



Date: July 7, 2008
To: State Legislation Committee Members
From: Patrick H. West, City Manager *PH West*
Subject: **Summary of Pending State Legislation Regarding Sober Living Facilities**

The following is an overview of pending state legislation regarding sober living facilities.

Assembly Bill (AB) 724 (Benoit): Sober Living Homes

AB 724, as amended on May 23, 2008, would provide a clear definition of a sober living home as a residential property that is operated as a cooperative living arrangement to provide an alcohol- and drug-free environment for those recovering from alcoholism or drug abuse, or both, who seek a living environment in which to remain clean and sober. All residents of the facility would be required to maintain a sober lifestyle, actively participate in legitimate recovery programs, including, but not limited to, outpatient treatment, 12-step recovery, and other recognized programs of recovery, and maintain current records of meeting attendance.

Owners, managers, operators, and residents would be required to observe and promote a zero tolerance policy regarding the consumption or possession of alcohol or controlled substances, except for prescription medications obtained and used under direct medical supervision. They must also ensure that no detoxification, educational counseling, individual or group counseling sessions, and treatment or recovery planning services are provided onsite, and that residents do not require nonmedical care or supervision.

To be classified as a sober living home, the facility must be certified, registered, or approved by a recognized nonprofit organization that provides a credible quality assurance service for applicants or members. Sober living homes would be exempt from any licensing requirements, but would be required to adhere to current sex offender registration laws which limit the number of registered sex offenders able to reside within a single-family dwelling, as well as their ability to locate within certain distances of schools, parks, and other locations where minors may be present.

AB 724 is currently in the Senate Health Committee and missed the June 27, 2008 legislative deadline required for passage out of policy committees.

Senate Bill (SB) 992 (Wiggins): Substance Abuse: Adult Recovery Maintenance Facilities

SB 992, as amended on September 5, 2007, would require the State Department of Alcohol and Drug Programs to administer the licensure and regulation of Adult Recovery Maintenance Facilities (ARMFs), and adopt emergency regulations for these facilities regarding the implementation of the fee process for establishing new licenses and providing for their eventual extension. The bill defines an ARMF as any facility, place, or building that provides alcohol- or drug-free housing whose rules, peer-led groups, staff activities, or other structured operations are directed primarily toward maintenance of sobriety for adults in early recovery from substance abuse or adults who recently have completed alcoholism or drug abuse recovery or treatment services.

An ARMF would be designed to promote independent living in a supervised setting, but would not provide professional recovery and treatment services onsite. The facility would, however, be required to provide at least one of the following services: aftercare; referral to community resources; referral to offsite certified alcoholism or other drug recovery or treatment services when required; or participation in self-help groups on or off premises. An ARMF would not include an unstructured living arrangement that requires residents to abstain from using alcohol or drugs.

Licenses for these facilities would be issued for two-year periods and the department would conduct onsite program visits for compliance at least once every licensing period. On and after January 1, 2010, no state or local social services, law enforcement, corrections agency, court, probation officer, or parole officer would be allowed to refer any person to an ARMF that is not licensed.

SB 992 provides that ARMF's that serve "six or fewer persons" are to be considered a residential use of property and therefore, would not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other single-family dwellings are not also subject. They would also be exempt from any local ordinances that would seek to include them in property definitions that would treat them as businesses run for profit, and not as single-family dwellings.

On September 10, 2007, SB 992 failed passage on the Assembly floor with a 23-29 vote. The bill was granted reconsideration, but has since been placed on the Assembly's inactive file. The bill has until the end of this legislative session (August 31, 2008) to be passed by the Assembly. If the bill fails to meet this deadline, it would need to be reintroduced as a new bill during the 2008-2009 session of the Legislature, and work its way through the legislative process.

July 7, 2008
State Legislation Committee Members
Page 3

Attached are copies of the previous letters submitted by the City in support of AB 724 and SB 992. For more information, please contact Tom Modica, Manager of Government Affairs, at 8-5091.

cc: Mayor and Members of the City Council
Suzanne Frick, Assistant City Manager
Reginald Harrison, Deputy City Manager
Dennis Thys, Community Development Director
Tom Modica, Manager of Government Affairs
Jyl Marden, City Council Liaison
Mike Arnold and Associates

Attachment
PHW: TM: jb
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Date: June 29, 2007
To: State Legislation Committee Members
From: Gerald R. Miller, City Manager *grm*
Subject: **Support of AB 724: Sober Living Homes**

Attached for your information is a letter addressed to the Assembly Member John Benoit in support of AB 724, which would create definition for Sober Living Homes. This bill would provide local governments with the tool they need to distinguish between a legitimate sober living home and an illegitimate one.

