

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 434 (Wahab)
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ID

SUBJECT

Residential care facilities for the elderly: housing protections

DIGEST

This bill provides residents of Residential Care Facilities for the Elderly with additional notice for an eviction, as specified, requires facilities to provide a resident additional specified information in the notice of eviction, and prohibits a facility from preventing a resident from entering or residing in the facility until the time for notice expires, with a civil penalty available for a violation of this prohibition.

EXECUTIVE SUMMARY

Residential Care Facilities for the Elderly (RCFEs) are non-medical facilities for persons over 60 years of age that provide their residents with a variety of services and support, such as housing, meals, housekeeping, supervision, administering medication, and assistance with every-day activities like bathing, feeding, and dressing. The Residential Care Facilities for the Elderly Act (Act) requires the Department of Social Services (CDSS) to license and inspect RCFEs, and to receive complaints regarding RCFEs, to ensure they meet specified care and safety standards. The Act and regulations also establish a process for the eviction of a resident. However, the sponsor of this bill, California Advocates for Nursing Home Reform, report that many RCFE residents are being wrongfully evicted without notice or adequate support to find new housing. SB 434 would provide RCFE residents longer notice periods before they can be evicted, depending on how long they have been a resident at the facility, require RCFEs to provide residents additional information with the eviction notice, and would prohibit RCFEs from denying a resident entry into or the ability to reside in the RCFE before the eviction process ends, with a civil penalty for a violation of this prohibition. SB 434 is sponsored by California Advocates for Nursing Home Reform, and is supported by the California Long-term Care Ombudsman Association, and a variety of nonprofits. It is opposed by LeadingAge California and the California Assisted Living Association. It previously passed out of the Senate Human Services Committee by a vote of 4 to 1.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the California Residential Care Facilities for the Elderly Act. (Health & Saf. Code §§ 1569 et seq.)
- 2) Defines RCFE as a housing arrangement chosen voluntarily by persons 60 years of age or over or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon residents' varying needs, as determined, in order to be admitted and to remain in the facility. Allows persons under 60 years of age with compatible needs to be admitted or retained if a licensee determines that person is compatible, as defined. (Health & Saf. Code § 1569.2.)
- 3) Requires a person, firm, partnership, association, corporation, or state or local public agency to have a current valid license to operate, establish, manage, conduct, or maintain an RCFE. (Health & Saf. Code § 1569.10.)
- 4) Tasks the administrator of an RCFE with the responsibility to provide or ensure provision of services to residents with appropriate regard for the residents' physical and mental well-being and needs. (22 Cal. Code of Regs. § 87405(h).)
- 5) Establishes the Resident's Bill of Rights for residents of RCFEs, including, but not limited to, the following:
 - a. to be encouraged and assisted in exercising their rights as citizens and residents of the facility; and to be free from interference, coercion, discrimination, and retaliation in exercising their rights;
 - b. to care, supervision, and services that meet their individual needs and are delivered by staff that are sufficient in numbers, qualifications, and competency to meet their needs;
 - c. to make choices concerning their daily life in the facility;
 - d. to fully participate in planning their care, including the right to attend and participate in meetings or communications regarding the care and services to be provided, as specified, and to involve persons of their choice in the planning process. The licensee shall provide necessary information and support to ensure that residents direct the process to the maximum extent possible, and are enabled to make informed decisions and choices;
 - e. to be free from neglect, financial exploitation, involuntary seclusion, punishment, humiliation, intimidation, and verbal, mental, physical, or sexual abuse;
 - f. to present grievances and recommend changes in policies, procedures, and services to the staff of the facility, the facility's management and governing authority, and to any other person without restraint, coercion,

