

85068.5 Eviction Procedures

(a)

The licensee shall be permitted to evict a client by serving the client with a 30-day written notice to quit for any of the following reasons: (1) Nonpayment of the rate for basic services within ten days of the due date. (2) Failure of the client to comply with state or local law after receiving written notice of the alleged violation. (3) Failure of the client to comply with the general facility policies as specified in the Admission Agreement. (4) A needs and services plan modification has been performed, as specified in Section 85068.3, which determined that the client's needs cannot be met by the facility and the client has been given an opportunity to relocate as specified in Section 85068.3(b)(3). (5) Change of use of the facility.

(1)

Nonpayment of the rate for basic services within ten days of the due date.

(2)

Failure of the client to comply with state or local law after receiving written notice of the alleged violation.

(3)

Failure of the client to comply with the general facility policies as specified in the Admission Agreement.

(4)

A needs and services plan modification has been performed, as specified in Section 85068.3, which determined that the client's needs cannot be met by the facility and the client has been given an opportunity to relocate as specified in Section 85068.3(b)(3).

(5)

Change of use of the facility.

(b)

The licensee shall be permitted to evict a client by serving the client with a three-day written notice to quit provided that both of the following requirements have been met: (1) The licensing agency has granted prior written and/or documented telephone approval for the eviction. (A) The licensing agency shall reply to a request for such approval within two working days. (B) Failure of the licensing agency to reply within two working days shall be considered approval. (2) The client has engaged or is engaging in behavior which is a threat to his/her mental and/or physical health or safety, or to the health and safety of others in the facility.

(1)

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The licensing agency shall reply to a request for such approval within two working days.

(B)

Failure of the licensing agency to reply within two working days shall be considered approval.

(2)

The client has engaged or is engaging in behavior which is a threat to his/her mental and/or physical health or safety, or to the health and safety of others in the facility.

(c)

The licensee shall set forth in the notice to quit the reasons for the eviction, with specific facts including the date, place, witnesses, and circumstances.

(d)

The licensee shall, upon completion of the procedures specified in (a) or (b) above, notify or mail a copy of the notice to quit to the client's authorized representative if any.

(e)

A written report of any eviction processed in accordance with (a) above shall be sent to the licensing agency within five days of the eviction.

(f)

Nothing in this section is intended to preclude the licensee or client from invoking any other available remedy.