

## **RESIDENTS' RIGHTS IN LICENSED BOARD AND CARE HOMES**

A licensed Board and Care Home is a facility that provides 24-hour non-medical care and supervision to residents. All Board and Care Homes get their licenses from and are overseen by a division of the California Department of Social Services called Community Care Licensing.

### **Under California law, your Board and Care home is legally required to:**

- Make sure that you get to see a doctor or dentist when you have medical or dental problems.
- Assist you if you choose to vote in elections.
- Provide you with your own bed.
- Provide you with a bedroom that isn't shared with more than one other resident.
- Make sure that your bedroom is not used as a public passageway to another room.
- Provide you with clean linens, including blankets, sheets, bedspreads and towels.
- Provide you with hygiene items such as soap, toilet paper, toothbrush, toothpaste and feminine hygiene products.
- Provide planned recreational activities including games, sports and exercise.
- Provide safe, comfortable indoor and outdoor activity areas.
- Provide a variety of reading materials, including daily newspapers and magazines.
- Give you the opportunity to participate in religious activities of your choice, to go to community events such as concerts, tours, dances, plays and celebrations of special events, and to join community groups.
- Help in establishing and maintaining a resident council.
- Provide space and post notices for these resident council meetings.
- Make sure that part of every resident council meeting is held without any Board and Care staff present (so you can talk privately about any complaints you might have against your Board and Care).

### **As a resident of a Board and Care, you have the following rights under California law:**

- To have private visitors during waking hours, so long as such visits do not interfere with the rights of other residents.
- To wear your own clothes.
- To have and control your own personal property, including money.
- To have access to a telephone in order to make and receive private calls.
- To send and receive unopened mail.
- To receive help from staff with activities of daily living, such as dressing, eating and bathing.
- To be provided with basic laundry services (washing and drying of your clothing).
- To leave the Board and Care at any time.
- To never be locked in a room.
- To have questions from your relatives or authorized advocate answered promptly and completely by your Board and Care staff.

## **EVICCTIONS FROM LICENSED BOARD AND CARE HOMES**

### **Has your Board and Care operator told you that you have to move out?**

- You are legally entitled to an eviction notice before the operator can force you to move out.
- The operator cannot just tell you that you have to immediately leave the home!
- Depending on the type of facility that you live in, you are entitled to anywhere from three to sixty days' notice, depending on why the operator wants you to leave.
- **If your Board and Care operator has told you that you need to move, contact MHAP *right away* so that we can investigate what type of board and care home you live in and how much notice you are entitled to.**

### **Even after the notice of eviction expires, the operator cannot just lock you out!**

- If you have not moved out by the date that the notice expires, the operator must file an eviction lawsuit against you in court.
- You have a right to defend yourself in an eviction case and MHAP may be able to help.
- If you get served with court papers, called a "Summons and Complaint," contact MHAP *immediately!*
- You cannot be forced to move out until the judge at the court orders that you have to move out and the sheriff then locks you out.
- MHAP has an information sheet regarding the Eviction Process if you would like more information.

### **Board and Care operators are not allowed to tell residents that they cannot return after being in the hospital for psychiatric treatment!**

- If the operator wants you to move out because of something you did or allegedly did, or because she thinks she can't meet your needs, she still must give you the right amount of notice and file a lawsuit against you in court.
- Contact MHAP if your Board and Care operator is telling you or your doctor that you cannot return after being discharged from the hospital.

**If you have any problems with your Board and Care, you can contact the Mental Health Advocacy Project at the number on the front page of this sheet or toll-free at 1-800-248-6427.**

**You can also file a complaint against your Board and Care operator by calling Community Care Licensing at (408) 324-2112.**

This information sheet is intended to provide accurate, general information regarding legal rights. It does not constitute legal advice. Because laws and legal procedures are subject to frequent change and differing interpretations, the Mental Health Advocacy Project cannot ensure the information in this information sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.