

**ASSEMBLY BILL**

**No. 2891**

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**Introduced by Assembly Members Levine and Beall**

February 22, 2008

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An act to add Chapter 12.5 (commencing with Section 4848.05) to Division 4.5 of the Welfare and Institutions Code, relating to developmental services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2891, as introduced, Levine. Developmental services.

Existing law, the Lanterman Developmental Disabilities Services Act, establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, administration and oversight of the state developmental centers and programs relating to persons with developmental disabilities. Existing law requires the department to allocate funds to private nonprofit regional centers for the provision of community services and support for persons with developmental disabilities and their families.

This bill would establish the Lanterman Accessible and Affordable Housing Program to provide resources for grants to purchase residential property for community housing for persons with developmental disabilities. The bill would establish the Lanterman Accessible and Affordable Housing Fund and would, upon appropriation by the Legislature, authorize use of moneys in the fund by the department for these purposes. The bill would establish the Lanterman Accessible and Affordable Housing Advisory Committee and would set forth its duties.

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. Chapter 12.5 (commencing with Section 4848.05)  
2 is added to Division 4.5 of the Welfare and Institutions Code, to  
3 read:

4  
5 CHAPTER 12.5. LANTERMAN ACCESSIBLE AND AFFORDABLE  
6 HOUSING PROGRAM

7  
8 Article 1. General  
9

10 4848.05. The Legislature finds and declares all of the following:

11 (a) During the past century, the people of California made  
12 significant capital investments to build and maintain a network of  
13 state developmental centers for the purpose of housing and  
14 providing services to children and adults with developmental  
15 disabilities.

16 (b) The acquisition and ownership, directly and indirectly, of  
17 accessible and affordable residential properties available for  
18 persons with developmental disabilities living in the community  
19 is an extension of the same economic principle of making and  
20 maintaining capital investments in real estate for the benefit of this  
21 special population.

22 (c) Thousands of persons with developmental disabilities living  
23 in their home communities need increased availability to accessible  
24 and affordable housing in order to remain within their home  
25 communities, and many more will, in the future, require homes in  
26 these communities.

27 (d) It is anticipated that the voters may subsequently approve  
28 housing bonds for the use and benefit of people with developmental  
29 disabilities and that the proceeds of the sale of those bonds may  
30 be directed by the bond measure for the purpose of funding  
31 accessible and affordable housing for consumers, resulting in  
32 possible future savings in General Fund expenditures for these  
33 purposes.

34 (e) Many individuals with developmental disabilities who are  
35 eligible to receive services pursuant to the Lanterman  
36 Developmental Disabilities Act lack opportunities to obtain  
37 accessible and affordable community-based housing.

1 (f) To remedy this lack of opportunities to obtain accessible and  
2 affordable community-based housing, it is wise, necessary, and  
3 beneficial for the state to develop funds to acquire, keep, and  
4 maintain residential real property, dedicated for the exclusive use  
5 and benefit of persons with developmental disabilities.

6 4848.10. For the purposes of this chapter, the following terms  
7 have the following meanings:

8 (a) “Fund” means the Lanterman Accessible and Affordable  
9 Housing Fund established pursuant to Section 4848.40.

10 (b) “Director” means the Director of Developmental Services.

11 (c) “Committee” means the Lanterman Accessible and  
12 Affordable Housing Advisory Committee established pursuant to  
13 Section 4848.35.

14 4848.15. (a) The Lanterman Accessible and Affordable  
15 Housing Program is hereby established.

16 (b) In order to enable the state to take significant steps toward  
17 fulfilling its mandated obligations under this division, the  
18 department shall do all of the following:

19 (1) Set aside moneys for the purposes of this chapter by annually  
20 transferring to the fund, upon appropriation by the Legislature,  
21 unspent funds remaining in the regional center purchase of services  
22 budgets.

23 (2) Use funds appropriated for the purposes of this chapter to  
24 invest in accessible and affordable residential real estate resources  
25 intended exclusively for the use and benefit of persons with  
26 developmental disabilities.

27 (3) Adopt regulations setting forth standards for the issuance  
28 of grants for the purchase of housing for the purposes of this  
29 chapter, including, but not limited to, all of the following:

30 (A) Provisions relating to the grantee’s responsibility to keep  
31 the property maintained and to insure the property against loss and  
32 liability.

33 (B) Provisions relating to required deed restrictions and other  
34 requirements needed to ensure that the state’s interests are protected  
35 and that the property is used exclusively to meet the accessible  
36 and affordable housing goals of this chapter.

37 (C) Provisions relating to regional center duties regarding  
38 placement of consumers into properties financed pursuant to this  
39 chapter and regarding the provision of needed consumer services  
40 and supports.

1 (D) Provisions setting forth the rights of consumers to ensure  
2 that consumers have the right to remain in the residence in the  
3 same manner that any person has the right to remain in his or her  
4 own home.

