§ 2852. Definitions. As used in this article the following words and phrases shall have the following meanings unless a different meaning is plainly required by the context:

1. "Commissioner". The commissioner of health of the state of New York.

2. "Company." "Nursing home company." A non-profit nursing home company, duly incorporated pursuant to the provisions of the not-for-profit corporation law and this article, or a limited-profit nursing home company duly incorporated pursuant to the provisions of this article for the purpose of providing nursing home accommodations, including board and nursing care by or under the supervision of a duly licensed physician to sick, invalid, infirm, disabled or convalescent persons of low income or of providing health-related service as defined in article twenty-eight of this chapter to persons of low income, or any combination of the foregoing, and in addition thereto, of providing nursing care and health-related service, or either of them, to persons of low income who are not occupants of the project, and such other facilities as may be deemed by the commissioner to be incidental and appurtenant thereto.

3. "Project." "Nursing home project." A specific work or improvement, including lands, buildings, improvements, fixtures and articles of personal property, acquired, constructed, rehabilitated, managed, owned or operated by a company pursuant to this article to provide nursing home accommodations, including board and nursing care by or under the supervision of a duly licensed physician to sick, invalid, infirm, disabled or convalescent persons of low income or of providing health-related service as defined in article twenty-eight of this chapter to persons of low income, or any combination of the foregoing, or such care or service and hospital service, and in addition thereto of providing nursing care and health-related service, or either of them, or such care and service and hospital service, to persons of low income who are not occupants of the project, and such other facilities as may be deemed by the commissioner to be incidental and appurtenant thereto.

4. "Project cost". "Nursing home project cost". The sum total of all costs incurred by a company as approved by the commissioner as reasonable and necessary for carrying out all works and undertakings and providing all necessary equipment for the development of a project less any portion of any state, federal or municipal assistance grant as the commissioner shall, prior to the making of a loan by the New York state housing finance agency or the New York state medical care facilities finance agency, as the case may be, to a company, determine to be available to reimburse the company for the payment of such project costs prior to the initial occupancy of the project. These shall include but are not necessarily limited to the carrying charges during construction or rehabilitation up to and including the occupancy date, working capital not exceeding three per centum of the estimated total cost or three per centum of the actual total final cost, whichever is larger, the cost of all necessary studies, surveys, plans and specifications, architectural, engineering, legal or other special services, the cost of acquisition of land and any buildings and improvements thereon, site preparation and development, construction, reconstruction and equipment, including fixtures, equipment, and articles of personal property required for the operation of lodging, board, medical and nursing treatment facilities, the reasonable cost of financing incurred by the company in the course of the development of the project, up to and including the occupancy date, the fees imposed by the commissioner and by the New York state housing finance agency or the New York state medical care facilities finance agency, as the case may be; other fees charged, and necessary expenses incurred in connection with the initial occupancy of the project, and the cost of such other items as the commissioner may determine to be reasonable and necessary for the development of a project, less any and all rents and other net revenues from the operation of the real property, improvements or personal property on the project site, or any part thereof, by the company on and after the date on which the contract between the company and the New York state housing finance agency or the New York state medical care facilities finance agency, as the case may be, was entered into and prior to the occupancy date.

5. "Occupancy date". The date defined in the document providing for a

loan between a company and the New York state housing finance agency or the New York state medical care facilities finance agency, as the case may be.

6. "Loan". As used in this article, a loan shall mean either a mortgage loan or a project loan, each as defined in the New York state medical care facilities finance agency act, made by the agency to a nursing home company, as defined in the New York state medical care facilities finance agency act.