

AMENDED IN ASSEMBLY MAY 30, 1997  
AMENDED IN ASSEMBLY MAY 21, 1997  
AMENDED IN ASSEMBLY MAY 19, 1997  
AMENDED IN ASSEMBLY MAY 13, 1997  
AMENDED IN ASSEMBLY APRIL 28, 1997  
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CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 323**

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**Introduced by Assembly Member Baca**  
(Coauthors: Senators Johannessen, Kopp, and Monteith)

February 14, 1997

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An act to add and repeal Sections 1520.66, 1524.6, 1538.6, and 1538.7 of the Health and Safety Code, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 323, as amended, Baca. Community care facilities: group homes.

Existing law provides for the licensure and regulation of community care facilities, including group homes, by the State Department of Social Services. Violation of these provisions is subject to criminal sanction. Existing law requires the Director of Social Services to deny an application for a new

residential care facility license if the director determines the location is in such proximity to an existing residential care facility as would result in overconcentration.

This bill would establish a pilot project, to be repealed on January 1, 2001, for the Inland Empire Office-Residential of the department and the counties it serves. The bill would require, for the purposes of the pilot project, the director, as a condition of the licensure of a group home, as defined, proposed to be located in the region served by the Inland Empire Office-Residential, to ensure that law enforcement agencies have been notified of the group home's proposed location, and would allow the director to deny licensure if recommended by the agency. It would also require the director to contact law enforcement agencies that are both, within the region served by the Inland Empire Office-Residential, and in the locations of any previous group homes operated by the applicant.

Existing law requires community care facilities with 6 or fewer residents, except certain family homes, to establish an approved procedure for immediate response to incidents and complaints.

This bill would provide that, for purposes of the pilot project, a group home of any size must also comply with this requirement.

Existing law provides that any person may request the inspection of a community care facility by notifying the department of an alleged violation of the law regulating community care facilities.

This bill would require the department, on or before July 1, 1998, to develop a plan for the creation of a toll-free "800" number that will allow callers to access the Inland Empire Office-Residential in order to notify the department of an alleged violation by a group home operator of the laws regulating community care facilities.

The bill would require the department to use existing resources to perform the duties prescribed by its provisions.

This bill would require the owner or licensee of a group home in the area of the pilot project to notify residents in the neighborhood where the facility is located of the response procedure. This bill would further require the owner or



licensee of a group home to notify residents in the neighborhood where the facility is located of their right to request an inspection of the facility if they suspect the law has been violated. By changing a definition of a crime these requirements would impose 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. (a) It is the intent of the Legislature in  
2 enacting this act to make the public aware of existing  
3 statutory rights relating to group homes. The State  
4 Department of Social Services shall use existing resources  
5 to perform the duties imposed by this act.

6 (b) It is further the intent of the Legislature in  
7 enacting this act to establish a pilot project relative to  
8 group homes. The pilot project shall be limited to the  
9 Inland Empire Office-Residential of the State  
10 Department of Social Services and the counties it serves:  
11 Inyo, Mono, Riverside, and San Bernardino.

12 (c) It is further the intent of the Legislature that the  
13 pilot project be designed to measure the increase or  
14 decrease in local law enforcement calls based on  
15 information requested verbally or in writing by the State  
16 Department of Social Services from local law  
17 enforcement agencies, and the increase or decrease in  
18 complaints to the department, as a result of the pilot  
19 project.

20 (d) *The pilot project shall be deemed successful if, at*  
21 *the conclusion of the pilot project, both of the following*  
22 *goals have been met:*

23 (1) *Monthly calls to local law enforcement agencies*  
24 *concerning group homes within the area served by the*



1 *Inland Empire Office-Residential of the State*  
2 *Department of Social Services have been reduced by at*  
3 *least 10 percent, compared to the number of calls that*  
4 *were received prior to the initiation of the pilot project.*

5 (2) *Monthly complaints to the Inland Empire*  
6 *Office-Residential of the State Department of Social*  
7 *Services about group homes have been reduced by at*  
8 *least 10 percent, compared to the number of complaints*  
9 *that were received prior the initiation of the pilot project.*

10 (e) The pilot project established by this act shall  
11 terminate on January 1, 2001.

