

GROUP ALCOHOL/DRUG RECOVERY HOMES INFORMATION SHEET

WHAT YOU SHOULD KNOW . . .

- City has no jurisdiction/authority to regulate these facilities.
- State law pre-empts local regulation.
- If a licensed Alcohol and Drug Program (ADP) facility serves six or fewer patients, state law **prohibits** cities from regulating it any differently than a single-family home.
- The City cannot prohibit their existence, even in quiet residential neighborhoods.
- The City doesn't receive notification from the State about proposed or approved ADP facilities from the State.
- The City endorses returning local regulatory authority over such establishments; legislation, such as the proposed SB 786, would further this effort.

FREQUENT QUESTIONS

Q. What is a group alcohol/drug recovery home?

A. It's a residential facility providing non-medical services to individuals working to overcome their addiction to alcohol and/or other drugs. There are two facility sub-categories: ***Sober Living Homes and Alcohol or Drug Abuse Recovery or Treatment Facilities (ADF)***.

Q. What services are offered in these facilities?

A. **Sober Living Homes:** Any facility, place or building maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. *H & S Code §§ 1500.*

Alcohol or Drug Abuse Recovery or Treatment Facilities (ADF): Any premises, place or building that provides 24-hour residential non-medical services to adults who are recovering from problems related to alcohol, drugs, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services." *H & S Code §§ 11834.01.*

Q. Who licenses these facilities?

A. The State of California Department of Health Care Services (DHCS) has sole authority within California to license 24-hour, nonmedical, adult residential alcohol and other drug recovery or treatment facilities. Licensed facilities are mandated to display their license, which indicates the treatment capacity and the population they are allowed to serve, in a public location.

FREQUENT QUESTIONS (CONT.)

Q. What is the licensing process and requirements for these facilities?

A. Once a location has been selected, the applicant must complete an initial application, submit an approved fire clearance from the local fire authority and pay an applicable license fee to the State. The applicant must pass a facility on-site inspection conducted by DHCS to determine compliance with all applicable laws and regulations. When it has been determined that the applicant is in compliance with all requirements, DHCS will issue a license valid for two years.

Q. What is the process for public notification of the public for these facilities?

A. Currently, there is no requirement that the State notify either the local government agency or the surrounding neighbors of the placement/licensing of such a facility. At this time, there is a bill pending in the California State Senate (SB 786 Mendoza) that would change this requirement providing local government agencies a minimum of 45 days' notice prior to the issuance of such a license. This Bill would give local governments the ability to protest the issuance of the license. This bill has been supported by the California Contract Cities Association (CCCA), of which the City of La Cañada Flintridge is a member.

Q. What licensing controls does the City have over these facilities?

A. City has no licensing/permitting authority over residential care facilities, as the City is preempted by State law from regulating such establishments.

Q. What about the placement of these business- oriented facilities in residential neighborhoods?

A. City is also prohibited by the State to provide any business zoning controls over residential care facilities, even in residential neighborhoods.

TOOLS TO CONTACT LICENSING AGENCY/ELECTED OFFICIALS

To express your opposition to current State licensing practices or to encourage support of SB 786:

State of California
Department of Health Care Services
Licensing & Certification Support Line:
(559) 322-2911
Complaint Line: (877) 685-8333
Complaint E-mail:
SUDComplaints@dhcs.ca.gov
Fax: (916) 440-5094

State Senator Anthony Portantino
25th State Senate District
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116 East Broadway, Suite 204
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