- discrimination, reprisal, or other retaliatory actions. The licensee shall take prompt actions to respond to residents' grievances;
 - g. to contact CDSS, the long-term care ombudsman, or both, regarding grievances against the licensee;
 - h. to receive in the admission agreement a comprehensive description of the method for evaluating residents' service needs and the fee schedule for the items and services provided, and to receive written notice of any rate increases; and
 - i. to be protected from involuntary transfers, discharges, and evictions in violation of state laws and regulations. (Health & Saf. Code § 1569.269.)
- 6) Requires every licensed RCFE to provide at least the following basic services:
- a. care and supervision;
 - b. assistance with instrumental activities of daily living in the combinations which meet the needs of residents;
 - c. helping residents gain access to appropriate supportive services, as defined, in the community;
 - d. being aware of the residents' general whereabouts, although the residents may travel independently in the community;
 - e. monitoring the activities of the residents while they are under supervision of the facility to ensure their general health, safety, and well-being;
 - f. encouraging the residents to maintain and develop their maximum functional ability through participation in planned activities. (Health & Saf. Code § 1569.312.)
- 7) Requires the pre-admission appraisal to be updated, in writing, as frequently as necessary to note significant changes and to keep the appraisal accurate. Requires the reappraisals to document changes in the resident's physical, medical, mental, and social condition. Requires the licensee to immediately bring any such changes to the attention of the resident's physician and their family or responsible person. Requires the licensee to arrange a meeting with the resident, the resident's representative, if any, appropriate facility staff, and a representative of the resident's home health agency, if any, when there is a significant change in the resident's condition, or once every 12 months, whichever occurs first, as specified. Significant changes include, but are not limited to:
- a. a physical trauma such as a heart attack or stroke;
 - b. a mental/social trauma such as the loss of a loved one; and
 - c. any illness, injury, trauma, or change in the health care needs of the resident that results in a prohibited health condition, as specified. (22 Cal. Code of Regs. § 87463.)
- 8) Requires, based on the resident's preadmission appraisal and subsequent changes to that appraisal, the facility to provide assistance and care for the resident in those

activities of daily living of which the resident is unable to do for themselves.
Authorizes the use of postural supports, as specified. (22 Cal. Code of Regs. § 87608.)

- 9) Allows an RCFE licensee to evict a resident only for one or more of the following reasons, and requires a thirty-day written notice to the resident:
 - a. nonpayment of the rate for basic services within ten days of the due date;
 - b. failure of the resident to comply with state or local law after receiving written notice of the alleged violation;
 - c. failure of the resident to comply with general policies of the facility. Requires general policies be in writing, be for the purpose of making it possible for residents to live together, and be made part of the admission agreement;
 - d. if, after admission, it is determined that the resident has a need not previously identified and a reappraisal has been conducted and the licensee and the person who performs the reappraisal believe that the facility is not appropriate for the resident;
 - e. change of use of the facility, with no less than sixty days written notice. (22 Cal. Code of Regs. § 87224(a).)
- 10) Allows an RCFE licensee, upon obtaining prior written approval from CDSS, to evict a resident after three days' written notice of eviction. Provides that CDSS may grant approval for the eviction upon a finding of good cause, and specifies that good cause exists if the resident is engaging in behavior which is a threat to the mental and/or physical health or safety of themselves or of others in the facility. Requires a written report of any eviction to be sent to CDSS within five days. (22 Cal. Code of Regs. § 87224(b); 22 Cal. Code of Regs. § 87224(f).)
- 11) Requires an RCFE licensee to set forth in a notice of eviction the reasons relied upon for the eviction, with specific facts to permit determination of the date, place, witnesses, and circumstances concerning those reasons. Requires the notice to include the following information:
 - a. the effective date of the eviction;
 - b. resources available to assist in identifying alternative housing and care options which include, but are not limited to, the following:
 - i. referral services that will aid in finding alternative housing;
 - ii. case management organizations which help manage individual care and service needs;
 - c. a statement informing residents of their right to file a complaint with CDSS, including the name, address, and telephone number of the licensing office with whom the licensee normally conducts business, and the State Long Term Care Ombudsman office; and
 - d. the exact eviction statement detailed in Health and Safety Code Section 1569.683(a)(4). (22 Cal. Code of Regs. § 87224(d).)

- 12) Upon the request of a resident or their designated representative, requires CDSS to investigate the reasons given for the eviction. (22 Cal. Code of Regs. § 87224(e).)
- 13) Prohibits a landlord, with the intent to terminate the occupancy of a tenant under any lease or other tenancy or estate at will, to willfully cause the interruption or termination of any utility service furnished to the tenant, or to willfully prevent the tenant from gaining reasonable access to the property by changing the locks or using a bootlock or any other similar method or device, removing outside doors or windows, or by removing from the premises the tenant's personal property, furnishings, or any other items without the written consent of the tenant, as provided. (Civ. Code § 789.3.)
- 14) Provides for a summary proceedings process by which a landlord may initiate an unlawful detainer action to recover possession of their property from a tenant, specifying an expedited time period within which a tenant must answer the complaint, the notice required to be provided the tenant of such a proceeding, and the process by which a default judgment may be requested and entered by the judge when a tenant fails to respond, among other provisions. (Code of Civ. Proc. §§ 1159 et seq.)

