§ 2860. Rental rates and selection of occupants. 1. A company shall, with the approval of the commissioner, fix maximum rates to be charged occupants of each nursing home project for the facilities and services provided by the company to such occupants and the maximum rates to be charged to persons of low income who are not occupants of the project for the nursing care and health-related service, or either of them, provided by the company to such persons, the average of such rates for any one project not to exceed the maximum average rates determined by the commissioner before any commitments are made by the company for the construction of the project. The commissioner upon his own motion, or upon application by the company or lienholder may vary the amount of such charge from time to time so as to secure, together with all other income of the company, sufficient income to meet, within reasonable limits, all necessary payments by the said company of all expenses, including fixed charges, sinking funds and reserves.

2. The facilities and services provided by the company to occupants shall be available for persons of low income, whose probable aggregate annual income at the time of admission and during the period of occupancy does not exceed two times the annual charges to be paid by such persons. Nursing care and health-related service, or either of them, shall be available to persons of low income who are not occupants of the project whose probable annual income does not exceed two times the average annual charge made to occupants of the project. The commissioner may make rules and regulations relating to the allocation of the income of a family among the members thereof for the purpose of determining the income attributable to any one person for the purpose of this subdivision.