

AMENDED IN ASSEMBLY MARCH 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 920

Introduced by Assembly Member Petrie-Norris

February 20, 2019

An act to amend Section ~~11834.34~~ *11834.23* of the Health and Safety Code, relating to drug and alcohol programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as amended, Petrie-Norris. Alcoholism and drug abuse recovery and treatment programs.

Existing law provides for the licensure and regulation of adult alcoholism or drug abuse recovery or treatment facilities by the State Department of Health Care Services and authorizes the department to enforce those provisions. ~~Existing law authorizes the Director of Health Care Services to suspend or revoke a facility's license upon specified grounds, including misrepresenting a material fact in obtaining the license. Existing law also authorizes the department to level civil penalties for violation of the provisions governing the facilities. Existing law requires an alcoholism or drug abuse recovery or treatment facility that serves 6 or fewer persons to be considered a residential use of property and requires that the residents and operators of the facility be considered a family for the purposes of any law or zoning ordinance that relates to the residential use of property.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

This bill would exempt from those provisions an alcoholism or drug abuse recovery or treatment facility that serves 6 or fewer persons that

is engaged in an economic relationship with a treatment provider that owns or operates 2 or more of this type of facility.

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 11834.23 of the Health and Safety Code*
2 *is amended to read:*

3 11834.23. (a) Whether or not unrelated persons are living
4 together, an alcoholism or drug abuse recovery or treatment facility
5 that serves six or fewer persons shall be considered a residential
6 use of property for the purposes of this article. In addition, the
7 residents and operators of the facility shall be considered a family
8 for the purposes of any law or zoning ordinance that relates to the
9 residential use of property pursuant to this article.

10 (b) For the purpose of all local ordinances, an alcoholism or
11 drug abuse recovery or treatment facility that serves six or fewer
12 persons shall not be included within the definition of a boarding
13 house, rooming house, institution or home for the care of minors,
14 the aged, or persons with mental health disorders, foster care home,
15 guest home, rest home, community residence, or other similar term
16 that implies that the alcoholism or drug abuse recovery or treatment
17 home is a business run for profit or differs in any other way from
18 a single-family residence.

19 (c) This section ~~shall not be construed to~~ *does not* forbid a city,
20 county, or other local public entity from placing restrictions on
21 building heights, setback, lot dimensions, or placement of signs
22 of an alcoholism or drug abuse recovery or treatment facility that
23 serves six or fewer persons as long as the restrictions are identical
24 to those applied to other single-family residences.

25 (d) This section ~~shall not be construed to~~ *does not* forbid the
26 application to an alcoholism or drug abuse recovery or treatment
27 facility of any local ordinance that deals with health and safety,
28 building standards, environmental impact standards, or any other
29 matter within the jurisdiction of a local public entity. However,
30 the ordinance shall not distinguish alcoholism or drug abuse
31 recovery or treatment facilities that serve six or fewer persons from
32 other single-family dwellings or distinguish residents of alcoholism

1 or drug abuse recovery or treatment facilities from persons who
2 reside in other single-family dwellings.

3 (e) ~~No~~A conditional use permit, zoning variance, or other zoning
4 clearance shall *not* be required of an alcoholism or drug abuse
5 recovery or treatment facility that serves six or fewer persons that
6 is not required of a single-family residence in the same zone.

7 (f) Use of a single-family dwelling for purposes of an alcoholism
8 or drug abuse recovery facility serving six or fewer persons shall
9 not constitute a change of occupancy for purposes of Part 1.5
10 (commencing with Section 17910) of Division 13 or local building
11 codes. However, nothing in this section is intended to supersede
12 Section 13143 or 13143.6, to the extent those sections are
13 applicable to alcoholism or drug abuse recovery or treatment
14 facilities serving six or fewer residents.

15 (g) *This section does not apply to an alcoholism or drug abuse*
16 *recovery or treatment facility that serves six or fewer persons that*
17 *is engaged in an economic relationship with a treatment provider*
18 *that owns or operates two or more of this type of facility.*

19 ~~SECTION 1. Section 11834.34 of the Health and Safety Code~~
20 ~~is amended to read:~~

21 ~~11834.34. (a) In addition to the penalties of suspension or~~
22 ~~revocation of a license issued under this chapter, the department~~
23 ~~may also levy a civil penalty for violation of this chapter or the~~
24 ~~regulations adopted pursuant to this chapter.~~

25 ~~(1) The amount of the civil penalty, as determined by the~~
26 ~~department, shall not be less than two hundred fifty dollars (\$250)~~
27 ~~or more than five hundred dollars (\$500) per day for each violation;~~
28 ~~except when the nature or seriousness of the violation or the~~
29 ~~frequency of the violation warrants a higher penalty or an~~
30 ~~immediate civil penalty assessment, or both, as determined by the~~
31 ~~department. A civil penalty assessment shall not exceed one~~
32 ~~thousand dollars (\$1,000) per day.~~

33 ~~(2) A licensee that is cited for repeating the same violation~~
34 ~~within 24 months of the first violation is subject to an immediate~~
35 ~~civil penalty of five hundred dollars (\$500) and seven hundred~~
36 ~~fifty dollars (\$750) for each day the violation continues until the~~
37 ~~deficiency is corrected.~~

38 ~~(3) A licensee that has been assessed a civil penalty pursuant~~
39 ~~to paragraph (2) and that repeats the same violation within 24~~
40 ~~months of the violation subject to paragraph (2) is subject to an~~

1 ~~immediate civil penalty of five hundred dollars (\$500) and one~~
2 ~~thousand dollars (\$1,000) for each day the violation continues until~~
3 ~~the deficiency is corrected.~~

4 ~~(b) Prior to the assessment of a civil penalty, the department~~
5 ~~shall provide the licensee with notice requiring the licensee to~~
6 ~~correct the deficiency within the period of time specified in the~~
7 ~~notice.~~