12 SEC. 2. Section 1520.66 is added to the Health and  
13 Safety Code, immediately after Section 1520.65, to read:

14 1520.66. (a) In addition to any other requirements of  
15 this chapter, the director shall approve an application for  
16 licensure of a group home that is located in any of the  
17 counties served by the Inland Empire Office-Residential,  
18 only after the following conditions have been satisfied:

19 (1) Law enforcement agencies in the area where the  
20 group home is proposed to be located have been notified  
21 verbally or in writing of the proposed location of the  
22 group home. A law enforcement agency may conduct  
23 research into the proposed location regarding the  
24 existing problems in the location including the number of  
25 calls for police service and incident reports. A law  
26 enforcement agency may recommend that the license be  
27 denied if it conducts this research and determines that  
28 there is a high rate of existing crime in the proposed area.  
29 The director may deny a license if a law enforcement  
30 agency recommends denial based on a law enforcement  
31 agency's determination that the facility will constitute a  
32 direct threat to the health or safety of prospective  
33 residents of the facility, or to the public, or that the  
34 operation of the facility will result in substantial damage  
35 to the property of others.

36 (2) In addition to fulfilling the other requirements of  
37 this chapter, the director has contacted, verbally or in  
38 writing, law enforcement agencies of any area where the  
39 applicant has had any other group home that is within the  
40 region served by the Inland Empire Office-Residential



1 for information on the number of calls to law  
2 enforcement agencies and incident reports at the other  
3 locations. If this investigation reveals a high number of  
4 calls to law enforcement agencies where the other group  
5 homes were located, the director shall require the  
6 applicant to provide the justification for the high number  
7 of problems. If the director determines that these  
8 problems may reoccur at the proposed new group home,  
9 the license may be denied.

10 (b) For purposes of this section, “group home” means  
11 any facility of any capacity which provides 24-hour  
12 nonmedical care and supervision to children in a  
13 structured environment with such services provided at  
14 least in part by staff employed by the licensee.

15 (c) This section shall not apply to family homes  
16 certified by foster family agencies, foster family homes,  
17 and small family homes. It is not the intent of the  
18 Legislature that this section be applied in a manner that  
19 creates a discriminatory effect on the disabled. It is the  
20 intent of the Legislature in enacting this section to  
21 prevent the licensing of facilities that, based on a history  
22 of prior incidents, will constitute a direct threat to the  
23 health and safety of prospective residents, or to the  
24 public, or will result in substantial damage to the property  
25 of others.

26 (d) This section shall be repealed on January 1, 2001,  
27 unless a later enacted statute, that is enacted before  
28 January 1, 2001, deletes or extends that date.

29 SEC. 3. Section 1524.6 is added to the Health and  
30 Safety Code, to read:

31 1524.6. (a) Notwithstanding Section 1524.5, but in  
32 addition to any other requirements of this chapter, any  
33 community care facility providing residential care for six  
34 or fewer persons, or any group home providing care for  
35 any number of persons, except family homes certified by  
36 foster family agencies, foster family homes, and small  
37 family homes, shall provide a procedure approved by the  
38 licensing agency for immediate response to incidents and  
39 complaints. This procedure shall include a method of  
40 assuring that the owner, licensee, or person designated by



1 the owner or licensee is notified of the incident, that the  
2 owner, licensee, or person designated by the owner or  
3 licensee has personally investigated the matter, and that  
4 the person making the complaint or reporting the  
5 incident has received a written response of action taken  
6 or a reason why no action needs to be taken.

7 (b) In order to assure the opportunity for complaints  
8 to be made directly to the owner, licensee, or person  
9 designated by the owner or licensee, and to provide the  
10 opportunity for the owner, licensee, or person designated  
11 by the owner or licensee to meet residents and learn of  
12 problems in the neighborhood, any facility, except family  
13 homes certified by foster family agencies, foster family  
14 homes, and small family homes, shall establish a fixed time  
15 on a weekly basis when the owner, licensee, or person  
16 designated by the owner or licensee will be present.