For more information, please contact Tom Modica, Manager of Government Affairs, at 8-5091.

cc: Mayor and Members of the City Council
Christine Shippey, Assistant City Manager
Reginald Harrison, Deputy City Manager
Curtis Tani, Acting Deputy City Manager
Pat West, Director of Community Development
Suzanne Frick, Director of Planning and Building
Mike Mais, Assistant City Attorney
Tom Modica, Manager of Government Affairs
Jyl Marden, City Council Liaison
Mike Arnold and Associates

Attachment
GRM: TM: pc
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MAYOR BOB FOSTER

CITY OF LONG BEACH

June 26, 2007

The Honorable John Benoit
State Capitol Building, Room 4081
Sacramento, California 95814

RE: Support of AB 724: Sober living homes.

Dear Assembly Member Benoit:

On behalf of the City of Long Beach, I am writing to express our support of AB 724, which would create definition for Sober Living Homes.

Existing law also provides for the licensure and regulation by the Department of Alcohol and Drug programs of alcoholism and drug abuse recovery and treatment facilities for adults. AB 724 would create a definition of "sober living home" in order to clarify a local government's authority to regulate the use and occupancy of a single-family residence location in a single family residential zone that is not a sober living home or other licensed facility.

AB 724 would provide local governments with the tool they need to distinguish between a legitimate sober living home and an illegitimate one. Often times, owners or operators will falsely claim to be operating a sober living home to avoid local regulation. Most of these properties present substandard conditions and can thereby avoid local regulation by claiming to be a sober living home. This bill will place a valid definition for the term sober living home which local governments can rely on to determine the scope of local regulation applicable to use.

For these reasons, the City of Long Beach supports AB 724, and we look forward to working with you to ensure its passage.

Sincerely,

Mayor Bob Foster
City of Long Beach

CC: The Honorable Edward Vincent, State Senate, 25th District
The Honorable Alan Lowenthal, State Senate, 27th District
The Honorable Jenny Oropeza, State Senate, 28th District
The Honorable Mervyn Dymally, State Assembly, 52nd District
The Honorable Betty Karnette, State Assembly, 54th District
The Honorable Laura Richardson, State Assembly, 55th District
League of California Cities

333 WEST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA 90802
TELEPHONE 562-570-6801 FAX 562-570-6538 MAYOR@LONGBEACH.GOV



Date: June 29, 2007

To: State Legislation Committee Members

From: Gerald R. Miller, City Manager *GRM*

Subject: **Support of SB 992 Substance Abuse: Adult Recovery Maintenance Facilities**

Attached for your information is a letter addressed to Senator Patricia Wiggins in support of SB 992, relating to the licensure of Adult Recovery Maintenance Facilities. SB 992 would create a new definition of alcohol and drug recovery facilities known as "Adult Maintenance Recovery Facilities" (ARMRs) to be licensed by the Department of Alcohol and Drug Programs (ADP).

For more information, please contact Tom Modica, Manager of Government Affairs, at 8-5091.

cc: Mayor and Members of the City Council
Christine Shippey, Assistant City Manager
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Curtis Tani, Acting Deputy City Manager
Pat West, Director of Community Development
Suzanne Frick, Director of Planning and Building
Mike Mais, Assistant City Attorney
Tom Modica, Manager of Government Affairs
Jyl Marden, City Council Liaison
Mike Arnold and Associates

Attachment
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MAYOR BOB FOSTER

CITY OF LONG BEACH

June 26, 2007

The Honorable Patricia Wiggins
State Capitol Building, Room 4081
Sacramento, California 95814

RE: Support of SB 992 Substance abuse: adult recovery maintenance facilities.

Dear Senator Wiggins:

On behalf of the City of Long Beach, I am writing to express our support of SB 992, relating to the licensure of Adult Recovery Maintenance Facilities.

SB 992 would create a new definition of alcohol and drug recovery facilities known as "Adult Maintenance Recovery Facilities" (ARMFs) to be licensed by the Department of Alcohol and Drug Programs (ADP). Under existing law, ADP only licenses "Treatment and Recovery" facilities. SB 992 would apply existing alcohol and drug treatment recovery facility licensure standards to Adult Maintenance Recovery Facilities. This bill would establish the Residential and Outpatient Programs Compliance Branch Licensing and Certification Trust Fund in the State Treasury to be used exclusively to cover administration costs of licensing and certifying the process established by this bill.

SB 992 provides quality assurance and accountability for programs that already exist in the continuum of services available for people who are in the process of recovering from drug or alcohol dependency. Licensing these facilities will provide accountability to ADP for the operation of these facilities and thereby build public trust and confidence in our communities with such facilities.

We look forward to working with you to ensure the passage of SB 992.

Sincerely,

A handwritten signature in black ink that reads "Bob Foster".

Mayor Bob Foster
City of Long Beach

CC: The Honorable Edward Vincent, State Senate, 25th District
The Honorable Alan Lowenthal, State Senate, 27th District
The Honorable Jenny Oropeza, State Senate, 28th District
The Honorable Mervyn Dymally, State Assembly, 52nd District
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