

(III) THE FORM AND SUBSTANCE OF ALL ADVERTISEMENTS, ADVERTISING CAMPAIGNS, AND OTHER PROMOTIONAL MATERIALS SUBMITTED ARE NOT DECEPTIVE, MISLEADING, OR LIKELY TO MISLEAD;

(IV) FOR A PROJECT OTHER THAN A CONVERSION, CONTINUING CARE AGREEMENTS HAVE BEEN EXECUTED WITH SUBSCRIBERS FOR AT LEAST 65% OF THE INDEPENDENT LIVING UNITS AND AT LEAST 10% OF THE ENTRANCE FEE HAS BEEN PAID AS A DEPOSIT FOR EACH CONTRACTED UNIT;

(V) FOR A CONVERSION PROJECT, 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:

1. LEASES;

2. CONTINUING CARE AGREEMENTS EXECUTED WITH SUBSCRIBERS WHO HAVE PAID A DEPOSIT THAT:

A. EQUALS AT LEAST 10% OF THE TOTAL ENTRANCE FEE;

AND

B. HAS BEEN DEPOSITED BY THE PROVIDER UNDER AN ESCROW AGREEMENT APPROVED BY THE DEPARTMENT; OR

3. OTHER APPROPRIATE CONTRACTUAL ARRANGEMENTS;

(VI) IF CONSTRUCTION FINANCING IS REQUIRED, CLOSING ON THE FINANCING HAS OCCURRED; AND

(VII) THE PROVIDER HAS A COMMITMENT FOR PERMANENT LONG-TERM FINANCING.

(2) THE DEPARTMENT MAY ISSUE THE INITIAL CERTIFICATE OF REGISTRATION FOR A PERIOD NOT EXCEEDING 18 MONTHS.

(F) USE OF DEPOSITS HELD IN ESCROW.

A DEPOSIT HELD IN ESCROW MAY NOT BE USED UNTIL:

(1) AN INITIAL CERTIFICATE OF REGISTRATION HAS BEEN ISSUED;

(2) CONSTRUCTION IS COMPLETED;

(3) THE PROVIDER HAS A CERTIFICATE OF OCCUPANCY OR THE EQUIVALENT FROM THE APPROPRIATE LOCAL JURISDICTION; AND

(4) THE PROVIDER HAS THE APPROPRIATE LICENSES OR CERTIFICATES FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR THE DEPARTMENT.

(G) FAILURE TO OBTAIN CERTIFICATE OF REGISTRATION.

IF AN INITIAL CERTIFICATE OF REGISTRATION IS NOT ISSUED WITHIN 24 MONTHS AFTER THE ISSUANCE OF A PRELIMINARY CERTIFICATE OF REGISTRATION,