

AMENDED IN ASSEMBLY MAY 7, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2598**

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**Introduced by Assembly Member Leno**

February 22, 2008

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~~An act to add Section 1569.148 to the Health and Safety Code, relating to residential care facilities for the elderly. An act to repeal and add Section 1569.147 of the Health and Safety Code, relating to residential care facilities for the elderly.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2598, as amended, Leno. Residential care facilities for the elderly: *elderly: rent*.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services.

Existing law exempts residential care facilities for the elderly from controls on rent imposed by any state or local agency or other local governmental entity.

This bill would *delete the above provisions and* authorize the governing body of a city, county, or city and county to impose, by ordinance, controls on rent, *as defined*, upon residential care facilities for the elderly.

*Existing law requires admission agreements for residential care facilities for the elderly to include specified information, including a comprehensive description of any items and services provided under a*

single fee, such as a monthly fee for room, board, and other items and services.

This bill would authorize a local governing body that is imposing rent controls pursuant to this bill to require a facility to inform each resident or prospective resident, or his or her representative, of the amount of the monthly fee that is attributable to rent and may also require a facility to provide a written statement to each resident, or his or her representative, every month that specifies the amount of rent.

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. Section 1569.147 of the Health and Safety Code  
2 is repealed.

3 ~~1569.147. (a) Nothing in this chapter authorizes the imposition~~  
4 ~~of rent regulations or controls for licensed residential care facilities~~  
5 ~~for the elderly.~~

6 ~~(b) Licensed residential care facilities for the elderly are not~~  
7 ~~subject to controls on rent imposed by any state or local agency~~  
8 ~~or other local government entity.~~

9 SEC. 2. Section 1569.147 is added to the Health and Safety  
10 Code, to read:

11 1569.147. (a) For purposes of this section, "rent" means the  
12 portion of the fee charged to residents of residential care facilities  
13 for the elderly that is consideration for the use or occupancy of  
14 the facility, including, but not limited to, moneys paid for housing  
15 services, as defined in subdivision (b). Rent does not include  
16 payment for the care, supervision, protective supervision, personal  
17 care, special food services or products, or health-related services  
18 provided to residents.

19 (b) For purposes of this section, housing services, which are  
20 included in the rent paid by the residents, shall include services  
21 that are connected with the use or occupancy of the premises,  
22 including, but not limited to, repairs, maintenance, painting, light,  
23 heat, water, elevator service, laundry facilities and privileges,  
24 janitor service, refuse removal, furnishings, telephone, parking,  
25 food services, and any other benefits, privileges, or facilities.

26 (c) Notwithstanding any other provision of law, the governing  
27 body of a city, county, or city and county, may impose, by

1 ordinance, controls on rent upon residential care facilities for the  
2 elderly.

3 (d) If a city, county, or city and county imposes rent control on  
4 residential care facilities for the elderly pursuant to this section,  
5 the local governing body may require the facility to inform each  
6 resident and prospective resident, or his or her representative, of  
7 the amount of the monthly fee paid by the resident to the facility  
8 that is attributable to rent and may require the facility to provide  
9 a monthly written statement to each resident, or his or her  
10 representative, that specifies the amount of rent.

11 SECTION 1. ~~Section 1569.148 is added to the Health and~~  
12 ~~Safety Code, to read:~~

13 ~~1569.148. Notwithstanding any other provision of law, the~~  
14 ~~governing body of a city, county, or city and county may impose,~~  
15 ~~by ordinance, controls on rent upon residential care facilities for~~  
16 ~~the elderly.~~