



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

CONSENT REPORT
May 5, 2009

Honorable Members of the
Law and Legislation Committee

Subject: Legislative Position: Support AB 1284 (Huffman) Related to Alcohol and Drug Abuse Treatment Facilities

Location/Council District: Citywide

Recommendation: Adopt a support position on AB 1284 (Huffman) related to alcohol and drug abuse treatment facilities.

Contact: Patti Bisharat, Director of Governmental Affairs, 916-808-8197.

Presenters: n/a

Department: Governmental Affairs

Division: Legislative Affairs

Organization No: 09200

Description/Analysis

Issue: In recent years, communities throughout the state have seen a proliferation of residential alcohol and drug abuse 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. These clusters may negatively impact local traffic or public safety, but the residents and local governing body in these areas have little or no recourse to raise objections or concerns that would influence licensing decisions. AB 1284 provides a mechanism whereby the communities directly impacted by clusters of residential alcohol and drug treatment facilities can participate in the decision to grant or deny them licenses.

Specifically, AB 1284 requires notice to local communities of pending license applications for residential alcohol and drug abuse treatment facilities if such facilities will be adjacent (within 300 feet) to existing treatment facilities. It allows cities and counties to provide objections to the issuance of the license to the State Department of Alcohol and Drug Programs (CADP), and allows CADP to issue a license, issue a

license with additional conditions, or deny a license based on concerns raised by local the local community.

Policy Considerations: On April 15, 2008 the Committee adopted a support position on AB 2903, also authored by Assembly Member Huffman, which addressed similar concerns with regard to the problems that can result in neighborhoods when clusters or campuses of residential alcohol and drug treatment facilities are licensed without input from the local community. Additionally, 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) of the Health and Safety Code.

Environmental Considerations: None.

Rationale for Recommendation: Local communities deserve a say in the licensing process for clusters of residential alcohol and drug treatment facilities in their neighborhoods, particularly when these clusterings would create unsafe living conditions. AB 1284 offers greater local input on licensing as it applies to clusters or campuses of residential alcohol and drug treatment facilities.

Financial Considerations: Support for AB 1284 presents no fiscal impact on the City.

Emerging Small Business Development (ESBD): n/a

Respectfully Submitted by: 
Lori Gay, Administrative Assistant

Approved by: 
Patti Bisharat
Director of Governmental Affairs

Recommendation Approved:


RAY KERRIDGE
City Manager

Table of Contents:

Pg 1 Report
Pg 3 Attachments

Attachments

Pg 3 Draft Position Letter

Pg 4 Bill Text

Attachment 1 - Draft Letter of Support

May 6, 2009

The Honorable Jared Huffman
California State Assembly
State Capitol, Room 3120
Sacramento, CA 95814
ATTN: Legislative Director

SUBJECT: Support AB 1284 – Alcohol and Drug Treatment Facilities.

Dear Assembly Member Huffman:

On behalf of the City of Sacramento, I am pleased to write in support of AB 1284. AB1284 requires notice to local communities of pending license applications for residential alcohol and drug abuse treatment facilities if such facilities will be adjacent (within 300 feet) to existing treatment facilities. It allows cities and counties to provide objections to the issuance of the license to the State Department of Alcohol and Drug Programs (CADP), and allows CADP to issue a license, issue a license with additional conditions, or deny a license based on concerns raised by local the local community.

Local communities deserve a say in the licensing process for clusters of residential alcohol and drug treatment facilities in their neighborhoods, particularly when these clusterings would create unsafe living conditions.

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 Alyson Huber
Assembly Member Roger Niello
Members, Assembly Committee on Business and Professions
Mayor Johnson and Members of the City Council
David Jones, Emanuels and Jones and Associates

Attachment 2: Bill Text

BILL NUMBER: AB 1284 INTRODUCED

BILL TEXT

INTRODUCED BY Assembly Member Huffman
(Coauthor: Assembly Member Lieu)
(Coauthor: Senator Harman)

FEBRUARY 27, 2009

An act to amend Section 11834.03 of the Health and Safety Code, relating to alcohol and drug abuse treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1284, as introduced, Huffman. Substance abuse: adult recovery maintenance facilities.

Under existing law, the State Department of Alcohol and Drug Programs licenses adult alcoholism or drug abuse recovery or treatment facilities. Existing law permits a license to be issued to programs that meet criteria that include the filing of an application and an approved fire clearance. 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.

This bill would require the department to provide a specified notice to a city or county planning agency if the approval of a license would result in the licensure of a facility that has the same owner or manager as an existing facility that is within 300 feet of, and is operated as an integral component of, the proposed facility. The bill would authorize the department to, among other things, impose specified health and safety requirements or deny licensure based upon overconcentration of facilities or conditions of local need.

The bill would enact procedures permitting the city or county to file objections to approval of the license.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11834.03 of the Health and Safety Code is amended to read:

11834.03. (a) Any person or entity applying for licensure shall file with the department, on forms provided by the department, all of the following:

—(a)

(1) A completed written application for licensure.

—(b)

(2) A fire clearance approved by the State Fire Marshal or local fire enforcement officer.

~~(e)~~

(3) A licensure fee, established in accordance with Chapter 7.3 (commencing with Section 11833.01).

(b) If the approval of a license would result in licensure of a facility that has the same owner or manager as an existing facility licensed under this chapter and that is within 300 feet of, and is operated as an integral component of, the proposed facility, the department shall, prior to issuing a license, provide notice by registered mail of receipt of the application to the appropriate city or county planning agency that has jurisdiction over the area where the proposed facility is located. The city or county planning agency shall have not more than 30 days to provide the department with any objections to the issuance of the license. Upon completion of that 30-day period, the department may, consistent with federal law, do any of the following:

(1) Issue the license without conditions.

(2) Impose requirements for the health and safety of the residents of the proposed facility as a condition of licensure. The requirements may include compliance with federal and state requirements for accessibility by a person with a disability.

(3) Deny licensure of the proposed facility if the location of the proposed facility would result in or exacerbate the overconcentration of facilities within a particular area or when the numbers and types of alcoholism or drug abuse recovery or treatment facilities are sufficient to be commensurate with the local need.

(c) If a city or county has filed objections pursuant to subdivision (b), and the department has approved the proposed facility's license, the city or county may appeal the issuance of the license within 30 days of the decision. If the city or the county can demonstrate that the department did not adequately address the lawful objections to the issuance of the license raised by the city or county, the department shall reconsider those objections.