

ASSEMBLY BILL

No. 452

Introduced by Assembly Member Brown

February 19, 2013

An act to amend Section 1505 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 452, as introduced, Brown. Community care facilities: exceptions.

Existing law requires a license issued by the State Department of Health Care Services to operate a community care facility. Existing law defines "community care facility" as any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Existing law exempts certain entities from regulation as community care facilities.

This bill would exempt overnight shelters for unaccompanied youth or homeless youth, as defined, from the provisions regulating community care facilities.

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 1505 of the Health and Safety Code is
- 2 amended to read:
- 3 1505. This chapter does not apply to any of the following:

- 1 (a) Any health facility, as defined by Section 1250.
- 2 (b) Any clinic, as defined by Section 1202.
- 3 (c) Any juvenile placement facility approved by the Department
- 4 of Corrections and Rehabilitation, Division of Juvenile Justice, or
- 5 any juvenile hall operated by a county.
- 6 (d) Any place in which a juvenile is judicially placed pursuant
- 7 to subdivision (a) of Section 727 of the Welfare and Institutions
- 8 Code.
- 9 (e) Any child day care facility, as defined in Section 1596.750.
- 10 (f) Any facility conducted by and for the adherents of any
- 11 well-recognized church or religious denomination for the purpose
- 12 of providing facilities for the care or treatment of the sick who
- 13 depend upon prayer or spiritual means for healing in the practice
- 14 of the religion of the church or denomination.
- 15 (g) Any school dormitory or similar facility determined by the
- 16 department.
- 17 (h) Any house, institution, hotel, homeless shelter, or other
- 18 similar place that supplies board and room only, or room only, or
- 19 board only, provided that no resident thereof requires any element
- 20 of care as determined by the director.
- 21 (i) Recovery houses or other similar facilities providing group
- 22 living arrangements for persons recovering from alcoholism or
- 23 drug addiction where the facility provides no care or supervision.
- 24 (j) Any alcoholism or drug abuse recovery or treatment facility
- 25 as defined by ~~in Section 11834.11~~ *Section 11834.02*.
- 26 (k) Any arrangement for the receiving and care of persons by
- 27 a relative or any arrangement for the receiving and care of persons
- 28 from only one family by a close friend of the parent, guardian, or
- 29 conservator, if the arrangement is not for financial profit and occurs
- 30 only occasionally and irregularly, as defined by regulations of the
- 31 department. For purposes of this chapter, arrangements for the
- 32 receiving and care of persons by a relative shall include relatives
- 33 of the child for the purpose of keeping sibling groups together.
- 34 (l) (1) Any home of a relative caregiver of children who are
- 35 placed by a juvenile court, supervised by the county welfare or
- 36 probation department, and the placement of whom is approved
- 37 according to subdivision (d) of Section 309 of the Welfare and
- 38 Institutions Code.
- 39 (2) Any home of a nonrelative extended family member, as
- 40 described in Section 362.7 of the Welfare and Institutions Code,

1 providing care to children who are placed by a juvenile court,
2 supervised by the county welfare or probation department, and the
3 placement of whom is approved according to subdivision (d) of
4 Section 309 of the Welfare and Institutions Code.

5 (3) On and after January 1, 2012, any supervised independent
6 living placement for nonminor dependents, as defined in
7 subdivision (w) of Section 11400 of the Welfare and Institutions
8 Code, who are placed by the juvenile court, supervised by the
9 county welfare department, probation department, Indian tribe,
10 consortium of tribes, or tribal organization that entered into an
11 agreement pursuant to Section 10553.1 of the Welfare and
12 Institutions Code, and whose placement is approved pursuant to
13 subdivision (k) of Section 11400 of the Welfare and Institutions
14 Code.

15 (4) A Transitional Housing Program-Plus, as defined in
16 subdivision (s) of Section 11400 of the Welfare and Institutions
17 Code, that serves only eligible former foster youth over 18 years
18 of age who have exited from the foster care system on or after their
19 18th birthday, and that has obtained certification from the
20 applicable county in accordance with subdivision (c) of Section
21 16522 of the Welfare and Institutions Code.

22 (m) Any supported living arrangement for individuals with
23 developmental disabilities, as defined in Section 4689 of the
24 Welfare and Institutions Code.

25 (n) (1) Any family home agency, family home, or family
26 teaching home as defined in Section 4689.1 of the Welfare and
27 Institutions Code, that is vendored by the State Department of
28 Developmental Services and that does any of the following:

29 (A) As a family home approved by a family home agency,
30 provides 24-hour care for one or two adults with developmental
31 disabilities in the residence of the family home provider or
32 providers and the family home provider or providers' family, and
33 the provider is not licensed by the State Department of Social
34 Services or the State Department of Public Health or certified by
35 a licensee of the State Department of Social Services or the State
36 Department of Public Health.

37 (B) As a family teaching home approved by a family home
38 agency, provides 24-hour care for a maximum of three adults with
39 developmental disabilities in independent residences, whether
40 contiguous or attached, and the provider is not licensed by the

1 State Department of Social Services or the State Department of
2 Public Health or certified by a licensee of the State Department of
3 Social Services or the State Department of Public Health.

4 (C) As a family home agency, engages in recruiting, approving,
5 and providing support to family homes.

6 (2) No part of this subdivision shall be construed as establishing
7 by implication either a family home agency or family home
8 licensing category.

9 (o) Any facility in which only Indian children who are eligible
10 under the federal Indian Child Welfare Act (Chapter 21
11 (commencing with Section 1901) of Title 25 of the United States
12 Code) are placed and that is one of the following:

13 (1) An extended family member of the Indian child, as defined
14 in Section 1903 of Title 25 of the United States Code.

15 (2) A foster home that is licensed, approved, or specified by the
16 Indian child’s tribe pursuant to Section 1915 of Title 25 of the
17 United States Code.

18 (p) (1) (A) Any housing occupied by elderly or disabled
19 persons, or both, that is initially approved and operated under a
20 regulatory agreement pursuant to Section 202 of Public Law 86-372
21 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625
22 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to
23 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that
24 receives mortgage assistance pursuant to Section 221d (3) of Public
25 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are
26 made available to residents at their option, as long as the project
27 owner or operator does not contract for or provide the supportive
28 services.

29 (B) Any housing that qualifies for a low-income housing credit
30 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)
31 or that is subject to the requirements for rental dwellings for
32 low-income families pursuant to Section 8 of Public Law 93-383
33 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled
34 persons, or both, where supportive services are made available to
35 residents at their option, as long as the project owner or operator
36 does not contract for or provide the supportive services.

37 (2) The project owner or operator to which paragraph (1) applies
38 may coordinate, or help residents gain access to, the supportive
39 services, either directly, or through a service coordinator.

1 *(q) Overnight shelters for unaccompanied youth, as defined in*
2 *Section 11434a(6) of Title 42 of the United States Code, or*
3 *homeless youth, as defined in paragraph (2) of subdivision (e) of*
4 *Section 11139.3 of the Government Code.*

5 ~~(q)~~

6 *(r) Any similar facility determined by the director.*

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