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REPORT TO LAW & LEGISLATION COMMITTEE
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
April 15, 2008

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 2903 Amending the Health and Safety Code, Relating to Alcohol and Drug Abuse Treatment Facilities.

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee adopt a support position on AB 2903.

Contact: Michelle Heppner, Special Projects Manager, (916) 808-1226

Presenters: Michelle Heppner, Special Projects Manager

Department: Office of the City Manager

Division: Governmental Affairs

Organization No: 0310

Description/Analysis

Issue: On June 5, 2007, the Committee adopted a support position for two similar state bills AB 724 Sober Living Homes and SB 992 Relating to Adult Recovery Maintenance Facilities proposed to amend the same section (11834.20) of the Health and Safety Code.

Assembly Bill 2903, authored by Assembly Member Jared Huffman, provides that an Alcohol and Drug Abuse Treatment Facilities (ADATF) that serves six or fewer persons shall not include a facility with separate buildings or portions of a residential facility that are integral components of a single treatment facility that serves more than 6 persons and all of the components of the facility are managed by the same licensee.

Under Section 11834.20 of the Health and Safety Code, group homes are allowed to exist in residential neighborhoods that house six or fewer residents under the auspice of being an ADATF. It is the policy of the state for each city and county to permit and encourage a sufficient number and type of recovery and treatment facilities commensurate with local need. In recent years, communities throughout the state have seen a proliferation of treatment facilities. While each individual unit may house six or fewer residents, the operator of a

facility may acquire several units in the same neighborhood, or on the same street, effectively creating a campus or compound of units concentrated in a single neighborhood.

Existing law requires the State Department of Drug and Alcohol Programs (DADP) to license all adult ADATF's. Existing law defines a recovery or treatment facility as providing 24-hour residential, non-medical services to adults who are recovering from problems related to substance abuse, and a licensee must provide at least one recovery, treatment, or detoxification service.

Existing law also requires treatment facilities with six or fewer persons to be regarded as a residential use and to be treated no differently than other residential uses, thereby bypassing requirements imposed on larger facilities and eliminating local governments' ability to adequately regulate such facilities.

Demand for treatment facilities has increased since 2000 with the passage of Proposition 36, the Substance Abuse and Crime Prevention Act of 2000 (SACPA). Proposition 36 requires probation and drug treatment instead of incarceration for individuals convicted of possession or use of controlled substances. Under the act, eligible offenders receive up to one year of drug treatment and six months of maintenance care. Increasingly, individuals requiring drug treatment or maintenance care receive such care at residential treatment facilities for six or less residents, located in single family neighborhoods.

In addition to the six residents, these facilities typically contain live-in managers and staff, who provide a variety of services to residents at various hours of the day and evening, which may include, providing meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours and other activities. Taking into consideration multiple units within the same neighborhood, collectively, these uses often generate more activity than what is planned or expected from a traditional single-family residence.

Policy Considerations: Through consistent licensing practices, AB 2903 provides local regulation for multiple licensed ADATF's. Licensing these facilities will provide accountability to DADP for the operation of these facilities and thereby build public trust and confidence in our communities with such facilities.

Environmental Considerations: None.

Committee/Commission Action: None.

Rationale for Recommendation: Assembly Bill 2903 provides local governments with the tool they need to distinguish between a legitimate ADATF and an illegitimate one. Often times, owners or operators will falsely claim to be operating an ADATF to avoid local regulation. In addition to the increased

activity in the neighborhoods, many of these properties present substandard conditions and can thereby avoid local regulation by claiming to be an ADATF.

AB 2903 would eliminate the exemption from local regulation where multiple facilities are under common control and license and are integral components of a single facility that collectively houses more than six residents. The Code Enforcement staff is in favor of supporting AB 2903.

Financial Considerations: AB 2903 presents no fiscal impact on the City.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: _____
Michelle Heppner
Special Projects Manager

Approved by: _____
Patti Bisharat
Director of Governmental Affairs

Recommendation Approved:

_____
RAY KERRIDGE
City Manager

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Attachment 1 - Draft Letter of Support

April 15, 2008

The Honorable Jared Huffman
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0006
ATTN: Legislative Director

SUBJECT: Support AB 2903 Alcohol and Drug Abuse Treatment Facilities.

Dear Assembly Member Huffman:

On behalf of the City of Sacramento, I am pleased to write in support of AB 2903. AB 2903 would eliminate the exemption from local regulation where multiple facilities with multiple licenses are integral components under a common control of a single facility which collectively house more than six residents. Often times, owners or operators will falsely claim to be an alcohol and drug abuse treatment facility to avoid local regulation. Eliminating the exemption from local regulation would provide local governments with the tool equally regulate licensed alcohol and drug abuse treatment facilities regardless of their resident base.

Thank you for introducing this important legislation.

Sincerely,

SANDY SHEEDY, Chair
Law and Legislation Committee

cc: Senator Darrell Steinberg
Senator Dave Cox
Assembly Member Dave Jones
Assembly Member Alan Nakanishi
Assembly Member Roger Niello
Mayor Fargo and Members of the City Council
David Jones, Emanuels and Jones and Associates

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL No. 2903

Introduced by Assembly Member Huffman
(Principal coauthor: Senator Migden)
(Coauthor: Assembly Member Adams)
(Coauthors: Senators Dutton, Harman, and Scott)

February 22, 2008

An act to amend Section 11834.20 of the Health and Safety Code, relating to alcohol and drug abuse treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2903, as introduced, Huffman. Alcohol and drug abuse treatment facilities.

Under existing law, the State Department of Alcohol and Drug Programs licenses adult alcoholism or drug abuse recovery or treatment facilities. Existing law allows the department to issue a license to a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility and all of the components of the facility are managed by the same licensee if the applicant meets specified requirements.

Existing law requires a facility that serves 6 or fewer persons to be considered a residential use of property for various purposes. Existing law prohibits for purposes of all local ordinances a facility that serves 6 or fewer persons from being included within the definition of a boarding house or other similar term that implies that the facility is a business run for profit or differs in any other way from a single-family residence.

This bill would provide that a facility that serves six or fewer persons does not include a facility wherein separate buildings or portions of a residential facility are integral components of a single alcoholism or drug abuse recovery or treatment facility that serves more than 6 persons and all of the components of the facility are managed by the same licensee.

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 11834.20 of the Health and Safety Code
2 is amended to read:
3 11834.20. The Legislature hereby declares that it is the policy
4 of this state that each county and city shall permit and encourage
5 the development of sufficient numbers and types of alcoholism or
6 drug abuse recovery or treatment facilities as are commensurate
7 with local need.
8 The provisions of this article apply equally to any chartered city,
9 general law city, county, city and county, district, and any other
10 local public entity.
11 For the purposes of this article, "six or fewer persons" does not
12 include the licensee or members of the licensee's family or persons
13 employed as facility staff. *For purposes of this article a facility*
14 *that serves six or fewer persons shall not include a facility wherein*
15 *separate buildings or portions of a residential facility are integral*
16 *components of a single alcoholism or drug abuse recovery or*
17 *treatment facility that serves more than six persons and all of the*
18 *components of the facility are managed by the same licensee.*