

ASSEMBLY BILL

No. 1142

**Introduced by Assembly Member Chesbro
(Coauthors: Assembly Members Halderman and Bonnie Lowenthal)**

February 18, 2011

An act to add Section 1569.652 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 1142, as introduced, Chesbro. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly, as defined, by the State Department of Social Services. Under existing law, a violation of these provisions is punishable as a misdemeanor.

This bill would prohibit a residential care facility for the elderly from assessing personal care fees upon notice of the death of a resident, and prohibit the facility from assessing fees for the residential living unit of a deceased resident once it is vacated and all personal property is removed.

By expanding the definition of a crime, this bill would result in 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 no reimbursement is required by this act for a specified reason.

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 1569.652 is added to the Health and
2 Safety Code, to read:
3 1569.652. A residential care facility for the elderly shall not
4 do either of the following:
5 (a) Assess personal care fees upon notice of the death of a
6 resident.
7 (b) Assess fees for the residential living unit of a deceased
8 resident once the unit is vacated and all personal property is
9 removed.
10 SEC. 2. No reimbursement is required by this act pursuant to
11 Section 6 of Article XIII B of the California Constitution because
12 the only costs that may be incurred by a local agency or school
13 district will be incurred because this act creates a new crime or
14 infraction, eliminates a crime or infraction, or changes the penalty
15 for a crime or infraction, within the meaning of Section 17556 of
16 the Government Code, or changes the definition of a crime within
17 the meaning of Section 6 of Article XIII B of the California
18 Constitution.

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