5 (4) Establish regional center contract controls setting forth  
6 participating regional center authority and responsibility regarding  
7 all of the following:

- 8 (A) The award of grants.
- 9 (B) The placement of consumers in those properties.
- 10 (C) The provision of all necessary services and supports to
- 11 consumers placed in those properties.
- 12 (D) The regional center’s role in ensuring that the grantee
- 13 complies with his or her duties to maintain and insure the premises.

14  
15 Article 2. Increasing the Availability of Accessible and  
16 Affordable Housing  
17

18 4848.20. (a) To overcome the lack of affordable housing, the  
19 department shall ensure that rents for the residential real properties  
20 funded in whole or in part pursuant to this chapter shall be at a  
21 level that requires a person with a developmental disability to pay  
22 no more than 30 percent of his or her income for rent in a property  
23 financed pursuant to this chapter.

24 (b) The grant shall set forth the manner in which the state and  
25 the grantee will share in the rents paid by consumers.

26 (c) The state’s share of rents shall be deposited into the fund  
27 and shall, upon appropriation by the Legislature, be expended for  
28 the purposes of this chapter.

29 4848.25. The department may partner with other public  
30 agencies to increase funding for the purposes of this chapter. If  
31 other funding sources are involved, the grant instrument and the  
32 deed shall set forth the interests of all parties.

33  
34 Article 3. Lanterman Accessible and Affordable Housing Fund  
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36 4848.30. (a) The Lanterman Accessible and Affordable  
37 Housing Fund is hereby established in the State Treasury.

38 (b) Moneys in the fund shall be available to the department,  
39 upon appropriation by the Legislature, for any of the purposes  
40 specified in Section 4848.35.

1 (c) The fund shall include all moneys appropriated by the  
2 Legislature for purposes of this chapter, and, notwithstanding  
3 Section 16305.7 of the Government Code, any interest and  
4 dividends earned on moneys in the fund.

5 4848.35. (a) The department may utilize moneys in the fund  
6 for both of the following purposes:

7 (1) To provide grants to private or public entities to assist in the  
8 purchase of accessible and affordable housing for the purposes of  
9 this chapter.

10 (2) To employ or contract for, to the extent permitted by law,  
11 professional help to assist the department with management of the  
12 real estate transactions, investments, accounting, or other necessary  
13 functions.

14 (b) The details of management and operation of the fund shall  
15 be set forth in regulations adopted by the director in conformity  
16 with this chapter and amended from time to time when  
17 circumstances may require.

18  
19 Article 4. Lanterman Accessible and Affordable Housing  
20 Advisory Committee  
21

22 4848.40. (a) The director shall appoint a Lanterman Accessible  
23 and Affordable Housing Advisory Committee to provide the  
24 director with information and advice regarding program priorities  
25 for the use of the funds and other advice as may be requested by  
26 the director.

27 (b) The advisory committee shall consist of 13 members, four  
28 of whom shall be persons with developmental disabilities, and four  
29 of whom shall be parents or family members of persons with  
30 developmental disabilities. These eight members shall be  
31 nominated by organizations representing consumers and family  
32 members of consumers.

33 (c) The remaining five members of the advisory committee shall  
34 be representatives of major stakeholder agencies in California's  
35 developmental services system or community members who have  
36 an interest in, knowledge of, and recognized service to, the people  
37 served by the developmental services system.

38 (d) The committee shall include persons with experience in trust  
39 fund or large foundation management, real estate law, investment  
40 strategy, property management, and housing policy.

1 (e) If requested, the department may, from moneys in the fund,  
2 reimburse members of the advisory committee for actual expenses  
3 incurred in the performance of their duties.

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Article 5. Operation of Housing Assets

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7 4848.45. Moneys in the fund shall be managed so as to ensure  
8 that all of the following occur:

9 (a) The moneys in the fund are used only as set forth in this  
10 chapter and are not used to supplant any appropriations for service  
11 programs.

12 (b) The moneys in the fund are replenished, to the maximum  
13 extent possible, by the collection of rents and repayment of loans.

14 (c) A portion of the assets of the fund shall be set aside as  
15 reasonable reserves and invested in ways that generate dividends,  
16 so that the fund is able to be used to pay for costs associated with  
17 replenishing, repairing, and maintaining the housing facilitated by  
18 the fund, in keeping with best practices observed by residential  
19 real estate managers doing business in California.

20 (d) A portion of the moneys in the fund shall be allocated for  
21 use in meeting operations and overhead expenses for real property  
22 acquisition, real property development, real property management,  
23 and similar administrative needs, in keeping with best practices  
24 observed by residential real estate investors, developers, and  
25 managers doing business in California.

26 (e) Title to each residential real property acquired through the  
27 fund shall carry deed restrictions that ensure its use is dedicated  
28 for the benefit of people with developmental disabilities, and, upon  
29 the cessation of this use, that the state’s interest in the real property  
30 is protected.