

AMENDED IN SENATE APRIL 28, 2009

SENATE BILL

No. 781

Introduced by Senator Leno

February 27, 2009

An act to add Section 1569.683 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

SB 781, as amended, Leno. Eviction procedure.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Under existing law, a violation of these provisions is a crime.

Existing law sets forth notice and other requirements for a residential care facility for the elderly to evict a resident.

This bill would, in addition, require that a licensee who sends an eviction notice to include specified information, including, but not limited to, information regarding the resident's right to file a complaint. By expanding the definition of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares that it is
2 in the best interests of the residents of residential care facilities for
3 the elderly to ensure that eviction and transfer notices used by
4 these facilities do not violate residents' rights.

5 (b) Therefore, it is the intent of the Legislature in enacting this
6 act to establish procedures to protect the rights of the residents in
7 residential care facilities for the elderly and to provide the residents
8 with the information necessary to defend those rights.

9 SEC. 2. Section 1569.683 is added to the Health and Safety
10 Code, to read:

11 1569.683. (a) A licensee of a residential care facility for the
12 elderly who sends a notice of eviction to a resident shall comply
13 with Section 87224 of Title 22 of the California Code of
14 Regulations and shall set forth in the notice to quit the reasons
15 relied upon for the eviction, with specific facts to permit
16 determination of the date, place, witnesses, and circumstances
17 concerning those reasons. In addition, the notice to quit shall
18 include all of the following:

19 (1) The effective date of the eviction.

20 (2) The location to which the resident will be discharged.

21 (3) Information about the resident's right to file a complaint
22 with the department regarding the eviction, with the name, address,
23 and telephone number of the nearest office of community care
24 licensing and the State Ombudsman. When the eviction is pursuant
25 to a Division of Community Care Licensing Health Relocation
26 Order, the notice shall additionally include a statement about the
27 resident's right to appeal that order within three days.

28 ~~(4) An explanation that in order to evict a resident, the facility~~
29 ~~is required to first file an unlawful detainer action in superior court~~
30 ~~and to receive a written judgment signed by a judge. If the facility~~
31 ~~pursues an unlawful detainer, the resident shall be served with a~~
32 ~~summons and complaint, and the resident has the right to contest~~
33 ~~the eviction in writing and through a hearing.~~

34 (4) *The following statement: In order to evict a resident, the*
35 *residential care facility for the elderly must first file an unlawful*
36 *detainer action in superior court and receive a written judgment*
37 *signed by a judge. If the facility pursues the unlawful detainer,*

1 *you must be served with a summons and complaint. You have the*
2 *right to contest the eviction in writing and through a hearing.*

3 (b) The licensee, in addition to either serving a 30-days notice,
4 or seeking approval from the department and serving three-days
5 notice, on the resident, shall notify, or mail a copy of the notice to
6 quit to, the resident's responsible person.

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.