

HOUSE RULES

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Assisted living providers need to have appropriate house rules in place. House rules have always been important in that they convey to residents, prospective residents and family members the community's expectations regarding conduct. House rules help ensure a comfortable living environment for residents. If people understand what is expected of them at the outset of residency, problems are less likely to arise.

It is critical that your house rules either be included in the body of your admission agreement or be referenced in the agreement and included as an exhibit. Many providers include house rules in their resident handbook. This is fine as long as the handbook is referenced in the admission agreement and provided to the resident along with other exhibits and attachments.

It is also critical to reserve the right to make reasonable changes and additions to your house rules upon written notice to residents. From time to time, issues will arise in a community that warrant imposing a new rule. For example, one provider had a house rule that stated that overnight guests could not stay for more than seven consecutive nights. One resident had a homeless relative who was staying for seven nights, leaving for a night and then returning for seven more. Fortunately, they were able to revise their house rules to impose an annual limit and address the problem. It is impossible to anticipate every issue that may arise and thus it is important to have the express right to make revisions to house rules as needed.

Providers may wish to consider including provisions such as the following in their house rules:

1. "Residents must pay all sums owing to the community when due in accordance with the admission agreement." Note, Regulation Section 87224(a)(1) states that residents may be evicted for "Nonpayment of the rate for basic services within ten days of the due date." Thus, the Regulation does not cover the failure to pay fees that are not included within "basic services." If a provider wishes to have grounds to evict a resident for failure to pay ancillary charges, a house rule such as this is needed. This rule can help avoid situations where price increases for all residents become necessary in order to subsidize the failure of other residents to pay.
2. "Residents may not engage in conduct which violates federal or state law or local ordinances." This provision is helpful because Regulation Section

87224(a)(2) states that a provider can evict a resident for "failure of the resident to comply with state or local law after receiving written notice of the alleged violation." However, the Regulation does not include federal law and it appears to require that the resident be notified of the violation and then engage in repeat conduct before being evicted, potentially leaving other residents at risk. This rule will promote resident safety.

3. "Residents may not make any material misrepresentation that the community may have relied upon in admitting the resident. This can help avoid licensing problems and protect residents from the negative impact of those who should not have been admitted to the community.
4. "Residents must not engage in disruptive behavior, must not create unsafe conditions, and must not be physically or verbally abusive to other residents or staff."
5. "Residents must ensure that their family members, guardians, personal representatives or guests are not disruptive, do not create unsafe conditions, and are not physically or verbally abusive to the resident, other residents or staff."

Please note that numbers 4 and 5 may not be appropriate for residents with dementia.

In addition to the foregoing, providers may wish to consider including rules pertaining to issues such as overnight guest stays, parking restrictions, sign in and sign out procedures, gifts and gratuities to staff, dress codes, noise (e.g., keeping television volume down especially at night), smoking, pets, motorized scooter use, solicitations and the like.

Providers are encouraged to review their house rules on a regular basis to determine whether additions or revisions are warranted.