This bill:

- 1) States that it is the intent of the Legislature to clarify that residents of RCFEs have the same or greater legal protections as other tenants in the state.
- 2) Requires an RCFE to provide in the notice of eviction, in addition to the currently required information described in (11), above, documentation of the RCFE's reasonable efforts to create a safe discharge plan, including all of the following:
 - a) A list of the resident's post-eviction needs, goals, and preferences;
 - b) A list of discharge locations, within 60 miles of the resident's preferred city, that are:
 - i. Equipped to meet the needs of the resident;
 - ii. Are financially practicable for the resident, including that the facility is covered by the resident's Medi-Cal managed care plan.
- 3) Specifies that the required list of discharge locations must specify the services provided at each location and the location's state licensing status.
- 4) Requires an RCFE to send a copy of an eviction notice to the local long-term care ombudsman at the same time that notice is provided to the resident or the resident's representative. Requires that this copy be sent by email or fax, unless the long-term care ombudsman does not have capacity to receive email or fax, in which case the copy must be sent by first-class mail.

- 5) Prohibits RCFEs from refusing a resident entry to the facility or from residing in the facility, until the notice period for the eviction notice has elapsed.
- 6) Creates a civil penalty of \$10,000 for an RCFE that refuses entry or residence to a resident, in violation of (5), above, and an additional penalty of \$1,000 per day that the RCFE refuses entry to the resident. Makes it a misdemeanor for an RCFE to refuse entry to a resident in violation of (5), above.
- 7) Specifies that, except when an RCFE has approval from DCSS to provide three days' notice, an RCFE must provide the notice of eviction by the following timelines:
 - a) No less than 30 days' notice before the eviction when the resident has resided in the facility for less than a year as of the date of the effective eviction, or who is being evicted for nonpayment of the rate for basic services;
 - b) No less than 60 days' notice before the eviction when the resident has resided in the facility for one year or more;
 - c) No less than 90 days' notice before the eviction when the resident has resided in the facility for two years or more.

COMMENTS

1. Author's statement

According to the author:

California requires tenants who have been in their home for a year or more to receive 60 days' notice of an eviction. However, Residential Care Facility (RCFE) residents only receive 30 days' notice of an eviction, regardless of how long the resident has lived there.

Because RCFEs serve older adults and individuals with disabilities, it is inequitable to have the notice to evict be a 30 day notice, rather than 60 day notice offered to other tenants.

This measure will provide eviction protection parity to some of our most vulnerable Californians.

Additionally, SB 434 will ensure RCFE residents are provided with vital information when they do receive an eviction notice, including, but not limited to, a list of the resident's post-eviction needs and a list of discharge locations that meet the needs of the resident.

2. RCFEs house many elderly California residents

RCFEs are non-medical facilities for persons over 60 years of age that provide their residents with a variety of services and support. These services include housing, meals, housekeeping, supervision, administering medication, and assistance with every-day activities like bathing, feeding, and dressing. Some RCFEs also provide supportive services for residents with dementia. However, RCFEs are not medical facilities or nursing homes, and are not required to have nurses or doctors on staff. Instead, they are meant for elderly persons who are unable to live by themselves and need some level of supervision, but not 24-hour care. As of June 2024, there were 7,578 RCFEs in California able to serve 176,969 elderly Californians.¹ For those residents, RCFEs represent an important source of supportive living outside of a medical setting.

3. State law regulates how RCFEs can evict their elderly residents

RCFEs are regulated under the California Residential Care Facilities for the Elderly Act (Health & Saf. Code §§ 1569 et seq.) (*hereafter* the Act). The Act requires the Department of Social Services (CDSS), through the Community Care Licensing Division (CCL), to license and inspect RCFEs to ensure they meet specified care and safety standards. CDSS also receives and investigates complaints regarding RCFEs and any violations of the laws or regulations regarding them. (Health & Saf. Code § 1569.35.) The Act establishes the basic services that RCFEs must provide, and a resident's bill of rights for residents of RCFEs. Among the Residents' Bill of Rights are guarantees that residents: be encouraged and assisted in exercising their rights as citizens and residents free from interference, coercion, discrimination, and retaliation; make choices concerning their daily life and the facility; participate fully in planning their care; contact CDSS and the long-term care ombudsman regarding grievances against the facility; and are protected from involuntary transfers to other facilities, discharges, and evictions in violation of state laws and regulations. (Health & Saf. Code § 1569.269.)