17 (c) Facilities shall establish procedures to comply with  
18 the requirements of this section on or before July 1, 1998.

19 (d) For purposes of this section, "group home" means  
20 any facility of any capacity which provides 24-hour  
21 nonmedical care and supervision to children in a  
22 structured environment with such services provided at  
23 least in part by staff employed by the licensee.

24 (e) This section shall apply only to a facility that is  
25 located in any of the counties served by the Inland  
26 Empire Office-Residential.

27 (e) This section shall be repealed on January 1, 2001,  
28 unless a later enacted statute, that is enacted before  
29 January 1, 2001, deletes or extends that date.

30 SEC. 4. Section 1538.6 is added to the Health and  
31 Safety Code, to read:

32 1538.6. (a) On or before July 1, 1998, the department  
33 shall develop a plan for creating a toll-free "800" number,  
34 that will provide free public telephone access to the  
35 Inland Empire Office-Residential, to allow the caller to  
36 request an inspection of any group home located in any  
37 of the counties served by the Inland Empire  
38 Office-Residential, pursuant to this section. The  
39 department shall submit the plan to the Legislature on or  
40 before July 1, 1998, along with an estimated budget, and



1 a description of any appropriation or legislation that  
2 would be required to effectuate the plan. Upon the  
3 implementation of a toll-free “800” number, the notice to  
4 neighborhood residents required pursuant to Section  
5 1538.7 shall include the toll-free “800” number.

6 (b) For purposes of this section, “group home” means  
7 any facility of any capacity which provides 24-hour  
8 nonmedical care and supervision to children in a  
9 structured environment with such services provided at  
10 least in part by staff employed by the licensee.

11 (c) This section shall be repealed on January 1, 2001,  
12 unless a later enacted statute, that is enacted before  
13 January 1, 2001, deletes or extends that date.

14 SEC. 5. Section 1538.7 is added to the Health and  
15 Safety Code, to read:

16 1538.7. (a) The owner or licensee of a group home,  
17 located in any of the counties served by the Inland  
18 Empire Office-Residential, and providing care to any  
19 number of persons shall provide notice, in compliance  
20 with the requirements of subdivision (b), of both of the  
21 following:

22 (1) The procedure approved by the licensing agency  
23 for immediate response to incidents and complaints, in  
24 accordance with the provisions of Section 1524.6.

25 (2) The right of any person to request an inspection of  
26 the group home if a violation of the law regulating  
27 community care facilities is alleged, in accordance with  
28 the provisions of Section 1538.

29 (b) The notice requirement of subdivision (a) is  
30 fulfilled if, and only if, notice is provided to every  
31 residence within a five-block radius of the group home.  
32 For purposes of this section, “notice” means that written  
33 information is mailed to the last known address of the  
34 owner of the residence or that written information is  
35 mailed or otherwise distributed (for example, by  
36 hand-delivered leaflet) to the residence itself.

37 (c) For purposes of this section, “group home” means  
38 any facility of any capacity which provides 24-hour  
39 nonmedical care and supervision to children in a



1 structured environment with such services provided at  
2 least in part by staff employed by the licensee.

3 (d) This section shall be repealed on January 1, 2001,  
4 unless a later enacted statute, that is enacted before  
5 January 1, 2001, deletes or extends that date.

6 SEC. 6. No reimbursement is required by this act  
7 pursuant to Section 6 of Article XIII B of the California  
8 Constitution because the only costs that may be incurred  
9 by a local agency or school district will be incurred  
10 because this act creates a new crime or infraction,  
11 eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section  
13 17556 of the Government Code, or changes the definition  
14 of a crime within the meaning of Section 6 of Article  
15 XIII B of the California Constitution.

16 Notwithstanding Section 17580 of the Government  
17 Code, unless otherwise specified, the provisions of this act  
18 shall become operative on the same date that the act  
19 takes effect pursuant to the California Constitution.

