

## 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.**

**More Information:** Emily Hardy • [emily@vplc.org](mailto:emily@vplc.org) • (804) 351-5273