In addition to these protections at the state level, the 1978 amendments to the federal Older Americans Act (H.R. 12255, P.L. 95-487 (1978)) require every state to establish a long-term care ombudsman program. The state's long-term care ombudsman program maintains offices throughout the state that assist residents of long-term care facilities, including RCFEs, with issues related to their care and the facility, violations of a resident's rights, poor quality of care, and improper transfer or discharge of a resident. To receive assistance, RCFE tenants can contact and file complaints with a local long-term care ombudsman office. In 2019, the California long-term care ombudsman

¹ Cal. Dept. of Social Svcs., Adult and Senior Care Program Total Number of Licensed Facilities and Capacity by Facility Type, (Jun. 2024), available at <https://www.cdss.ca.gov/inforesources/cdss-programs/community-care-licensing/ccld-data>.

program received 11,819 complaints regarding RCFEs, 514 of which related to a resident's admission, transfer, discharge, or eviction.²

To begin residing at an RCFE, would-be residents must complete an admission agreement. This agreement must describe: the services and items that the resident will receive under a single fee, as well as any separate charges for specific services; an explanation of the billing process; an explanation of under what conditions rates may be raised; the facility's policy regarding family visits and communication and refunds; the conditions under which the agreement may be terminated; and an explanation of the facility's responsibility for preparing a relocation evaluation for each resident if the facility is being closed for a conversion to a different use. (Heath & Saf. Code § 1569.884.) The admission agreement must also include an explanation of the resident's right to notice prior to an involuntary transfer, discharge, or eviction, and the resident's rights and the procedure by which they can appeal an eviction decision. (Health & Saf. Code § 1569.886.) Admission agreements and the resident's stay are typically indefinite, and end when their residency is terminated, or when the resident dies.

Even though it is not a traditional landlord-tenant relationship, residents of RCFEs rely on the RCFE as their housing, and thus have a variety of protections from eviction that are similar to those for other tenants. If an RCFE wishes to evict a resident, they may only do so for specified reasons. Those reasons are: nonpayment of the rate for basic services within 10 days of the due date; failure of the resident to comply with state or local law after receiving written notice of the alleged violation; failure of the resident to comply with general policies of the facility; when the resident has a need not previously identified for which the facility is an inappropriate care facility for the resident; and for a change of use of the facility. (22 Cal. Code of Regs. § 87224.)

Before an RCFE can evict a resident for one of the permitted reasons, the RCFE must provide the resident or their representative with an eviction notice. The notice must provide the reasons for the eviction, the eviction date, resources for assisting the resident in identifying alternative housing, a statement informing residents of their right to file a complaint with CDSS, and a specified statement that an RCFE must file an unlawful detainer to remove a resident who does not leave. (Health & Saf. Code § 1569.683.) This notice must be given at least 30 days before the RCFE can evict the resident, unless the RCFE obtains permission from CDSS to evict the resident with three days' notice when the resident is a threat to the mental or physical health or safety of themselves or others at the facility. (22 Cal. Code of Regs. § 87224(b).) An RCFE resident may also be evicted on three days' notice through a Health Condition Relocation Order issued by CDSS. (Health & Saf. Code § 1569.54(b).) If the RCFE is evicting the resident because of a change in use of the facility, or because of a forfeiture of the facility's

² CalHHS, "Long-term care ombudsman: Complaints in the residential care facility for the elderly settings," (Aug. 16, 2024), https://data.chhs.ca.gov/dataset/long-term-care-ombudsman-complaints-in-residential-care-facility-for-the-elderly-settings/resource/cd0a078b-83a3-4fea-a086-7cb923a616a1?inner_span=True.

license, the RCFE must provide 60 days' notice before evicting the resident, along with additional information. (Health & Saf. Code § 1569.682.) When a resident fails to vacate the RCFE by the eviction date, the RCFE must file an unlawful detainer action in court to forcibly remove the resident through the standard tenant eviction process.

