

## MENTAL HEALTH ADVOCACY PROJECT

*Asistencia Legal Para La Salud Mental*

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### RESIDENTS' RIGHTS IN BOARD AND CARE HOMES

A Board and Care Home is a facility which provides 24 hour a day non-medical care and supervision to residents (also known as a residential care facility or group home). All Board and Care Homes get their licenses from and are overseen by a division of the State Department of Social Services called Community Care Licensing.

#### **Your Board and Care facility 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 not to be shared with more than one other resident.
- Make sure that your bedroom is not used as a public passageway to another room.
- Provide planned recreational activities including games, sports and exercise.
- Provide a shaded, comfortable and furnished outdoor activity area.
- 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 (to talk about your Board and Care with other residents) if most of the residents ask for such help.
- 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:**

- 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 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.

**You can be evicted with 30 days written notice for any of the following reasons:**

- You do not pay rent within 10 days of its due date.
- You do something illegal (against the law) after receiving written notice stating specifically what you did.
- You break one of the rules in the agreement you signed when you were first admitted to the Board and Care. However, your actions must endanger the well-being, safety and care of yourself or others in your Board and Care.
- Your Board and Care lacks the ability to meet your needs.
- Your Board and Care changes the category of people it serves.

\*Note: Some Board & Care facilities require more than 30 days' notice. Be sure to determine what policy your facility has if you are ever given an eviction notice.

**You can be evicted on 3 days written notice only if:**

- You act in a way which threatens the health or safety of yourself or others in your Board and Care; AND
- Prior approval has been obtained from Community Care Licensing; AND
- You have been given a written notice stating the reason for the eviction, including specific facts concerning that reason.

**Before you can be evicted, a formal eviction action called an unlawful detainer must be filed against you in court and the court must make an order that you have to leave. Then, the sheriff must post a notice on your door stating that you must leave the premises in 5 days. Once the 5 day time period expires, then you can be locked out legally. (See MHAP's information sheet "Eviction Process") If you receive an eviction notice, you should call MHAP right away.**

If you have any problems with your Board and Care you can contact the Mental Health Advocacy Project. You can also file a complaint 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.**