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An act to amend Sections 11834.20, 11834.22, 11834.23, and 11834.25  
of the Health and Safety Code, relating to public health.



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

SECTION 1. Section 11834.20 of the Health and Safety Code is amended to read:

11834.20. The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need.

The provisions of this article apply equally to any chartered city, general law city, county, city and county, district, and any other local public entity.

For the purposes of this article, "six" "eight" or fewer persons" does not include the licensee or members of the licensee's family or persons employed as facility staff.

SEC. 2. Section 11834.22 of the Health and Safety Code is amended to read:

11834.22. An alcoholism or drug abuse recovery or treatment facility ~~which that serves six eight~~ or fewer persons shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other single-family dwellings are not likewise subject. ~~Nothing in this section shall be construed to~~ This section does not forbid the imposition of local property taxes, fees for water service and garbage collection, fees for inspections not prohibited by Section 11834.23, local bond assessments, and other fees, charges, and assessments to which other single-family dwellings are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to alcoholism or drug abuse recovery or treatment facilities ~~which that serve six eight~~ or fewer persons.

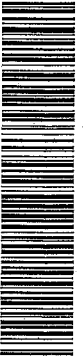
SEC. 3. Section 11834.23 of the Health and Safety Code is amended to read:

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

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

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

(d) This section ~~shall does not be construed to~~ does not forbid the application to an alcoholism or drug abuse recovery or treatment facility of any local ordinance that ~~deals with governs~~ health and safety, building standards, environmental impact standards, or any other matter within the jurisdiction of a local public entity. However,



the ordinance shall not distinguish alcoholism or drug abuse recovery or treatment facilities that serve six eight or fewer persons from other single-family dwellings or distinguish residents of alcoholism or drug abuse recovery or treatment facilities from persons who reside in other single-family dwellings.

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

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

SEC. 4. Section 11834.25 of the Health and Safety Code is amended to read:

11834.25. For the purposes of any contract, deed, or covenant for the transfer of real property executed on or after January 1, 1979, an alcoholism or drug abuse recovery or treatment facility ~~which that~~ serves six eight or fewer persons ~~shall be considered is~~ a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

