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October 2, 2018

PIN 18-13-ASC

TO: ALL RESIDENTIAL CARE FACILITY FOR THE ELDERLY LICENSEES

FROM: *Original signed by Pamela Dickfoss*
PAMELA DICKFOSS
Deputy Director
Community Care Licensing Division

SUBJECT: **EVICITON: CHANGE OF USE OF FACILITY IN RESIDENTIAL CARE FACILITIES FOR THE ELDERLY**

Provider Information Notice (PIN) Summary

PIN 18-13-ASC provides direction to Residential Care Facility for the Elderly (RCFE) licensees related to evictions due to change of use of the facility.

RCFE licensees must abide by regulatory and statutory requirements when issuing an eviction notice to a resident. As a result of statutory changes, RCFE regulatory and statutory requirements do not align.

Specific to eviction due to change of use of the facility, California Code of Regulations ([CCR](#)), [Title 22, Section 87224](#) specifies that upon 30 days of a written notice an RCFE licensee may evict a resident for “Change of use of the facility.”

Conversely, a later enacted statute, Health and Safety ([HSC](#)) [Section 1569.682\(a\)\(2\)](#), requires, in part, an RCFE licensee to “...Provide each resident or the resident’s responsible person with a written notice no later than 60 days before the intended eviction...” when an eviction is due to a change of use of the facility, causing the later enacted statutory requirements to supersede regulatory the requirements, thus making a 60-day, not a 30-day, notice required, in this specific circumstance.

The Department is updating regulations to align regulatory and statutory requirements. Until regulations are updated, RCFE licensees are reminded that they are required to provide the 60-day notice and its specific provisions when the eviction is due to change of use of the facility as required in [HSC Section 1569.682\(a\)\(2\)\(A\)-\(F\)](#).

Admission Agreements

Pursuant to [CCR, Title 22, Section 87507\(g\)\(10\)\(A\)](#) an RCFE admission agreement must include:

“The actions, circumstances, or conditions listed in [Section 87224](#), Eviction Procedures, that may result in the resident's eviction from the facility. Except for general facility policies developed pursuant to [Section 87224\(a\)\(3\)](#), the eviction provisions shall not be modified.”

Because regulatory eviction requirements do not all align with statutory eviction requirements, specifying in the admission agreement the requirements as written in CCR, [Title 22, Section 87224](#) does not provide accurate information related to an eviction due to change of use of the facility.

Until regulations are updated, applicants for RCFE licensure should submit to the Centralized Applications Bureau admission agreements that indicate 60-day written notice is required to evict due to change of use of the facility pursuant to [HSC Section 1569.682](#) and 30-day written notice to evict for all other evictions as required by [CCR, Title 22, Section 87224](#).

If you have any questions regarding this PIN, please contact the Centralized Applications Bureau at 916-657-2600.