

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1875**

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**Introduced by Assembly Member Huff**

*(Coauthors: Assembly Members Benoit, Horton, Houston, Silva, and Spitzer)*

*(Coauthors: Senators Cox, Dutton, and Runner)*

February 4, 2008

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as amended, Huff. Residential care facilities: overconcentration: licensure applications: local notification.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including various types of residential facilities, by the State Department of Social Services. Existing law requires the Director of Social Services to deny an application for a new residential care facility license if the director determines that the location is in a proximity to an existing residential care facility that would result in overconcentration. Existing law defines "overconcentration" to mean that if a new license is issued, there will be residential care facilities that are separated by a distance of 300 feet or less. However, based on special local needs and conditions, existing law authorizes the director to approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located.

This bill would change the definition of "overconcentration" to refer to distances of 1,000 feet or less, but would specify that a denial of a

license based upon overconcentration is permitted only to the extent consistent with federal law.

Existing law requires notice by the director or county licensing agency to a city or county, as specified, regarding the licensure of residential care facilities in order to prevent overconcentration, and authorizes a city or county to request denial of the license on the basis of overconcentration of residential care facilities.

This bill would impose certain procedures upon the director or county licensing agency to ensure that the city or county planning authority, as appropriate, of the city or county in which the proposed residential care facility is located has received the notice.

By expanding the duties of county licensing agencies, this bill would create a state-mandated local program.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. 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 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 policy
- 4 of the state to prevent overconcentrations of residential care
- 5 facilities that impair the integrity of residential neighborhoods. It
- 6 is also the intent of the Legislature to ensure communications
- 7 ~~between licensing entities and local government~~ *local government*
- 8 *and licensing entities*. Therefore, to the extent consistent with
- 9 federal law, the director shall deny any application for a new
- 10 residential care facility license if the director determines that the
- 11 location is in a proximity to an existing residential care facility
- 12 that would result in overconcentration, as provided for in this
- 13 section.
- 14 (b) As used in this section, “overconcentration” means that if a
- 15 new license is issued, there will be residential care facilities that

1 are separated by a distance of 1,000 feet or less, as measured from  
2 any point upon the outside walls of the structures housing those  
3 facilities. Based on special local needs and conditions, the director  
4 may approve a separation distance of less than 1,000 feet with the  
5 approval of the city or county in which the proposed facility will  
6 be located.

7 (c) (1) At least 45 days prior to approving any application for  
8 a new residential care facility, the director, or county licensing  
9 agency, shall notify, in writing, the planning agency of the city, if  
10 the facility is to be located in the city, or the planning agency of  
11 the county, if the facility is to be located in an unincorporated area,  
12 of the proposed location of the facility.

13 (2) This notice shall be provided by certified mail, return receipt  
14 requested. The director or county licensing agency providing the  
15 notice shall ensure that the return receipt is received by the director  
16 or county licensing agency in order to establish that the city or  
17 county planning authority, as appropriate, has received the notice,  
18 and shall maintain in its files a copy of the return receipt. If the  
19 director or county licensing agency providing the notice does not  
20 receive the return receipt within 10 days after mailing the notice,  
21 the director or the county licensing agency shall employ other  
22 means to ensure that notice is delivered to the city or county. The  
23 application shall not be approved until receipt of the notice by the  
24 city or county, as appropriate, has been documented by the director  
25 or the county licensing agency.

26 (d) Any city or county may request denial of the license applied  
27 for on the basis of overconcentration of residential care facilities.

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

32 (f) Foster family homes and residential care facilities for the  
33 elderly shall not be considered in determining overconcentration  
34 of residential care facilities, and license applications for those  
35 facilities shall not be denied upon the basis of overconcentration.

36 (g) Any transitional shelter care facility as defined in paragraph  
37 (11) of subdivision (a) of Section 1502 shall not be considered in  
38 determining overconcentration of residential care facilities, and  
39 license applications for those facilities shall not be denied upon  
40 the basis of overconcentration.

1     SEC. 2. If the Commission on State Mandates determines that  
2 this act contains costs mandated by the state, reimbursement to  
3 local agencies and school districts for those costs shall be made  
4 pursuant to Part 7 (commencing with Section 17500) of Division  
5 4 of Title 2 of the Government Code.

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