The eviction process for tenants in a standard landlord-tenant eviction process is similar to this process, but different in many ways as well. Under standard landlord-tenant law, a landlord typically needs only give the tenant three days' notice to cure or pay before commencing an unlawful detainer action when the tenant has failed to pay their rent or violated a term of the lease. In addition, while many tenants also enjoy just-cause protections that specify that landlords may only evict tenants for specified reasons like in the RCFE context, these just-cause protections do not apply to every tenant, and only kick in once a tenant has resided in the unit for 12 months or more. Just-cause protections allow for eviction for a variety of reasons, both for reasons at the fault of the tenant, and for no-fault just-cause reasons. RCFEs are specifically excluded from these just-cause protections. (Civ. Code § 1946.2(e)(2).)

However, landlord-tenant law also is more robust than the law regarding RCFEs in a few ways. Many tenants have protections against rent increases of more than five percent plus the change in the cost of living, up to ten percent. (Civ. Code § 1947.12.) To raise the rent on a month-to-month or periodic tenancy, a landlord must provide notice of the rent increase at least 30 days before the increase takes effect, unless the increase is greater than 10%, in which case the landlord must provide 90 days' notice. (Civ. Code § 827.) To the contrary, RCFEs generally have no limitation on their ability to raise rates, except that they must provide 60 days' notice and include in the admission agreement the process by which they raise rates.³

Additionally, a landlord must generally provide a tenant in a month-to-month lease or periodic tenancy with 30 days' notice that the lease will be terminated, unless the tenant has lived in the unit for a year or more, in which case the landlord must provide 60 days' notice. (Civ. Code § 1946.2.) This notice requirement does not apply if the tenant violates the lease agreement or fails to pay rent, commits waste or a nuisance on the property, or when just-cause protections apply, and instead the three-day notice described above applies. Nevertheless, this 60-day notice requirement for when a tenant has lived in the unit for more than a year is a longer notice timeline than is required in most RCFE evictions. While this 60-day notice only applies for the termination of a periodic tenancy that otherwise automatically renews at the end of the periodic lease term, RCFE tenancies are also essentially periodic, so that an RCFE eviction operates like a for-cause non-renewal of the resident's periodic lease. Thus, while there are many similarities to the procedures and protections in place for RCFE evictions and

³ Although Civil Code section 1947.12 does not specifically exclude RCFEs, Health & Safety Code section 1569.147 states that RCFEs are not subject to any rent controls imposed by any state or local agency or other entity.

traditional tenancies, there are also differences related to rent caps, the just-cause eviction protections and when they apply, and the timelines for evicting a tenant or terminating a tenancy.

4. The author and sponsors assert many RCFE residents are being wrongfully evicted

According to the author, SB 434 is aimed at providing parity for RCFE residents with traditional tenants, and at providing RCFE residents with additional information when they are being evicted. California Advocates for Nursing Home Reform (CANHR), the sponsor of this bill, reports that it has been “inundated with RCFE eviction calls from residents whose stability and housing have been jeopardized on short notice, or no notice at all.” CANHR further reports that it receives calls from residents facing wrongful evictions, in which an RCFE transfers the resident to a hospital and then refuses to allow the resident to return afterward. According to CANHR, this practice of “resident dumping” is utilized when the facility is unwilling to care for the resident because they require more attention than the average resident, or when the facility otherwise does not have a valid reason for eviction. For such wrongful evictions, CANHR claims that RCFEs equate hospitalizations with a change in resident condition and use this as a justification to say that allowing the resident to return to the facility or receive the eviction protections required by law would be unsafe.

To be clear, the law requires RCFE residents be afforded certain procedures and timelines for an eviction. The only instances in which an RCFE can evict a resident without first providing them 30 days’ notice is when the RCFE has obtained approval from CDSS for an expedited, three-day eviction notice. In no circumstance is an RCFE allowed to evict a resident or refuse to allow them to return after a hospital stay without following these eviction procedures. Such actions by an RCFE would be against the law.

5. SB 434 proposes to add protections for RCFE residents facing eviction by requiring additional information in their notice of eviction and additional time

To address the issue of wrongful evictions, SB 434 proposes a number of additional protections and procedures for when an RCFE wishes to evict a resident. The first requires the RCFE to provide the resident additional information in the notice of eviction that documents the RCFE’s reasonable efforts to create a safe discharge plan. This additional information must include a list of the resident’s post-eviction needs, goals, and preferences, and a list of suitable discharge locations within 60 miles of the resident’s preferred city, with those locations’ specific services and license status. This information is meant to ensure that RCFEs are assisting their residents in finding alternative housing that would adequately meet their needs ahead of their eviction.

