

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, IN SUPPORT OF THE ASSEMBLY BILL 3162 – ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITIES.

WHEREAS, state licensing statutes expressly exempt certain residential rehab facilities from local zoning regulations. Alcohol and drug programs (ADP) that provide 24-hour residential nonmedical services to adults who are recovering from alcohol and/or drug abuse must obtain a state license. If a licensed ADP facility serves six or fewer patients, state law prohibits cities from regulating it any differently than a single-family home; and

WHEREAS, the need for recovery residence housing will continue to rise throughout the decade; and

WHEREAS, Assembly Bill 3162 was introduced during the current (2017-2018) Regular Session of the Legislature. This bill establishes new provisions for the licensure and operation of alcoholism or drug abuse recovery or treatment facilities, and increases the penalties for violations of these regulations; and

WHEREAS, this Assembly bill includes the following regulations:

- Beginning on or after January 1, 2019 the State DHCS would be authorized to deny any application for a new facility license if the proposed location is in proximity to an existing facility that would result in an overconcentration, as defined. Overconcentration would be defined as when two or more alcoholism or drug abuse recovery or treatment facilities are within a distance of 300 feet or less of each other.
- The expansion or intensification of licensed existing facilities, as defined, would be prohibited. Licensed existing facilities are defined as a facility that is operating in compliance with all state laws on or before December 1, 2018, located within 300 feet or less of another licensed facility, as long as they are in continuous operation with no lapse in licensure.
- At least 45 days prior to approving any application for any new facility, the State DHCS would be required to post on its website the address of the proposed new facility.
- Initial licenses issued by the State DHCS would be provisional for the first year.

- All programs and medical services offered or provided by a licensed alcoholism or drug abuse recovery or treatment facility must be specified in the license application and be provided within the licensed facility, onsite, for the benefit of the residents of the facility.
- Penalties for violations of licensing and regulatory provisions would be increased to not less than \$1,000 or more than \$15,000 per day for each violation (current penalties range \$25-\$50).
- Any person or entity found to be in violation of these licensing provisions would be prohibited from applying for a new license for a two-year period; and

WHEREAS, staff is recommending that the City Council adopt a resolution to support passage of Assembly Bill 3162 – Alcoholism or Drug Abuse Recovery or Treatment Facilities; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside, California, as follows:

Section 1: The City of Riverside hereby expresses its support for Assembly Bill 3162 – Alcoholism or Drug Abuse Recovery or Treatment Facilities;

Section 2: BE IT FURTHER RESOLVED, that a copy of this Resolution shall be submitted to the author of Assembly Bill 3162, the Committee Chair, the Senate Pro Tempore, and to the elected state representatives of the City of Riverside.

ADOPTED by the City Council this ____ day of _____, 2018.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing resolution was duly and regularly adopted at a meeting of the City Council on the ____
3 day of _____, 2018, by the following vote, to wit:

4 Ayes:

5 Noes:

6 Absent:

7 Abstain:

8 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
9 City of Riverside, California, this ____ day of _____, 2018.

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11 _____
12 COLLEEN J. NICOL
13 City Clerk of the City of Riverside
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