

INITIAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 87224(d)(1) through (d)(1)(D)

Specific Purpose:

These subsections are adopted to require licensees to include specified information in a notice to quit that is given to a resident upon eviction. These sections are included to assist in completing the eviction notice, ensuring that residents are clear on the effective date of their eviction, providing residents with resources to assist in locating other housing options, and ensuring residents are aware of their right to file a complaint with licensing, and of their rights during the eviction process.

Factual Basis:

The Department is adopting these regulations to meet the “necessity” and “consistency” standards of the Administrative Procedures Act, Government Code Sections 11349(a) and (d). These regulations are necessary to be consistent with and comply with the provisions of Senate Bill 781 (Leno) Statutes of 2009 which implemented Health and Safety Code Section 1569.683.

Subsection (d)(1)(A) is necessary to ensure that licensees provide residents with notice of the effective date of the eviction from the facility. Affording residents a specified eviction date allows for strategic planning for transfers, mitigates transfer trauma, and allows residents time to make an informed decision about their housing options after the eviction. The effective date of the eviction is also necessary in cases when the resident does not leave the facility as specified in the notice, and the licensee files an unlawful detainer action against the resident. The effective date of the eviction is necessary when filing this type of action.

Subsections (d)(1)(B), (d)(1)(B)(i) and (d)(1)(B)(ii) are necessary to eliminate ambiguity by clarifying the specific types of resources licensees are required to provide in the notice which assist residents in identifying other housing and care options. Providing resource options are necessary to ensure the health and safety of residents, as such information will aid in mitigating transfer trauma, and will avoid the homelessness of elderly persons. Requiring licensees to provide a list of resources maintains, and is consistent with, the Department’s health and safety standards while assisting residents through the relocation process. The handbook section is necessary to provide examples of public and private referral services and case management organizations. This list is not exhaustive.

Subsection (d)(1)(C) is necessary to provide consistency with current regulations that afford residents the right to file a complaint with Community Care Licensing. This subsection is also necessary to eliminate ambiguity by clarifying which licensing office residents are to file a complaint.

Subsection (d)(1)(D) is necessary to ensure that the statement explaining the unlawful detainer procedures are consistent with Health and Safety Code Section 1569.683. This statement ensures that residents are informed of their rights during the eviction process, including their right to contest the eviction in writing and through a hearing.

b) Identification of Documents Upon Which Department Is Relying

Senate Bill (SB) NO. 781(Chapter 617, Statutes of 2009)

c) Local Mandate Statement

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code because these regulations only make technical and clarifying changes.

d) Statement of Alternatives Considered

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.