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Title 22@ Social Security

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Division 6@ Licensing of Community Care Facilities

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Chapter 8.5@ Residential Care Facilities for the Chronically III

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Article 6@ Continuing Requirements

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Section 87868.1@ Resident Eviction Procedures

## **87868.1 Resident Eviction Procedures**

### **(a)**

The licensee shall be permitted to evict a resident with 30 days written notice for any of the following reasons: (1) Nonpayment of the basic rate for the provision of basic services within ten days of the due date. (2) Failure of the resident to comply with the provisions of the Admission Agreement.

#### **(1)**

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

#### **(2)**

Failure of the resident to comply with the provisions of the Admission Agreement.

### **(b)**

The licensee shall evict the resident if he/she refuses to relocate within thirty (30) days of a written notice under the following circumstances: (1) Modifications to the resident's Individual Services Plan specified in Section 87896 indicate that the resident's needs can no longer be met by the facility. (A) Under these circumstances, the resident shall be given an opportunity to voluntarily relocate. (B) The facility shall assist the resident to relocate, if needed. (2) The resident's needs can no longer be met in the facility and his/her continued placement is inappropriate due to a change in the facility license or facility program.

#### **(1)**

Modifications to the resident's Individual Services Plan specified in Section 87896 indicate that the resident's needs can no longer be met by the facility. (A) Under these circumstances, the resident shall be given an opportunity to voluntarily relocate. (B) The facility shall assist the resident to relocate, if needed.

**(A)**

Under these circumstances, the resident shall be given an opportunity to voluntarily relocate.

**(B)**

The facility shall assist the resident to relocate, if needed.

**(2)**

The resident's needs can no longer be met in the facility and his/her continued placement is inappropriate due to a change in the facility license or facility program.

**(c)**

The licensee shall be permitted to evict a resident with three days prior written notice if the resident has engaged in behavior which poses a threat to himself/herself, other residents, and/or the facility personnel. (1) Prior to an eviction, the following requirements shall be met:(A) The Individual Services Team has submitted written approval to the licensee which concurs with the decision to evict the resident. (B) The licensee has received prior written and/or documented telephone approval for the notice of eviction from the Department. (C) The Department shall approve or deny the request within two working days of receipt. (D) The licensee shall maintain a copy of the documentation in the resident file. (E) The licensee shall assist the resident to relocate, if needed. (F) The licensee shall document the action taken to assist the resident to relocate and where the resident was relocated.

**(1)**

Prior to an eviction, the following requirements shall be met:(A) The Individual

Services Team has submitted written approval to the licensee which concurs with the decision to evict the resident. (B) The licensee has received prior written and/or documented telephone approval for the notice of eviction from the Department. (C) The Department shall approve or deny the request within two working days of receipt. (D) The licensee shall maintain a copy of the documentation in the resident file. (E) The licensee shall assist the resident to relocate, if needed. (F) The licensee shall document the action taken to assist the resident to relocate and where the resident was relocated.

**(A)**

The Individual Services Team has submitted written approval to the licensee which concurs with the decision to evict the resident.

**(B)**

The licensee has received prior written and/or documented telephone approval for the notice of eviction from the Department.

**(C)**

The Department shall approve or deny the request within two working days of receipt.

**(D)**

The licensee shall maintain a copy of the documentation in the resident file.

**(E)**

The licensee shall assist the resident to relocate, if needed.

**(F)**

The licensee shall document the action taken to assist the resident to relocate and where the resident was relocated.

**(d)**

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

**(e)**

The licensee shall, upon providing the resident with notification of eviction as specified in (a) or (b) above, mail a copy of the eviction notice to the resident's authorized representative, if any.

**(f)**

The licensee shall send to the Department a copy of the 30-day written notice in accordance with (a) above within five days of giving the notice to the resident.

**(g)**

Alternatives to the eviction procedures specified in this section include voluntary relocation, hospitalization, arrest, and other actions not prohibited by applicable laws and regulations.