

AMENDED IN ASSEMBLY APRIL 12, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 724**

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**Introduced by Assembly Member Benoit**

February 22, 2007

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~~An act to add Article 6 (commencing with Section 11834.70) to Chapter 7.5 of Part 2 of Division 10.5 of the Health and~~ *An act to add Chapter 4.8 (commencing with Section 50595) to Part 2 of Division 31 of the Health and Safety Code, relating to residential facilities.*

LEGISLATIVE COUNSEL'S DIGEST

AB 724, as amended, 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 provide that the licensure provisions of alcoholism and drug abuse recovery treatment facilities by the State Department of Alcohol and Drug Programs are not intended and shall not 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.~~

*This bill would provide that a sober living home is exempt from licensure if it demonstrates specified characteristics.*

The bill would become operative only if SB 992 is enacted and takes effect on or after January 1, 2008.

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

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

1 SECTION 1. Chapter 4.8 (commencing with Section 50595)  
2 is added to Part 2 of Division 31 of the Health and Safety Code,  
3 to read:

4  
5 CHAPTER 4.8. SOBER LIVING HOMES  
6

7 50595. Nothing in this chapter is intended or shall be construed  
8 to limit the power of any city, county, or city and county, in the  
9 exercise of its police power or in the exercise of its power under  
10 any other provision of law, to regulate, without restriction, the use  
11 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 50596. For purposes of this chapter, "sober living home"  
24 means a residential property that is operated as a cooperative  
25 living arrangement to provide an alcohol- and drug-free  
26 environment for persons recovering from alcoholism or drug abuse,  
27 or both, who seek a living environment in which to remain clean  
28 and sober. A sober living home shall be exempt from licensure if  
29 it demonstrates all of the following characteristics that distinguish  
30 it from similar facilities that are subject to licensure, including,  
31 but not limited to, community care facilities and alcoholism and  
32 drug treatment facilities:

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

3 (b) Residents actively participate in legitimate programs,  
4 including, but not limited to, Alcoholics Anonymous or Narcotics  
5 Anonymous programs, and maintain current records of meeting  
6 attendance. These records shall be made available for inspection  
7 upon the request of a law or code enforcement officer.

8 (c) Owners, managers, operators, and residents shall observe  
9 and promote a zero tolerance policy regarding the consumption  
10 or possession of alcohol or controlled substances, except for  
11 prescription medications obtained and used under direct medical  
12 supervision.

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

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

23 (1) Detoxification.

24 (2) Educational counseling.

25 (3) Individual or group counseling sessions.

26 (4) Treatment or recovery planning.

27 (f) The number of residents who are subject to the sex offender  
28 registration requirements of Section 290 of the Penal Code does  
29 not exceed the limit set forth in Section 3003.5 of the Penal Code  
30 and does not violate the distance provisions set forth in Section  
31 3003 of the Penal Code.

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

36 (h) Residents are responsible for their own meals. Owners,  
37 managers, or operators do not provide food services to residents.

38 (i) Owners, managers, operators, and residents ensure that the  
39 property and its use comply with applicable state and local law.

1 SECTION 1. ~~Article 6 (commencing with Section 11834.70)~~  
2 ~~is added to Chapter 7.5 of Part 2 of Division 105 of the Health and~~  
3 ~~Safety Code, to read:~~

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5  
6

Article 6. Local Authority

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 this chapter.~~
- 18 (c) ~~A facility operating under a valid license issued by any other~~  
19 ~~state agency or by a federal agency, for residential programs~~  
20 ~~intended to be operated in a single-family home.~~
- 21 (d) ~~A sober living home, as defined in this chapter.~~

22 SEC. 2. This act shall become operative only if Senate Bill  
23 992 is enacted and takes effect on or before January 1, 2008.