

**NEW YORK**  
*state department of*  
**HEALTH**

Nirav R. Shah, M.D., M.P.H.  
Commissioner

Sue Kelly  
Executive Deputy Commissioner

September 28, 2012

**DAL: LTC 12 -08**  
**Subject: Real Property Transfer**

Dear Adult Care Facility Operator:

The purpose of this letter is to inform Licensed Adult Care Facility Operators that real property transfers do not require a Certificate of Need (CON) application. Please note should the transfer include changes to the operator/operation of the facility a change of owner/operator application is required.

This letter is not to be construed in a manner contrary to regulations governing the renewal of operating certificates. Pursuant to section 485.7 (a) of Title 18 of the New York State Code, Rules and Regulations, when applying for renewal, the operator of an adult care facility must still submit, among other things, "any new contracts, leases or rental agreements," which will be reviewed by the Department to ensure compliance with applicable statutory and regulatory requirements.

If you should have any questions related to this notification, please email the Bureau of Certification and Finance at [acfcon@health.state.ny.us](mailto:acfcon@health.state.ny.us).

Sincerely,



Mark Kissinger  
Director  
Division of Long Term Care