§ 4609. Withdrawal, death or dismissal of person; refund. 1. Upon the giving of written notice of cancellation by certified mail of at least thirty days, the contract may be cancelled by a resident for any reason, or by an operator if the applicant has willfully mismanaged assets needed to pay monthly care fees. A resident shall not be discharged for inability to pay the monthly fee except where a showing of the willful mismanagement of assets needed to pay monthly care fees has been made.

2. If the notice required by subdivision one of this section is given within the first ninety days of occupancy, the resident shall receive a refund of not less than the entry fee and any other pre-payments less the actual cost of any services actually provided and the actual cost of refurbishing the unit for resale. After the first ninety days of occupancy, any refund shall be not less than the entrance fee, except that the operator may retain no more than two percent per month of occupancy by the resident of such fee and no more than a four percent fee for processing.

3. Refunds upon death will be made on the same basis as refunds upon withdrawal.

4. Any refund made pursuant to this section must be paid no later than thirty days after the formerly occupied unit has been resold, but in no event later than one year after the formerly occupied unit has been vacated.