In addition, SB 434 makes a number of changes to the eviction process. It requires that the RCFE transmit a copy of the notice of eviction to the long-term care ombudsman at the time that the notice is provided to the resident. This requirement would provide the

ombudsman's office with a notice of the eviction and the reason for the eviction, though SB 434 does not require the ombudsman to do anything with the notice. However, this does not mean that the ombudsman could not investigate the eviction or do anything otherwise in their power regarding the eviction.

Lastly, SB 434 provides lengthened timelines for the notice of eviction, depending on how long the resident has resided at the facility. It specifies that if a resident has resided in the facility for less than a year as of the date of the eviction, or if the resident is being evicted for failing to pay the rate for basic services at the RCFE, the RCFE must provide the resident the currently required 30-day notice. However, if the resident has resided in the facility for one to up to two years, the RCFE must provide the resident 60 days' notice. If the resident has resided in the facility for two years or more, the RCFE must provide 90 days' notice of the eviction. SB 434 does not alter or restrict an RCFE's current authorities to evict a resident with only three days' notice when approved by CDSS. In those contexts, residents still will only be provided three days' notice before they are required to move out or be subject to an unlawful detainer. These extended timelines are meant to provide RCFE residents additional protections and ensure that they have more time to find a safe and appropriate alternative home to which to move.

6. SB 434 creates guarantees that RCFEs must allow a resident to return after a hospital stay, and provides for a civil penalty to enforce this guarantee

SB 434 also aims at addressing "resident dumping" through a provision specifically prohibiting an RCFE from refusing a resident entry to the facility or from residing in the facility. This prohibition applies to any resident residing at the facility, and runs up until the eviction notice period ends and the eviction process has concluded. That means the facility must permit the resident to enter and reside in the facility until the effective date of eviction on the eviction notice, or until the eviction process has concluded pursuant to an unlawful detainer action. This prohibition of essentially a "lock out" is arguably already law, as landlords may not forcibly evict a tenant or prevent them from entering upon the leased premises outside of the unlawful detainer eviction process. (*See* Civ. Code §§ 789.3; 1940.2.) Tenants who are illegally locked out of the leased premises may sue for damages and access back to the premises.

However, SB 434's provisions are specific to RCFEs and attempts to refuse a resident access to the RCFE, and its provisions also provide for a specific civil penalty. This civil penalty is \$10,000 for an RCFE that unlawfully refuses a resident entry, along with a penalty of \$1,000 per day that the RCFE refuses the resident entry. The civil penalty here would be recoverable by CDSS, as CDSS is the agency given authority to regulate RCFEs and enforce the Residential Care Facility for the Elderly Act. In fact, CDSS already issues penalties in a variety of other contexts, such as for when an RCFE fails to follow the required procedures when transferring a resident due to a change of use of the facility or a forfeiture of the RCFE license (Health & Safety Code § 1569.682). Existing law also currently provides for a civil penalty of \$100 per day for a violation of

the Residential Care Facility for the Elderly Act, which CDSS may levy in addition to any suspending or revoking an RCFE's license. (Health & Saf. Code § 1569.49(b).) SB 434's civil penalties are more substantial than those general civil penalties for a violation of the Act. SB 434 also makes the act of unlawfully refusing a resident entry a misdemeanor, though it should be noted that the Act already makes any person who violates a provision of the Act guilty of a misdemeanor. (Health & Saf. Code § 1569.40.)

Through these processes, SB 434 provides residents with additional information and time when being evicted, and also provides CDSS additional tools to enforce SB 434's eviction protections. Opposition arguments state that existing law establishes adequate protections for all community members in the RCFE, and that the extra 30 days before an eviction can be effectuated could be unsafe for the evicted resident and other residents in the community. They also argue that RCFEs should not be required to provide the resident with information regarding suitable, nearby locations to which the resident may move, as they are not a referral agency. It should be noted that the extended notice periods required by SB 434 do not prohibit a resident from moving out before the eviction date arrives, or otherwise coming to an agreement with the RCFE for their departure from the facility. SB 434's extra notice only provides extended time before an RCFE can file an unlawful detainer demanding the resident's eviction, and prohibits an RCFE from forcing a resident to vacate their home before the deadline. Providing a resident extra time may allow the resident to better identify an adequate facility to which to move, and thereby avoid the costly unlawful detainer process while also ensuring that the needs of the resident are addressed. If a resident poses a risk of safety to other residents, the RCFE still has the ability to request a three-day eviction with CDSS approval.

