FISCAL YEAR FOR WHICH A CERTIFIED FINANCIAL STATEMENT IS AVAILABLE; AND

(II) THE AMOUNT OF EXISTING RESERVES PROPERLY ALLOCABLE TO, AND ALLOCATED FOR, THE RENOVATION.

(2) "RENOVATION" DOES NOT INCLUDE NORMAL REPAIR OR MAINTENANCE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 70B, § 7(y).

Defined terms: "Certified financial statement" § 10-401
"Facility" § 10-401

(V) SUBSCRIBER.

"SUBSCRIBER" MEANS AN INDIVIDUAL FOR WHOM A CONTINUING CARE AGREEMENT IS PURCHASED.

REVISOR'S NOTE: This subsection formerly was Art. 70B, § 7(bb).

No changes are made.

Defined term: "Continuing care agreement" § 10-401

(W) SURCHARGE.

(1) "SURCHARGE" MEANS A SEPARATE AND ADDITIONAL CHARGE THAT:

(I) IS IMPOSED SIMULTANEOUSLY WITH THE ENTRANCE FEE; AND

(II) MAY BE REQUIRED OF SOME, BUT NOT ALL, SUBSCRIBERS BECAUSE OF A CONDITION OR CIRCUMSTANCE THAT APPLIES ONLY TO THOSE SUBSCRIBERS.

(2) "SURCHARGE" DOES NOT INCLUDE A SECOND PERSON ENTRANCE FEE.

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 70B, § 7(cc).

Defined terms: "Entrance fee" § 10-401
"Person" §§ 1-101, 10-401
"Subscriber" § 10-401

10-402. APPLICATION OF SUBTITLE AND OTHER LAWS.

(A) APPLICATION OF SUBTITLE.