

To: MHB-System Planning & Fiscal Committee
From: Kim Pederson, Mental Health Advocacy Project
Re: Select calls to MHAP regarding unlicensed room & board homes, June 2014
Date: June 23, 2014

These summaries from this month exemplify the types of calls that MHAP gets about problems at unlicensed room and board homes. MHAP receives similar complaints about licensed board and care homes. Because of resource limitations, MHAP prioritizes assisting clients whose tenancies are being terminated at their unlicensed or unlicensed homes. At this time, we do not have the resources to be able to assist callers with quality of life complaints, complaints regarding illegal lock-outs that have already happened or other violations of personal rights. There is a great need in our community for advocacy to be done around these issues.

Caller: MK, 6/10/2014

MK is a consumer of mental health services in the county system of care. He lives at an unlicensed room & board home. He called because he has recently received several conflicting—and, legally insufficient— notices to terminate his tenancy. MK complained to MHAP about illegal rent increases. The operator comes in to his personal room without his permission or notice. The house is infested with cockroaches, and there are 12 residents sharing one bathroom. The owner of the house locks the refrigerator during the day. The owner calls the client's case manager without his permission.

At this time, MHAP is providing counsel and advice to MK and his case manager about the multiple conflicting notices. We advised them to call San Jose code enforcement about the cockroach infestation. Ideally, we would have resources to be able to advocate directly with the operator of the home, educate him about his obligations and address MK's problems before they rise to the level of his tenancy being terminated.

Caller: HH, 6/19/2014

HH lives in an unlicensed room & board home. HH is a consumer of mental health services in the county system of care. Things were generally fine until they got bed bugs in the house. HH decided to move out because of the bed bugs. She signed a written 30-day notice to move about a week before calling us and paid her rent through the 30-day period. The day before calling us, she received a text message from the owner stating that she had to move her things out immediately. We advised HH to call the police if the owner tries to force her out before the expiration of her 30-day notice. Ideally, we would have the resources to be able to contact the operator to advocate for her to follow the law.

HH also complained that the owner has stolen the identities of residents who have died in her care. This is not corroborated. However, upon doing a Google search of the owner's name, we found a 2012 disciplinary action taken by the California Board of Vocational Nurses & Psychiatric Technicians to revoke the licensure of the operator, who had been licensed as both an LVN and PT. This disciplinary action was based upon the operator's 2009 guilty plea in a federal case involving using stolen United States passports to illegally bring people from the Philippines into the U.S. The sentence for these violations of federal law was 15 months imprisonment with three years of supervised release.

Now that this person has finished her sentence, she is operating an unlicensed room & board home in San Jose.