7. Arguments in support

According to the CANHR, which is the sponsor of SB 434:

In order to receive federal funding for the Assisted Living Waiver (ALW), a program that allows low-income Medi-Cal recipients with high needs to remain in an RCFE community setting, California is required to follow the rules set forth in the Home and Community Based Services (HCBS) final regulation. The requirements include those settings receiving Medicaid funding, such as RCFEs participating in the ALW program, to have at minimum the same protection from eviction that tenants have under landlord/tenant law of the State. In 2025, the Department of Health Care Services reported to the federal government their continued efforts to issue guidance related to the HCBS Final Settings Rule on tenant rights; however, no guidance has been issued to ensure that residents in RCFEs have the same tenancy protections as California tenants. [...]

Health and Safety Code § 1569.683 currently provides less eviction protections to RCFE residents than other tenants in the state, namely in the timing of the notice.

[...] It is illogical that once the elderly and the disabled move into an RCFE – due to their need for assistance – they are suddenly given less rights than if they lived independently in an apartment. Long term residents who require assistance in their daily activities experience more challenges in finding suitable placement on such short notice, often causing unsafe displacement for the resident.

[...]

While assisted living residents fall under a lower level of care than residents of nursing homes, they still require assistance in their activities of daily living, such as medication assistance, toileting, bathing, etc. Given residents' disabilities and physical and mental impairments, they very much need assistance from the RCFE in finding a suitable location if they were to be evicted. Unless the resident has outside support from family members to search for other facilities, the burden of finding other housing and supportive services falls on the vulnerable, disabled resident. SB 434 would align RCFEs with nursing home law by requiring some minimal adequate discharge planning to help the resident find a location suitable for their needs.

[...]

CANHR receives many calls from residents of RCFEs facing wrongful evictions when facilities transfer them to hospitals and refuse to allow them to return, a practice commonly known as "resident dumping." Facilities often dump residents for various reasons, such as being unwilling to care for the resident because they require more attention than the average resident in the facility. One CANHR caller was dumped at the hospital under a 5150 hold because she made allegations of sexual abuse against the staff. Without a valid reason for eviction, the RCFE sent her to the hospital under a psychiatric hold to circumvent the eviction process. Facilities simply force vulnerable older adults and people with disabilities out of their homes and usually face little to no consequences for the unlawful eviction. While CCL agreed that the facility conducted an illegal eviction, the facility did not receive a citation.

Another CANHR caller was refused readmission after his dialysis appointment because he often complained about the RCFE preparing the wrong medication or failing to provide food after his dialysis appointment. While the facility also received a citation for their refusal, the facility was only required to attend training on proper eviction procedures even though their actions directly endangered the resident's health and safety.

Under this bill, RCFEs who commit wrongful evictions, including resident dumping, will be guilty of a misdemeanor and be issued a penalty of \$10,000 with an additional \$1,000 for each day the facility refuses to readmit the resident. Imposing civil penalties for resident dumping can act as a deterrent so facilities are less likely to engage in this conduct.

One final way SB 434 increases eviction protections for RCFE residents is by requiring RCFEs to provide a copy of the eviction notice to the local ombudsman. The same is already required for nursing homes so that the local ombudsman can monitor its facilities for proper or improper discharges.

SB 434 does not prevent RCFEs from evicting a resident if the reason for eviction is consistent with the applicable regulations (22 Cal. Code Regs. Sec. 87224) and facilities can still utilize Health Relocation Orders in cases where a resident develops a condition the RCFE is not licensed to care for. With recent amendments, SB 434 now allows RCFEs to evict a resident for nonpayment with just 30 days notice regardless of how long the resident has lived in the facility.

In the last few years, CANHR has received more and more calls about egregiously inappropriate evictions from RCFEs. One resident received an eviction notice for accusing facility staff of stealing her white shoes when they went missing. Another resident was threatened with eviction when her daughter started a family council at the facility. Still another resident was refused readmission from a hospital after filing a complaint against the facility. These scenarios are becoming all too common.

