

Department of
SOCIAL SERVICES

Community Care Licensing

COMPLAINT INVESTIGATION REPORT

Facility Number: 415600689
Report Date: 11/13/2023
Date Signed: 11/14/2023 02:53:34 PM

Unfounded

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION CCLD Regional Office, 851 TRAEGER AVE., SUITE 360 SAN BRUNO, CA 94066
COMPLAINT INVESTIGATION REPORT	

This is an official report of an unannounced visit/investigation of a complaint received in our office on **06/30/2023** and conducted by Evaluator Christina Hadley

	COMPLAINT CONTROL NUMBER: 14-AS-20230630154615
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FACILITY NAME: STRATFORD, THE	FACILITY NUMBER: 415600689
ADMINISTRATOR: CAMILLE CHRISTIE	FACILITY TYPE: 741
ADDRESS: 601 LAUREL AVE	TELEPHONE: (650) 342-4106
CITY: SAN MATEO	ZIP CODE: 94401
CAPACITY: 96	DATE: 11/13/2023
MET WITH:	UNANNOUNCED TIME BEGAN: 01:26 PM
	TIME COMPLETED: 01:27 PM

ALLEGATION(S):

1	Transfer fees should not be allowed since the provider is not a broker. In the alternative, transfer fees should be limited in accordance with Civil Code section 4575.
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INVESTIGATION FINDINGS:

1	During the Course of the investigation into this allegation, the following was determined: The Transfer Fee is clearly outlined in the Continuing Care Contract and CC&Rs. Residents executed these contracts thereby agreeing to pay a transfer fee upon the sale of their unit. In addition, the department does not interpret the "transfer fee" to be a brokerage fee. The continuing care contract statutes recognize the purchase price of a condominium unit to be an entrance fee and the fees charged upon the sale of the condominium unit to be a resale fee. (See HSC section 1771 subdivisions (e)(3) and (r)(4).) Resale fees or "transfer fees" based on a set fee and appreciation of the unit are not unique to Sunrise. Similar arrangements exist in other equity projects. (See Health and Safety Code (HSC) section 1771(e)(6) [defining "equity project"].) Further, analogous forms of compensation from the sale of a refundable or repayable CCRC unit are standard in the industry. Therefore, the department does not recognize such fees to be brokerage fees. (Cont.....)
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Unfounded Estimated Days of Completion:

NAME OF LICENSING PROGRAM MANAGER: Allison Nakatomi
NAME OF LICENSING PROGRAM ANALYST: Christina Hadley
LICENSING PROGRAM ANALYST SIGNATURE: **DATE:** 11/13/2023

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE: **DATE:** 11/13/2023

This report must be available at Child Care and Group Home facilities for public review for 3 years.
LIC9099 (FAS) - (06/04) Page: 1 of 2

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY
COMPLAINT INVESTIGATION REPORT
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 851 TRAEGER AVE., SUITE 360
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INVESTIGATION FINDINGS:
1 • In the case of a CCRC, resale fees, or “transfer fees,” are paid by residents to the CCRC provider.
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3 • Civil Code section 4575 applies to HOAs, community service groups or similar entities.
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5 • A continuing care retirement center provider is not a HOA, community service group or similar entity,
6 therefore Civil Code section 4575 does not apply to CCRCs.
7
8 • Furthermore, CDSS is not responsible for or authorized to enforce the Civil Code. , a proposed
9 response should simply note that CDSS does not enforce Civil Code section 4575 as a licensing
10 requirement and that Continuing Care Contracts are governed by Health and Safety Code, Division 2,
11 Chapter 10.
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