

AB 3 – Drug and Alcohol Treatment Facility

SUMMARY

AB 3 will limit licenses for drug and alcohol treatment facilities licensed under the California Department of Health Care Services (DHCS) when facilities are nearby and share the same amenities, staff, and ownership.

EXISTING LAW

Existing California law authorizes DHCS to license nonmedical facilities with six beds or fewer to operate in residential zoning. There are currently 500 of these types of facilities operating in California.

BACKGROUND AND ISSUE

Under existing state law, drug and alcohol treatment facilities that serve six or fewer residents are not required to adhere to any distance requirements, are not subject to any zoning restrictions other than those required for single family residences, and are prohibited from paying any fees other than those imposed on single-family dwellings. Furthermore, DHCS is not required to monitor the concentration of facilities when approving applications for licensure. However, State law requires other new facilities, such as those that serve persons with developmental disabilities, to be 300 feet or more away from similar facilities. This prohibition has been used on other facilities in order to avoid an overconcentration of care facilities within a close geographic location and to prevent compromising the integrity of residential neighborhoods.

Additionally, large residential drug and alcohol treatment facilities are subject to more stringent zoning regulations and may need to pay various additional fees, such as those associated with conditional use permits. These fees can be substantial, and vary by jurisdiction according to multiple factors, such as property size, valuation, and specific city zoning rules.

This means that smaller treatment facilities that serve six or fewer residents benefit from preferential regulations that are inconsistent when compared to other care facilities, such as those who provide care to persons with developmental disabilities. Furthermore, according to a recent State Audit (2023-120), existing regulations create a legal loop hole which means that “some facility operators may avoid certain zoning regulations by intentionally grouping small facilities in the same geographic area instead of establishing one

large facility”. Essentially, these smaller facilities are often effectively operating as a larger facility by sharing critical infrastructure and creating an institutionalized environment, whilst avoiding the requirements and regulations of larger facilities.

SOLUTION

To address these issues, AB 3 will restrict licenses for drug and alcohol treatment facilities regulated by DHCS if they are in close proximity and share amenities, staff, and ownership. Specifically, the bill would apply to both a licensed or unlicensed alcohol or other drug recovery or treatment facility or facilities located in multiple single-family residences that shares an owner, owners, director, programs or amenities and is located within 300 feet of another facility, as measured from the nearest property line on which a facility is located to the nearest property line of the other facility; as well as to the use of a single-family residence pursuant to this section if it is connected to a commercially owned, operated and licensed alcohol or drug recovery or treatment facility.

AB 3 addresses the overconcentration of treatment facilities across the state, and ensures that owners and operators of drug and alcohol treatment facilities are no longer able to bypass regulations by deliberately grouping small facilities together in the same geographic area instead of establishing one large facility.

SIMILAR LEGISLATION

AB 2574 (2024, Valencia) - Chaptered
AB 2081 (2024 Davies) - Chaptered
AB 1696 (Sanchez, 2023) - Vetoed
SB 541 (Bates, 2021) - Chaptered

SUPPORT

None on File.

OPPOSITION

None on File.

CO-AUTHORS

None on File.

FOR MORE INFORMATION

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