

AMENDED IN ASSEMBLY APRIL 27, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 3005

**Introduced by Assembly Member Emmerson
(Principal coauthor: Assembly Member Spitzer)
(Principal coauthor: Senator Dutton)
(Coauthors: Assembly Members Calderon, Karnette, and
Negrete McLeod)**

February 24, 2006

An act to amend Section 1520.5 of the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3005, as amended, Emmerson. Residential care facilities.

Existing law permits a city and county to request denial of a residential care facility license on the basis of overconcentration of residential care facilities.

This bill would permit a city and county to submit to the Director of Social Services additional documentation and evidence regarding the siting of a proposed residential care facility designed for 6 or fewer residents.

The bill would ~~require~~ *authorize* the director, *after review of the information submitted by a city or county*, to ~~consider this evidence and would permit the director to~~ suggest *that the applicant consider* alternative siting locations, ~~if he or she makes certain findings~~.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 1520.5 of the Health and Safety Code is
2 amended to read:

3 1520.5. (a) The Legislature hereby declares it to be the
4 policy of the state to prevent overconcentration of residential care
5 facilities which impair the integrity of residential neighborhoods.
6 Therefore, the director shall deny an application for a new
7 residential care facility license if the director determines that the
8 location is in a proximity to an existing residential care facility
9 that would result in overconcentration.

10 (b) As used in this section, “overconcentration” means that if a
11 new license is issued, there will be residential care facilities
12 which are separated by a distance of 300 feet or less, as measured
13 from any point upon the outside walls of the structures housing
14 those facilities. Based on special local needs and conditions, the
15 director may approve a separation distance of less than 300 feet
16 with the approval of the city or county in which the proposed
17 facility will be located.

18 (c) At least 45 days prior to approving any application for a
19 new residential care facility, the director, or county licensing
20 agency, shall notify, in writing, the city or county planning
21 authority in which the facility will be located, of the proposed
22 location of the facility.

23 (d) (1) Any city or county may request denial of the license
24 applied for on the basis of overconcentration of residential care
25 facilities.

26 (2) A city or county may submit to the director additional
27 documentation and evidence regarding the siting of a proposed
28 facility designed for six or fewer residents. The documentation
29 may include, but is not limited to, a listing of other state-licensed
30 residential facilities, unlicensed residential facilities, or other
31 land uses located in the immediate vicinity of the proposed site.

32 (3) The director shall review and consider any information
33 submitted by the city or county pursuant to paragraph (2), ~~to~~
34 ~~determine whether issuance of the license would result in the~~
35 ~~siting of the proposed residential care facility in the immediate~~
36 ~~vicinity of other land uses that are not compatible with the~~
37 ~~proposed facility.~~ The director shall make available to the
38 applicant any information submitted by a city or county pursuant

1 to paragraph (2) so that the applicant may respond to the
2 concerns raised.

3 ~~(4) If the director finds that the siting of the residential care~~
4 ~~facility at the proposed location is not appropriate due to the~~
5 ~~existence of circumstances described in paragraph (3), he or she~~
6 ~~may inform an applicant of this finding and suggest that the~~
7 ~~applicant consider alternative siting locations.~~

8 *(4) After review of the information submitted by a city or*
9 *county, the director may suggest that the applicant consider*
10 *alternative siting locations. Nothing in this subdivision shall be*
11 *interpreted to alter the rules and regulations governing the*
12 *standards applied in approving or denying a license.*

13 (5) This subdivision shall not be interpreted to authorize or
14 require the director to take an action that would violate the
15 federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sec.
16 3601 and following).

17 (e) Nothing in this section authorizes the director, on the basis
18 of overconcentration, to refuse to grant a license upon a change
19 of ownership of an existing residential care facility where there is
20 no change in the location of the facility.

21 (f) Foster family homes and residential care facilities for the
22 elderly shall not be considered in determining overconcentration
23 of residential care facilities, and license applications for those
24 facilities shall not be denied upon the basis of overconcentration.

25 (g) Any transitional shelter care facility as defined in
26 paragraph (11) of subdivision (a) of Section 1502 shall not be
27 considered in determining overconcentration of residential care
28 facilities, and license applications for those facilities shall not be
29 denied upon the basis of overconcentration.