

SENATE BILL 560

O2, J3

6lr2358

By: **Senator Sydnor**

Introduced and read first time: February 4, 2026

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Retirement Communities – Refunds**

3 FOR the purpose of requiring a provider of a continuing care retirement community to pay
4 any contractual entrance fee refund ~~within a certain time after a continuing care~~
5 ~~agreement is terminated~~ owed under the terms of the continuing care agreement; and
6 generally relating to continuing care retirement communities.

7 BY repealing and reenacting, with amendments,

8 Article – Human Services

9 Section 10–449

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2025 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Human Services**

15 10–449.

16 (a) A continuing care agreement shall allow a subscriber to terminate the
17 agreement by giving a written termination notice to the provider.

18 (b) If a continuing care agreement is terminated by the subscriber's election or
19 death within the first 90 days of occupancy, the provider shall pay any contractual entrance
20 fee refund within 30 days after the earlier to occur of:

21 (1) the recontracting of the subscriber's unit by:

22 (i) another subscriber for whom an entrance fee has been paid; or

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1 (ii) another party who is not a subscriber; or

2 (2) the later to occur of:

3 (i) the 90th day after the date the written termination notice is
4 given or the date of death; or

5 (ii) the day the independent living units at the facility have operated
6 at 95% of capacity for the previous 6 months.

7 (c) If a continuing care agreement is terminated by the subscriber's election or
8 death after the first 90 days of occupancy, the provider shall pay any contractual entrance
9 fee refund within 60 days after the subscriber's death or the effective date of termination,
10 if on the date of death or at any time between the date the written termination notice is
11 given and the effective date of termination:

12 (1) the subscriber resides in a unit at a higher level of care than the level
13 of care in which the subscriber resided on initially entering the facility; and

14 (2) the last unit in which the subscriber resided at the initial level of care
15 on entering the facility has been occupied by or reserved for another subscriber who has
16 paid an entrance fee.

17 (d) This section does not prohibit a provider from requiring that a subscriber's
18 unit be vacated before any contractual entrance fee refund is paid as a result of the
19 subscriber's election to terminate a continuing care agreement.

20 (e) (1) If an entrance fee refund is conditioned on the reoccupying of a
21 subscriber's unit and the unit has not been reoccupied within 9 months of the subscriber's
22 death or the date of the contract termination, a provider shall:

23 (I) submit a written report to
the subscriber or the subscriber's beneficiary stating:

24 ~~(i)~~ 1. that the unit has not been reoccupied; ~~and~~

25 ~~(ii)~~ 2. the efforts the provider has made to reoccupy the unit; AND

3. THAT A VIOLATION OF THIS SUBSECTION IS SUBJECT TO THE PENALTY PROVISIONS UNDER § 10-497 OF THIS SUBTITLE; AND

(II) PAY ANY CONTRACTUAL ENTRANCE FEE REFUND OWED UNDER THE TERMS OF THE CONTINUING CARE AGREEMENT.

26 (2) After the provider submitted the report required under ~~paragraph (1)~~ ITEM (1)
27 (I) of this subsection, the provider shall submit an updated written report to the subscriber or
28 the subscriber's beneficiary every 6 months until the subscriber's unit has been reoccupied.

29 ~~(F)~~ ~~(1)~~ ~~IF A CONTINUING CARE AGREEMENT IS TERMINATED;~~

30 ~~(1)~~ ~~BY WRITTEN NOTICE GIVEN BY A SUBSCRIBER, THE~~
31 ~~TERMINATION DATE OF THE CONTINUING CARE AGREEMENT SHALL BE ON THE DATE~~
32 ~~ON WHICH THE SUBSCRIBER VACATED THE UNIT AND REMOVED ALL PERSONAL~~
33 ~~PROPERTY OF THE SUBSCRIBER FROM THE UNIT; OR~~

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1 ~~(H) ON THE SUBSCRIBER'S DEATH, THE TERMINATION OF THE~~
2 ~~CONTINUING CARE AGREEMENT SHALL BE EFFECTIVE ON THE DATE OF THE~~
3 ~~SUBSCRIBER'S DEATH.~~

4 ~~(2) REGARDLESS OF WHETHER AN ENTRANCE FEE REFUND IS~~
5 ~~CONDITIONED ON THE REOCCUPYING OF A SUBSCRIBER'S UNIT, WHEN A~~
6 ~~CONTINUING CARE AGREEMENT IS TERMINATED BY THE SUBSCRIBER'S ELECTION~~
7 ~~OR DEATH, THE PROVIDER SHALL PAY ANY CONTRACTUAL ENTRANCE FEE REFUND~~
8 ~~NOT LATER THAN 2 YEARS AFTER THE DATE THE CONTINUING CARE AGREEMENT IS~~
9 ~~TERMINATED.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2026.