

§ 58-64A-135. Refunds of escrowed entrance fees and deposits.

(a) An escrow agent shall refund to a depositor, or their legal representative, all amounts required by the depositor's nonbinding reservation agreement, binding reservation agreement, or continuing care contract upon receiving written notice from the provider of any of the following:

- (1) The death of a depositor.
- (2) Nonacceptance by the provider.
- (3) Voluntary cancellation.
- (4) The denial of an application pursuant to this Article.
- (5) Written notice from the Commissioner.

(b) Refunds required in subsection (a) of this section shall be paid within 10 business days after the escrow agent receives the written notice described in subsection (a) of this section.

(c) If voluntary cancellation of a continuing care contract or a binding reservation agreement occurs after construction of the continuing care retirement community or expansion of a continuing care retirement community has begun, but prior to the independent living unit's initial occupancy, the refund may be delayed until another depositor has reserved a similar independent living unit and paid the necessary entrance fee or deposit. This delay shall not exceed one year, unless the time period is extended by the Commissioner upon a showing of good cause by the provider. (2025-58, s. 2.)