

AMENDED IN SENATE JUNE 28, 2001

AMENDED IN ASSEMBLY MAY 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1739

Introduced by Assembly Member Reyes

May 2, 2001

An act to amend Section 50801.5 of, and to add Section 1506.7 to, the Health and Safety Code, relating to ~~community care facilities age restrictions~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1739, as amended, Reyes. Foster care: licensing and emergency housing: age restrictions.

~~Existing~~

(1) Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities, including foster family homes, by the State Department of Social Services. Under existing law, a violation of any of these provisions is punishable as a misdemeanor.

This bill would prohibit a person from being licensed to maintain and operate a foster family home unless the person is 21 years of age or older. This bill would not apply to any person who, as of July 1, 2001, is 18, 19, or 20 years of age and had, by that date, obtained a California license to maintain and operate a foster family home.



Since a violation of the provisions applicable to community care and residential facilities is a crime, this bill would impose a state-mandated local program.

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(2) *Under existing law, the Department of Housing and Community Development is required to adopt regulations for the administration of the Emergency Housing and Assistance Program. Existing law further provides that, notwithstanding a specified provision of law relating to discrimination, nothing in these provisions shall be construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of sex.*

This bill would additionally provide that the provisions described above shall not be construed to preclude a provider of emergency shelter or transitional housing from restricting occupancy on the basis of age.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

This bill would provide that no reimbursement is required by this act for a specified reason.

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(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1506.7 is added to the Health and Safety
- 2 Code, to read:
- 3 1506.7. (a) Notwithstanding any other provision of law, a
- 4 person may not be licensed to maintain and operate a foster family
- 5 home, as defined in Section 1502, unless the person is 21 years of
- 6 age or older.
- 7 (b) This section shall not apply to any person who, as of July
- 8 1, 2001, is 18, 19, or 20 years of age and had, by that date, obtained
- 9 a California license to maintain and operate a foster family home.
- 10 SEC. 2. *Section 50801.5 of the Health and Safety Code is*
- 11 *amended to read:*



1 50801.5. (a) The department shall adopt regulations for the
2 administration of the Emergency Housing and Assistance
3 Program. The regulations shall govern the equitable distribution
4 of funds in accordance with the intent and provisions of this
5 chapter, and shall ensure that the program is administered in an
6 effective and efficient manner. The regulations shall provide for
7 reasonable delegation of authority to designated local boards,
8 ensure that local priorities and criteria are reasonably designed to
9 address the needs of homeless people, and ensure that designated
10 local boards meet reasonable standards of inclusiveness,
11 accountability, nondiscrimination, and integrity.

12 (b) The regulations adopted pursuant to this section shall
13 ensure that emergency shelter and services shall be provided on a
14 first-come, first-served basis for whatever time periods are
15 established by the shelter. No individual or household may be
16 denied shelter or services because of an inability to pay. Nothing
17 in this provision shall be construed to preclude a shelter from
18 accepting payment vouchers provided through any other public or
19 private program so long as no shelter beds are reserved beyond
20 sundown for that purpose. Notwithstanding Section 11135 of the
21 Government Code, nothing in this section shall be construed to
22 preclude a provider of emergency shelter or transitional housing
23 from restricting occupancy on the basis of sex *or age*. However,
24 in the case of families, providers of emergency shelter or
25 transitional housing shall provide, to the greatest extent feasible,
26 adequate facilities within their range of services so that all
27 members of a family may be housed together, regardless of age and
28 gender.

29 *SEC. 3.* No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the penalty
34 for a crime or infraction, within the meaning of Section 17556 of
35 the Government Code, or changes the definition of a crime within
36 the meaning of Section 6 of Article XIII B of the California
37 Constitution.

38 ~~*SEC. 3.*~~

39 *SEC. 4.* This act is an urgency statute necessary for the
40 immediate preservation of the public peace, health, or safety



1 within the meaning of Article IV of the Constitution and shall go
2 into immediate effect. The facts constituting the necessity are:
3 In order to prohibit, at the earliest possible time, the licensure
4 of inadequately qualified persons to maintain and operate foster
5 family homes, it is necessary that this act take effect immediately.

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