



## **Guide to Your Rights as a Guest/Tenant of Unlicensed Limited Supportive Housing or a Boarding House.**

### **About Boarding Houses and Limited Supportive Housing:**

A boarding house is a building where a landlord rents rooms to unrelated people who share common areas such as a kitchen, laundry, bathroom or pantry. Most boarding houses have “house rules” and are staffed for at least part of the day.

At some boarding houses staff provide limited supervision and support services to residents who need assistance but do not require the level of support they would get at an assisted living facility. For example, at some boarding houses staff might help a resident remember to take her medications, make medical appointments, arrange transportation to appointments, etc. Boarding houses that provide these types of services are sometimes referred to as “limited supportive housing” (LSH). But this doesn’t make any difference so far as the resident’s rights are concerned. Residents of LSH have the same rights as do the residents of any other kind of boarding house.

It is important to understand that boarding houses are not required to be licensed by the state. This means that they do not have to comply with the quality standards and inspections that a licensed care facility would have. Nor are boarding house staff required to be trained or background checked. The lack of licensing requirements leaves it up to potential renters to make sure that the boarding house and its services will be adequate to meet their needs. People who are considering moving into a boarding house should carefully examine not only the house and the lease, but also the nature and quality of any services offered, before they sign anything or move in.

### **Your Rights Depend on Whether You Are A “Guest” or “Tenant”:**

If the boarding house is a person’s *primary residence* and he has either had a written lease or lived there for at least 90 days, then he is legally a “tenant” and has the same rights and protections as a person who has rented an apartment. A few examples of these rights include:

- To have a written lease

- Not to be locked out, have utilities shut off by the landlord, or be otherwise forced to move out without legal process
- The right to a safe and live-able home
- The right to subtract the cost of repairs from the rent under certain conditions

**You can learn more about tenant’s rights at:**

<https://www.valegalaid.org/issues/housing/landlord-and-tenant-issues>, at <https://www.vhda.com/Renters/Pages/RenterRightsResponsibilities.aspx>, and at <https://www.dhcd.virginia.gov/landlord-tenant-resources>.

A person who rents from a boarding house but does not qualify as a “Tenant” is legally a “guest” of the boarding house. Guests who have stayed at the boarding house *as their primary residence* for less than 90 days cannot be forced to move for any reason unless the landlord gives them written notice at least five days in advance. These guests cannot be locked out, have their power cut off or otherwise be forced out of their rooms until proper notice has been given and the five days have passed.

If the boarding house is not a person’s *primary residence*, then that person has the same rights as a hotel or motel guest would—whether she has a lease or not and no matter how long she has been a renter at the boarding house. The landlord can lock this type of renter out of her room and force her to move, without any notice, as soon as her paid rental ends.

### **Health and Safety Rights Shared by Tenants and Guests Alike:**

Virginia Department of Health rules require Boarding Houses to take certain actions to protect the health, safety, and well-being of their tenants and guests. For example, boarding houses are required to keep their buildings reasonably clean, in good repair, and free of insect and rodent infestations. In addition, boarding house food services (including vending machines) must comply with the Virginia Food Regulations. Finally, boarding house staff who may have a contagious disease can be required to get tested, and they will be prohibited from coming to work if they turn out to have the disease (unless they are given a special exception by the Health Department).

### **Reporting Violations/Getting Help with Your Rights**

- [VirginiaLegalAid.org](https://www.valegalaid.org) has self-help resources and forms you can use to enforce the law against a landlord, along with information and other resources which may help you address many different legal issues.
- The [local Legal Aid agency](#) that serves your area can answer questions and provide legal advice, representation, and may provide legal services to eligible individuals. You can

contact the Legal Aid agency that serves your area by calling 1-866-LEGLAID (1-866-534-5243).

- You can contact the Virginia Poverty Law Center at <https://vplc.org/> or by calling (866) 534-5243 to obtain information or request legal services in a variety of legal areas. Of special interest during the present COVID pandemic, is the Center's *Guide to Maintain Stable Housing During COVID-19*, which is available free on their website.
- Please report Health and Safety violations to your local Health Department. If you don't know how to contact them, you can use the locator at <https://www.vdh.virginia.gov/> to get the proper contact information.
- If a vulnerable adult is at serious and imminent risk, please contact your city or county Adult Protective Services agency immediately, or call the statewide Adult Protective Services hotline at (888) 832-3858. For life-threatening emergencies, call 911.
- If an individual with a disability is or may be being abused, neglected, discriminated against or has otherwise had their rights violated, you can contact the disAbility Law Center of Virginia (dLCV) at (800) 552-3962 to get Information and Referral Services or to request legal or advocacy services.

**dLCV publications are available in alternate format, upon request.**