SB 434 adds substantial protection for RCFE residents by giving them more time and assistance to find a safe and appropriate home when being evicted. The bill resolves the incredible risk of California losing hundreds of millions of dollars in Medicaid funding by giving RCFE residents equal footing with other tenants, as federal law requires. Finally, the bill creates meaningful consequences for RCFEs who circumvent the law by illegally evicting residents.

8. Arguments in opposition

According to the California Assisted Living Association, which opposes SB 434:

SB 434 further delays the process of moving a resident out of an RCFE when the community is no longer the appropriate place for the resident's needs to be met. Many times, the reason a resident needs to leave the community is that the RCFE can no longer meet the needs of the resident, such as medical needs that rise over time and finally necessitate a Skilled Nursing Facility. DSS rarely issues health relocation orders in these situations and instead relies on the RCFE to manage the situation. Other times, a resident's actions may risk the well-being of other residents or staff and rise to the level of relocation. Existing law establishes adequate protections for all community members by balancing the rights of one individual resident with the rights of the rest of the residents and staff to remain safe and harmonious. SB 434 would require the resident to be allowed to stay an extra 30 days, which can be unsafe for both the resident and other residents living in the community.

SB 434 also puts RCFE operators in an inappropriate position of acting as a referral agency to find a new community for the resident to move to. RCFEs know what services their own community can offer; it should not be their role to find a more suitable facility for the resident who has changing needs and preferences. Existing law already requires an RCFE to provide a written notice outlining the qualifying reasons for eviction and the notice is required to include resources available to the resident to assist in identifying alternative housing and care options, including referral services, case management organizations, and information on the State Long Term Care Ombudsman's office. The RCFE must also inform the resident in writing of their right to contest the RCFE's decision through a hearing (an unlawful detainer action). The onerous procedures added by SB 434 will result in residents remaining in a setting no longer able to meet their needs, with potential negative impacts on themselves and other residents and staff, and also put RCFEs in the inappropriate role of acting as a referral agent, taking attention away from providing care to their residents. For these reasons, CALA opposes SB 434.

SUPPORT

California Advocates for Nursing Home Reform (Sponsor)
Annette Shaughnessy, Long-term Care Ombudsman
California Long Term Care Ombudsman Association (CLTCOA)
California Retired Teachers Association
California Senior Legislature
Choice in Aging
Consumer Attorneys of California
Contra Costa Senior Legal Services
Essential Caregivers Coalition
Live Oak Project- NH Residents Advocacy Workgroup
Ombudsman Services of San Mateo County, Inc.
Senior Advocacy Services
One individual

OPPOSITION

California Assisted Living Association
LeadingAge California

RELATED LEGISLATION

Pending Legislation:

SB 433 (Wahab, 2025) prohibits an RCFE, when contracted to receive Medi-Cal reimbursement for services provided to a resident enrolled in Medi-Cal, from charging the resident a rate that exceeds the difference between the resident's income and the personal and incidental needs amount that is set for a recipient of SSI/SSP in non-medical, out-of-home care, as established by the CDSS. SB 433 is currently pending before the Senate Appropriations Committee.

SB 435 (Wahab, 2025) requires, commencing January 1, 2027, that an RCFE licensed for 16 or more residents have an alternative source of power to protect residents' health and safety for no fewer than 72 hours during any type of power outage, imposes specific compliance requirements based on the power source, and requires information regarding the alternative power source in the RCFE's emergency and disaster plans. SB 435 is currently pending before the Senate Human Services Committee.

AB 508 (Aguiar-Curry, 2025) requires RCFEs to calculate a direct care ratio, requires an RCFE maintain records of its direct care ratio for at least 12 months, and requires this direct care ratio to be disclosed to residents and the public, as specified. AB 508 is currently pending before the Assembly Committee on Aging and Long Term Care.

Prior Legislation:

SB 781 (Leno, Ch. 617, Stats. 2009) required RCFEs to include in a notice of eviction to a resident specified information, including information regarding their right to file a complaint with CDSS.

SB 185 (Mello, Ch. 1127, Stats. 1985) established the Residential Care Facilities for the Elderly Act, providing for the licensing and regulation of RCFEs by CDSS.

PRIOR VOTES:

Senate Human Services Committee (Ayes 4, Noes 1)
