

ASSEMBLY BILL

No. 724

Introduced by Assembly Member Benoit

February 22, 2007

An act to add Chapter 7.7 (commencing with Section 11834.70) to Part 2 of Division 10.5 of the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as introduced, Benoit. Sober living homes.

Existing law provides for the licensure and regulation of various community care facilities by the State Department of Social Services. Existing law also provides for the licensure and regulation by the State Department of Alcohol and Drug Programs of alcoholism and drug abuse recovery and treatment facilities for adults.

This bill would set forth those characteristics that distinguish a sober living home, as defined in the bill, from certain licensed facilities, and would provide that these sober living homes are exempt from licensure. The bill would provide that it is not intended or shall be construed to limit a local government's authority to regulate, without restriction, the use and occupancy of a single-family residence location in a single-family residential zone, that is not a sober living home, or other licensed facility, as specified.

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

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

1 SECTION 1. Chapter 7.7 (commencing with Section 11834.70)
2 is added to Part 2 of Division 10.5 of the Health and Safety Code,
3 to read:

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CHAPTER 7.7. SOBER LIVING HOMES

7 11834.70. Nothing in this chapter is intended or shall be
8 construed to limit the power of any city, county, or city and county,
9 in the exercise of its police power or in the exercise of its power
10 under any other provision of law, to regulate, without restriction,
11 the use and occupancy of a single-family residence location in a
12 single-family residential zone, that does not meet the definition of
13 any of the following:

14 (a) A community care facility licensed pursuant to Chapter 2
15 (commencing with Section 1500) of Division 2.

16 (b) An alcoholism or drug abuse recovery or treatment facility
17 licensed pursuant to Chapter 7.5 (commencing with Section
18 11834.01).

19 (c) A facility operating under a valid license issued by any other
20 state agency or by a federal agency, for residential programs
21 intended to be operated in a single-family home.

22 (d) A sober living home, as defined in this chapter.

23 11834.71. For purposes of this chapter, “sober living home”
24 means a residential property that is operated as a cooperative living
25 arrangement to provide an alcohol- and drug-free environment for
26 persons recovering from alcoholism or drug abuse, or both, who
27 seek a living environment in which to remain clean and sober. A
28 sober living home is exempt from licensure, but shall demonstrate
29 all of the following characteristics, which distinguish the sober
30 living home from similar facilities that are subject to licensure,
31 such as community care facilities and alcoholism and drug
32 treatment facilities:

33 (a) Residents of the facility, including live-in managers,
34 operators, or owners, are recovering from alcohol or drug abuse.

35 (b) Residents actively participate in legitimate Alcoholics
36 Anonymous (AA) or Narcotics Anonymous (NA) programs, and
37 maintain current records of meeting attendance. These records

1 shall be made available for inspection upon the request of a law
2 or code enforcement officer.

3 (c) Owners, managers, operators, and residents shall observe
4 and enforce a “zero tolerance” policy regarding the consumption
5 or possession of alcohol or controlled substances, except for
6 prescription medications obtained and used under direct medical
7 supervision.

8 (d) Residents submit to mandatory random alcohol or drug
9 testing, or both, which is conducted onsite by managers or
10 operators, or by peer leaders in self-governed homes. Testing
11 records shall be current and maintained onsite, and shall be made
12 available for inspection upon the request of a law or code
13 enforcement officer.

14 (e) Owners, managers, operators, and residents do not provide
15 onsite any of the following services, as they are defined in
16 paragraph (6) of subdivision (a) of Section 10501 of Title 9 of the
17 California Code of Regulations:

- 18 (1) Detoxification.
- 19 (2) Educational counseling.
- 20 (3) Individual or group counseling sessions.
- 21 (4) Treatment or recovery planning.

22 (f) The number of residents who are also parolees who are
23 subject to the sex offender registration requirements of Section
24 290 of the Penal Code does not exceed the limit set forth in Section
25 3003.5 of the Penal Code.

26 (g) No resident requires nonmedical care or supervision, as
27 those terms are defined in Section 1503.5 and paragraph (3) of
28 subdivision (a) of Section 80001 of Title 22 of the California Code
29 of Regulations.

30 (h) Operators or residents, as applicable, maintain current
31 membership in a recognized association of sober living homes, or
32 have received a sober living home certification from the
33 department.

34 (i) Residents are responsible for their own meals. Owners,
35 managers, or operators do not provide food services to residents.

36 (j) Owners, managers, operators, and residents ensure that the
37 property and its use comply with applicable state and local law.

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