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Florida Man Evicted From Assisted Living Facility

By **Elizabeth N. Brown** April 2008 - AARP Bulletin Today



—Photo: Maggie Steber

When Jay Sparaga was evicted from Miami's Munne Center assisted living facility in February, he was told it was because of his "aggressive behavior."

"I think [the facility] was afraid of me," he says, "because I spoke with the [state long-term care] ombudsman about the conditions there. I was pretty much the resident advocate."

But Sparaga, 60, had no chance to plead his case. That's because Florida's assisted living facilities can discharge residents for any reason—or none at all—as long as they provide 45 days' notice. And residents, who are not covered by landlord-tenant laws, can't appeal.

To change that, state Sen. Ronda Storms, R, and Rep. Hugh Gibson, R, have introduced legislation that would require facilities to give residents a reason for discharge and set up an appeals process.

Rules governing assisted living evictions vary greatly. Some states have landlord-tenant laws to protect residents; others "don't even address the issue at all," says Kathleen Cameron, chair of the Consumer Consortium on Assisted Living.

Brian Lee, Florida's long-term care ombudsman, says he is worried about the effect discharge policies have on residents who want to air grievances without the threat of retaliation by facility administration. "There's no due process for these residents at all," he says.

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