

AMENDED IN ASSEMBLY MAY 1, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2618

Introduced by Assembly Member Rod Pacheco

February 25, 2000

~~An act to amend Section 1502.4 of the Health and Safety Code, relating to community care facilities. An act to add Section 1566.35 to the Health and Safety Code, and to add Section 3003.6 to the Penal Code, relating to residential facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2618, as amended, Rod Pacheco. Community care facilities.

~~Existing~~

~~(1) Existing law generally regulates the licensure and operation of community care facilities, including those licensed as group homes for children.~~

~~This bill would make a nonsubstantive change to those provisions relating to community care facilities and specifically provides that whether or not unrelated persons are living together, a residential facility that serves 6 or fewer persons shall be considered a residential use of property for the purposes of specified local regulations.~~

~~This bill would authorize a city or county to permit residential facilities serving 6 or fewer persons to register with the city or county, and to establish inspection guidelines to~~

ensure that the registered facilities meet applicable local building, health, and safety requirements.

(2) Existing law authorizes the Director of Social Services to deny an application for a new residential care facility license if the director determines that the location of the new facility would result in overconcentration. Existing law defines overconcentration as a distance of 300 feet or less between residential facilities.

This bill would prohibit a residential facility that exclusively serves persons who are on parole or probation from being located within a distance of 300 feet from another residential facility that exclusively serves persons who are on parole or probation. The bill would authorize, based upon special local needs and conditions, such a facility to be located within a distance that is less than 300 feet from another facility with the approval of the city or county in which the facility is located.

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 1502.4 of the Health and Safety~~

2 SECTION 1. Section 1566.35 is added to the Health
3 and Safety Code, to read:

4 1566.35. A city or county may allow residential
5 facilities serving six or fewer persons to register with the
6 city or county, and may establish inspection guidelines to
7 ensure that the registered facilities meet all applicable
8 local building, health, and safety requirements.

9 SEC. 2. Section 3003.6 is added to the Penal Code, to
10 read:

11 3003.6. (a) A residential facility that exclusively
12 serves persons who are on parole or probation shall not be
13 located within a distance of 300 feet from another
14 residential facility that exclusively serves persons who are
15 on parole or probation, as measured from any point upon
16 the outside walls of the structures housing the facility.

17 (b) Based upon special local needs and conditions, a
18 residential facility that exclusively serves persons who are
19 on parole or probation may be located within a distance



1 *that is less than 300 feet from another residential facility*
2 *that exclusively serves persons who are on parole or*
3 *probation with the approval of the city or county in which*
4 *the facility is located.*

5 Code is amended to read:

6 ~~1502.4. (a) (1) A community care facility licensed as~~
7 ~~a group home for children pursuant to this chapter may~~
8 ~~accept for placement, and provide care and supervision~~
9 ~~to, a child assessed as seriously emotionally disturbed as~~
10 ~~long as the child does not need inpatient care in a licensed~~
11 ~~health facility.~~

12 ~~(2) For the purpose of this chapter, the following~~
13 ~~definitions shall apply:~~

14 ~~(A) "Inpatient care in a licensed health facility" means~~
15 ~~care and supervision at a level greater than incidental~~
16 ~~medical services as specified in Section 1507.~~

17 ~~(B) "Seriously emotionally disturbed" means the same~~
18 ~~as paragraph (2) of subdivision (a) of Section 5600.3 of the~~
19 ~~Welfare and Institutions Code.~~

20 ~~(b) If a child described in subdivision (a) is placed into~~
21 ~~a group home program classified at rate classification~~
22 ~~level 13 or rate classification level 14 pursuant to Section~~
23 ~~11462.01 of the Welfare and Institutions Code, the~~
24 ~~licensee shall meet both of the following requirements:~~

25 ~~(1) The licensee shall agree to accept, for placement~~
26 ~~into its group home program, only those children who~~
27 ~~have been assessed as seriously emotionally disturbed by~~
28 ~~either of the following:~~

29 ~~(A) An interagency placement committee, as~~
30 ~~described in Section 4096 of the Welfare and Institutions~~
31 ~~Code or by a licensed mental health professional, as~~
32 ~~defined in Sections 629 to 633, inclusive, of Title 9 of the~~
33 ~~California Code of Regulations.~~

34 ~~(B) A licensed mental health professional pursuant to~~
35 ~~paragraph (3) of subdivision (i), or subdivision (j), of~~
36 ~~Section 11462.01 of the Welfare and Institutions Code if~~
37 ~~the child is privately placed or only county funded.~~

38 ~~(2) The program is certified by the State Department~~
39 ~~of Mental Health, pursuant to Section 4096.5 of the~~
40 ~~Welfare and Institutions Code, as a program that provides~~



1 ~~mental health treatment services for seriously~~
2 ~~emotionally disturbed children.~~

3 ~~(e) The department shall not evaluate, or have any~~
4 ~~responsibility or liability with regard to the evaluation of,~~
5 ~~the mental health treatment services provided pursuant~~
6 ~~to this section and paragraph (3) of subdivision (f) of~~
7 ~~Section 11462.01 of the Welfare and Institutions Code.~~

