

AMENDED IN SENATE APRIL 8, 2002
AMENDED IN ASSEMBLY JANUARY 23, 2002
AMENDED IN ASSEMBLY JANUARY 7, 2002
AMENDED IN ASSEMBLY APRIL 5, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1425

Introduced by Assembly Member Thomson

February 23, 2001

An act to add Section 1504.5 to the Health and Safety Code, relating to health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1425, as amended, Thomson. Persons with disabilities: community living support services.

Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care and residential facilities by the State Department of Social Services, ~~and prohibits unlicensed community care facilities from operating in the state.~~

Existing law prohibits a community care facility that is unlicensed, is not exempt from licensure, and satisfies any one of several listed conditions from operating in the state. Among the listed conditions is if the facility is providing care or supervision, as defined by the act or rules and regulations adopted pursuant to the act.

This bill would exempt any supportive housing, as described, or independent living arrangement, for individuals with disabilities who are receiving community living support services, as described, from the

application of the act. The bill would provide that community living support services do not constitute care or supervision.

This bill would permit counties to contract with agencies or individuals to assist persons with disabilities in securing their own homes, including supportive housing, ~~as described~~, and to provide persons with disabilities with the supports needed to live in their own homes.

~~This bill would permit individuals with disabilities to contract for the provision of community living support services in the individual's private home as part of their independent living plan, and would exempt any living arrangement or supportive housing for individuals with disabilities who are receiving these community living support services from the application of the act.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1504.5 is added to the Health and Safety
2 Code, to read:

3 1504.5. (a) (1) This chapter does not apply to any
4 independent living arrangement or supportive housing, described
5 in paragraph (2) of subdivision (c), for individuals with disabilities
6 who are receiving community living support services, as described
7 in paragraph (1) of subdivision (c).

8 (2) *This section does not affect the provisions of Section 1503.5*
9 *or 1505.*

10 (3) *Community living support services described in paragraph*
11 *(1) of subdivision (c) do not constitute care or supervision.*

12 ~~(b) The Legislature finds and declares that persons with~~
13 ~~disabilities who wish to live independently are entitled to receive~~
14 ~~community living support services, as described in paragraph (1)~~
15 ~~of subdivision (c), and services in securing and maintaining~~
16 ~~supportive housing, as described in paragraph (2) of subdivision~~
17 ~~(c), and that there is an urgent need to provide for a statewide~~
18 ~~structure that fosters support services for persons with disabilities~~
19 ~~and encourages increased access to supportive housing. These~~
20 ~~services should be provided to clients in the least restrictive setting~~
21 ~~possible, such as a person's private home, and should enable the~~
22 ~~person~~



1 (b) (1) *The Legislature finds and declares that there is an*
2 *urgent need to increase the access to supportive housing, as*
3 *described in paragraph (2) of subdivision (c), and to foster*
4 *community living support services, as described in paragraph (1)*
5 *of subdivision (c), as an effective and cost-efficient method of*
6 *servicing persons with disabilities who wish to live independently.*

7 (2) *It is the intent of the Legislature that persons with*
8 *disabilities be permitted to do both of the following:*

9 (A) *Receive one or more community living support services in*
10 *the least restrictive setting possible, such as in a person's private*
11 *home or supportive housing residence.*

12 (B) *Voluntarily choose to receive support services in obtaining*
13 *and maintaining supportive housing.*

14 (3) *It is the intent of the Legislature that community living*
15 *support services, as described in paragraph (1) of subdivision (c),*
16 *enable persons with disabilities to live more independently in the*
17 *community for long periods of time.*

18 (c) (1) *“Community living support services,” for purposes of*
19 *this section, are voluntary and chosen by persons with disabilities*
20 *in accordance with their preferences and goals for independent*
21 *living. “Community living support services” may include, but are*
22 *not limited to, assistance with any of the following:*

23 (A) *Supports that are designed to develop and improve*
24 *independent living and problemsolving skills.*

25 (B) *Education and training in meal planning and shopping,*
26 *improving skills in budgeting and managing finances, medication*
27 *self-management, transportation, vocational and educational*
28 *development, counseling regarding and the appropriate use of*
29 *community resources and leisure activities, activities.*

30 (C) *Assistance with arrangements to meet the individual's basic*
31 *needs such as financial benefits, food, clothing, household goods,*
32 *and housing, and locating and scheduling for appropriate medical,*
33 *dental, and vision benefits and care, and independent living skills*
34 *training and problemsolving.*

35 (2) *“Supportive housing,” for purposes of this section, is rental*
36 *housing that has all of the following characteristics:*

37 (A) *It is affordable to people with disabilities.*

38 (B) *It is independent housing in which each tenant meets all of*
39 *the following conditions:*



- 1 (i) Holds a lease or rental agreement in his or her own name and
- 2 is responsible for paying his or her own rent.
- 3 (ii) Has his or her own room or apartment and is individually
- 4 responsible for arranging any shared tenancy.
- 5 ~~(3)~~
- 6 (C) It is permanent, wherein each tenant may stay as long as he
- 7 or she pays his or her share of rent and complies with the terms of
- 8 his or her lease.
- 9 ~~(4)~~
- 10 (D) It is tenancy housing under which supportive housing
- 11 providers are required to comply with applicable state and federal
- 12 laws governing the landlord-tenant relationship.
- 13 (E) *Participation in services or any particular type of service*
- 14 *is not required as a condition of tenancy.*
- 15 (d) Counties may contract with agencies or individuals to assist
- 16 persons with disabilities in securing their own homes and to
- 17 provide persons with disabilities with the supports needed to live
- 18 in their own homes, including supportive housing.
- 19 ~~(e) Notwithstanding any other provision of law, individuals~~
- 20 ~~with disabilities may contract for the provision of any of the~~
- 21 ~~community living support services specified in paragraph (1) of~~
- 22 ~~subdivision (e), in the individual's private home as part of that~~
- 23 ~~individual's independent living plan.~~
- 24 ~~(f)~~
- 25 (e) An individual's receipt of community living support
- 26 services as defined in paragraph (1) of subdivision (c) shall not be
- 27 construed to mean that the individual requires care ~~and supervision~~
- 28 *or supervision or is receiving care or supervision.*

