

ATTENTION RESIDENTS OF FREE-STANDING RESIDENTIAL HEALTH CARE FACILITIES (RHCF) IN NJ:

KNOW YOUR RIGHTS!!!

As a resident of an RHCF:

- You can only be evicted through the Court.
- You have a right to oppose your eviction.
- You have a right to have your side heard in a Court of law.
- You cannot be evicted for complaining about conditions in the facility.
- You have a right to have a copy of all of your rights as a resident of an RHCF.

**Details of the law are condensed
on the back of this card.**

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Save This Foldable Wallet Resource Card

If you are at risk of being evicted, you already have been evicted, or you believe your rights have been violated, call any of these resources to get legal help:

- Community Health Law Project: (973) 275-1175
- Legal Services of New Jersey: (888) 576-5529
- Disability Rights New Jersey: (800) 922-7233

If you need help with a behavioral health disorder, call these toll-free, confidential call lines provided by the Mental Health Association in NJ:

- NJ MentalHealthCares: (866) 202-HELP (4357)
- NJ Connect for Recovery: (855) 652-3737
- Peer Recovery WarmLine: (877) 292-5588

In September 2017, the law changed regarding how an operator can discharge an RHCF resident from a facility. Below is a summary of the new law, N.J.S.A. 30:11A-3(d):

- You cannot be evicted from a facility without first receiving a copy of the Court Complaint and notice of your opportunity to appear before a Judge to dispute the eviction. You have a right to tell the Judge why you should not be evicted. The Complaint will tell you when/where you must appear in Court. It is very important that you go to the Court hearing because, if you don't, the Judge will probably order your eviction.
- In addition to filing a Court Complaint, the operator must send a notice of your possible eviction to the local county welfare agency, the NJ Department of Community Affairs, and the NJ Office of the Long-Term Care Ombudsman. Copies of these notices must be attached to the Complaint.
- You can only be evicted in Court for certain reasons which are outlined in NJ's Anti-Eviction Act such as non-payment of rent, disorderly conduct, destruction of property, and other reasons listed in the law.
- The Judge is the only person who can order that you be evicted. That means if the operator does not have a Court Order to evict you, he/she has no legal authority to force you to leave. And even if the operator gets a Court Order to evict you, a Court Officer sent by the Court is the only person who can lock you out by telling you to leave and locking the door behind you.
- It is illegal for an operator to lock you out or evict you without getting a Court Order. If the operator tries to evict you without a Court Order, you should contact the police and they should help you get back into the facility and advise your operator that he/she must follow the new law before you can be evicted. You should also contact an attorney at one of the telephone numbers listed on the front of this card.
- With this new law that gives you more protections, you should not be afraid to complain about unsafe or unsanitary conditions in your facility or if you are being mistreated in any way. You can voice your concerns to the local Board of Social Services which must follow up on all complaints. You can also contact the NJ Department of Community Affairs which will follow up on all complaints within its authority and, whenever possible, refer other complaints to the appropriate agency. If you have a social worker or any other person helping you, you should also let them know. The operator of your facility cannot try to evict you or mistreat you just because you have complained.
- It is important to speak to a lawyer and try to get legal help if you receive an Eviction Complaint or if you believe the operator of your facility is violating this new law or any of your other rights.