

AMENDED IN SENATE SEPTEMBER 4, 2001

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JUNE 28, 2001

AMENDED IN ASSEMBLY MAY 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1739**

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**Introduced by Assembly Member Reyes  
(Coauthor: Assembly Member Rod Pacheco)**

May 2, 2001

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An act to amend Section 50801.5 of, ~~and to add Section 1506.7 to,~~ the Health and Safety Code, *and to add Section 16005 to the Welfare and Institutions Code*, relating to 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.

~~(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, other than a relative of the foster child, 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.~~

~~(2) Under~~

~~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 if certain conditions exist.~~

~~(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.~~

~~(4) This~~

~~Existing law provides for the placement of certain children in foster care, and imposes various licensing and other requirements on the individuals and entities that provide foster care.~~

~~This bill would also require the State Department of Social Services to adopt guidelines for the placement of foster youth with specific regard to the age of the caregiver, the age differential between the caregiver and the child, and the ability of the caregiver to exercise proper and effective care and control over the child, and distribute the guidelines to the counties.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~yes~~ *no*.~~



*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     ~~(c) This section shall not apply to any person who is a relative~~  
11 ~~of the foster child.~~

12     ~~SECTION 1. *The Legislature finds and declares that children*~~  
13 ~~*placed in a licensed or approved foster family home should be in*~~  
14 ~~*the care of persons, whether relatives, nonrelative, extended family*~~  
15 ~~*members, or nonrelative licensed providers, who are of an*~~  
16 ~~*appropriate age, of good moral character, and who are ready, able,*~~  
17 ~~*and willing to provide a safe, secure, and stable environment that*~~  
18 ~~*is in the best interest of the child.*~~

19     ~~SEC. 2. Section 50801.5 of the Health and Safety Code is~~  
20 ~~amended to read:~~

21     ~~50801.5. (a) The department shall adopt regulations for the~~  
22 ~~administration of the Emergency Housing and Assistance~~  
23 ~~Program. The regulations shall govern the equitable distribution~~  
24 ~~of funds in accordance with the intent and provisions of this~~  
25 ~~chapter, and shall ensure that the program is administered in an~~  
26 ~~effective and efficient manner. The regulations shall provide for~~  
27 ~~reasonable delegation of authority to designated local boards,~~  
28 ~~ensure that local priorities and criteria are reasonably designed to~~  
29 ~~address the needs of homeless people, and ensure that designated~~  
30 ~~local boards meet reasonable standards of inclusiveness,~~  
31 ~~accountability, nondiscrimination, and integrity.~~

32     ~~(b) The regulations adopted pursuant to this section shall~~  
33 ~~ensure that emergency shelter and services shall be provided on a~~  
34 ~~first-come, first-served basis for whatever time periods are~~  
35 ~~established by the shelter. No individual or household may be~~  
36 ~~denied shelter or services because of an inability to pay. Nothing~~  
37 ~~in this provision shall be construed to preclude a shelter from~~  
38 ~~accepting payment vouchers provided through any other public or~~



1 private program so long as no shelter beds are reserved beyond  
2 sundown for that purpose. Notwithstanding Section 11135 of the  
3 Government Code, or any other provision of law, nothing in this  
4 section shall be construed to preclude a provider of emergency  
5 shelter or transitional housing from restricting occupancy on the  
6 basis of sex or , in the case of emergency shelter or transitional  
7 housing offered exclusively to persons 24 years of age or younger,  
8 on the basis of age, but only to the extent that the shelter or  
9 transitional housing administrator reasonably believes that these  
10 age restrictions are necessary for the health and safety of the  
11 occupants 24 years of age or younger. However, in the case of  
12 families, providers of emergency shelter or transitional housing  
13 shall provide, to the greatest extent feasible, adequate facilities  
14 within their range of services so that all members of a family may  
15 be housed together, regardless of age and gender.

16 **SEC. 3.** *Section 16005 is added to the Welfare and Institutions*  
17 *Code, to read:*

18 *16005. (a) The State Department of Social Services shall*  
19 *develop guidelines, in consultation with Judicial Council, the*  
20 *County Welfare Directors Association, the California Youth*  
21 *Connection, and other similar interested organizations, for the*  
22 *placement of foster youth with specific regard to the age of the*  
23 *caregiver, the age differential between the caregiver and the child,*  
24 *and ability of the caregiver to exercise proper and effective care*  
25 *and control over the child.*

26 *(b) The department shall distribute these guidelines to the*  
27 *counties by November 1, 2002.*

28 **SEC. 4.** The Legislature finds and declares that occupancy in  
29 emergency shelters and transitional housing assistance under the  
30 Emergency Housing and Assistance Program established by  
31 Chapter 11.5 (commencing with Section 50800) of Part 2 of  
32 Division 31 of the Health and Safety Code shall not be denied on  
33 the basis of age, except to the extent provided in subdivision (b)  
34 of Section 50801.5 of the Health and Safety Code.

35 ~~**SEC. 4.**~~

36 **SEC. 5.** No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty



1 for a crime or infraction, within the meaning of Section 17556 of  
2 the Government Code, or changes the definition of a crime within  
3 the meaning of Section 6 of Article XIII B of the California  
4 Constitution.

5 ~~SEC. 5.—~~

6 *SEC. 6.* This act is an urgency statute necessary for the  
7 immediate preservation of the public peace, health, or safety  
8 within the meaning of Article IV of the Constitution and shall go  
9 into immediate effect. The facts constituting the necessity are:

10 In order to prohibit, at the earliest possible time, the licensure  
11 of inadequately qualified persons to maintain and operate foster  
12 family homes, it is necessary that this act take effect immediately.

