

§ 58-64A-65. Permanent license.

(a) A person may apply for a permanent license by submitting all of the following to the Commissioner for review:

- (1) A statement signed by the applicant, under penalty of perjury, certifying that to the best of the applicant's knowledge and belief, the items submitted in the application are correct. If the applicant is a corporation, the chief executive officer or other authorized individual shall sign the statement. If there are multiple applicants, these requirements shall apply to each applicant.
- (2) An updated disclosure statement that meets the requirements of G.S. 58-64A-150.
- (3) Confirmation that the applicant has established a plan to have health care available to residents promised in continuing care contracts upon opening, either by the applicant directly, or through contractual agreements.
- (4) At least one of the following:
 - a. Confirmation of signed binding reservation agreements or continuing care contracts for at least seventy percent (70%) of the new independent living units, reserved by a deposit equal to at least ten percent (10%) of the entrance fee.
 - b. Confirmation of signed binding reservation agreements or continuing care contracts for at least seventy percent (70%) of the new independent living units, reserved by a nonrefundable deposit equal to the periodic fee for at least two months for proposed continuing care retirement communities that have no entrance fee.
 - c. Confirmation of the one hundred thousand dollar (\$100,000) deposit required pursuant to G.S. 58-64A-60(a)(5)c.
- (5) Confirmation that the applicant has long-term financing in place, and if the applicant is leasing the land or other real property of the continuing care retirement community, confirmation that the lease is in place and, if applicable, that the lease has been approved by the Commissioner pursuant to G.S. 58-64A-25.
- (6) Confirmation that the applicant is in compliance with all other state, federal, municipal, and county laws and regulations. If the applicant is not in compliance, the applicant shall include a statement that describes the nature of the deficiency.
- (7) A statement concerning any litigation, orders, judgments, or decrees which may involve or impact the applicant or proposed continuing care retirement community.
- (8) Evidence that the applicant has in place the operating reserve required by Part 11 of this Article.

(b) The Commissioner shall comply with the review schedule in G.S. 58-64A-70 in response to an application for a permanent license.

(c) The Commissioner shall approve an application for a permanent license if all of the following requirements are met:

- (1) The application complies with this section.
- (2) None of the grounds for denial listed in G.S. 58-64A-280 apply to the applicant.

(d) After receiving a permanent license from the Commissioner, the provider may do both of the following:

- (1) Open the continuing care retirement community.
- (2) Provide continuing care.

(e) If the Commissioner determines that the requirements of subsection (c) of this section are not met, the Commissioner may do either of the following:

- (1) Deny the application.
- (2) Issue a restricted permanent license with an explanation of (i) the restrictions established by the Commissioner under subsection (f) of this section and (ii) the conditions the provider must satisfy to qualify for a permanent license.

(f) After receiving a restricted permanent license from the Commissioner, the provider may operate a continuing care retirement community under restrictions established by the Commissioner until the Commissioner issues a permanent license. When the Commissioner issues a restricted permanent license, the provider shall inform all depositors and residents within 10 business days of (i) all restrictions imposed by the restricted permanent license and (ii) all conditions that the provider must satisfy to qualify for a permanent license.

(g) After issuing a permanent license or restricted permanent license, the Commissioner shall do both of the following:

- (1) Require the provider to submit periodic occupancy reports and financial statements in a form prescribed by the Commissioner.
- (2) Post the disclosure statement of the continuing care retirement community on the Department's website.

(h) A permanent license or restricted permanent license shall be valid for as long as the Commissioner determines that the provider continues to meet the requirements of this Article. (2025-58, s. 2.)