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Elder Law Minute

Continuing Care Retirement Community (CCRC) Negotiations

On May 18, 2009, I wrote about a client of mine who was interested in purchasing a unit at a Continuing Care Retirement Community (CCRC) in Gainesville, Georgia. After performing much due diligence, I recommended that the client not take the risk. However, this couple in their 80s decided that they don't have too many more years to enjoy themselves and they decided to go for it.

Once that decision was made, I tried to lessen their risk by negotiating the terms of the admission agreement. I tried to limit the facility's right to increase its charges. I tried to remove the language which allows the facility to place the resident in any other licensed assisted living facility or nursing home if there is no room on campus. I tried to remove the disclaimer of liability provision relating to responding to emergencies and to breaches of security. And, I tried to remove the mandatory arbitration provision.

Surprisingly, the only issue that the facility would agree to modify was the one dealing with placement of the resident off campus. And even there, the most that they would agree to was that the resident had the right to approve or refuse the facility chosen.

Please let me know what your experience negotiating with a CCRC has been.

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