

Effective 5/10/2016

31A-44-313 Cancellation of contract -- Death or incapacity before occupancy.

- (1) A continuing care contract to provide continuing care in a living unit in a facility is cancelled if the resident:
 - (a) dies before occupying a living unit in the facility; or
 - (b) is precluded under the terms of the contract from occupying a living unit in the facility because of illness, injury, or incapacity.
- (2) If a continuing care contract is cancelled under this section, the resident or the resident's legal representative is entitled to a refund of all money or property transferred to the provider, minus:
 - (a) any nonstandard costs specifically incurred by the provider or facility at the request of the resident that are described in the contract or in an addendum to the contract signed by the resident; and
 - (b) a reasonable service charge, if set out in the contract, that may not exceed the greater of:
 - (i) \$1,000; or
 - (ii) 2% of the entrance fee.

Enacted by Chapter 270, 2016 General Session