

PROTECT VIRGINIA'S VULNERABLE ADULTS FROM UNLAWFUL EVICTION: SUPPORT ASSISTED LIVING FACILITY DISCHARGE HEARINGS

The Issue:

- Vulnerable assisted living facility (ALF) residents who rely on staff to meet their basic daily needs (meds, meals, dressing, toileting, etc.) are at great risk when evicted/discharged from ALFs with limited notice and often for invalid reasons.
- Virginia is in the **top 12 states for most restrictive admittance criteria** to receive ALF care, so residents are sicker, more debilitated, and require more care than 38 other states.
- Despite the potentially dire consequences of these vulnerable residents being suddenly evicted/ involuntarily discharged from assisted living facilities for often arbitrary reasons, these residents have essentially no recourse.
- Tenants have eviction protections and nursing home residents have access to discharge hearings, but **ALF residents have neither eviction nor discharge protections**.
- Other states have already put in place hearing protections to protect ALF residents from improper discharge without opportunity for review.
- Virginia MUST implement this fundamental protection for its vulnerable ALF residents.

The Harm:

- Individuals who are discharged without proper procedures have worse outcomes. A lack of resources (finances as well as alternative housing and familial support) leads to residents **ending up on the streets, in homeless shelters, and emergency rooms**. It can also lead to individuals needing more expensive care at a much earlier stage.
- However, this picture is incomplete because Virginia does not track discharges and does not oversee the process unless someone voluntarily makes a formal complaint. The formal complaint process does not include a hearing. DSS can only cite the ALF for a regulatory violation, and **such citation often comes after the damage is done**—the resident has already been displaced and put at risk.

The Solution:

- Discharge hearing process that ensures facilities only discharge for allowable reasons
- Notice to the Ombudsman and DSS about who is being discharged and why, so that Virginia can track patterns and trends and help evicted residents.

We MUST correct this oversight in our system. Frail older adults should have the same rights to stable housing as any other tenant.

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