

ASSEMBLY BILL

No. 3

Introduced by Assembly Member Dixon

December 2, 2024

An act to amend Section 11834.23 of the Health and Safety Code, relating to alcohol and drug treatment facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 3, as introduced, Dixon. Alcohol and drug treatment facilities: local regulation.

Existing law declares that it is the policy of the state that each county and city shall permit and encourage the development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need. Existing law requires an alcoholism or drug abuse recovery or treatment facility that serves 6 or fewer persons to be considered a residential use of property for the purposes of local regulation, regardless of whether or not unrelated persons are living together.

This bill would exempt an alcoholism or drug abuse recovery or treatment facility licensed on or after January 1, 2026, from being considered a residential use of property for the purposes of local regulation if the facility is located within 300 feet of another recovery or treatment facility, both facilities share the same owner or director or share programs or amenities, and the total number of residents in both facilities is greater than 6.

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

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

1 SECTION 1. Section 11834.23 of the Health and Safety Code,
2 as amended by Section 53 of Chapter 847 of the Statutes of 2024,
3 is amended to read:

4 11834.23. (a) Whether or not unrelated persons are living
5 together, an alcohol or other drug recovery or treatment facility
6 that serves six or fewer persons shall be considered a residential
7 use of property for the purposes of this article. In addition, the
8 residents and operators of the facility shall be considered a family
9 for the purposes of any law or zoning ordinance that relates to the
10 residential use of property pursuant to this article.

11 (b) For the purpose of all local ordinances, an alcohol or other
12 drug recovery or treatment facility that serves six or fewer persons
13 shall not be included within the definition of a boarding house,
14 rooming house, institution or home for the care of minors, the
15 aged, or persons with mental health disorders, foster care home,
16 guest home, rest home, community residence, or other similar term
17 that implies that the alcohol or other drug recovery or treatment
18 home is a business run for profit or differs in any other way from
19 a single-family residence.

20 (c) This section does not forbid a city, county, or other local
21 public entity from placing restrictions on building heights, setback,
22 lot dimensions, or placement of signs of an alcohol or other drug
23 recovery or treatment facility that serves six or fewer persons as
24 long as the restrictions are identical to those applied to other
25 single-family residences.

26 (d) This section does not forbid the application to an alcohol or
27 other drug recovery or treatment facility of any local ordinance
28 that deals with health and safety, building standards, environmental
29 impact standards, or any other matter within the jurisdiction of a
30 local public entity. However, the ordinance shall not distinguish
31 alcohol or other drug recovery or treatment facilities that serve six
32 or fewer persons from other single-family dwellings or distinguish
33 residents of alcohol or other drug recovery or treatment facilities
34 from persons who reside in other single-family dwellings.

35 (e) A conditional use permit, zoning variance, or other zoning
36 clearance shall not be required of an alcohol or other drug recovery
37 or treatment facility that serves six or fewer persons that is not
38 required of a single-family residence in the same zone.

1 (f) Use of a single-family dwelling for purposes of an alcohol
2 or other drug recovery facility serving six or fewer persons shall
3 not constitute a change of occupancy for purposes of Part 1.5
4 (commencing with Section 17910) of Division 13 or local building
5 codes. However, this section does not supersede Section 13143 or
6 13143.6, to the extent those sections are applicable to alcohol or
7 other drug recovery or treatment facilities serving six or fewer
8 residents.

9 (g) *This section does not apply to a facility licensed on or after*
10 *January 1, 2026, located within 300 feet of another facility*
11 *described in this section, as measured from the nearest property*
12 *line on which a facility is located to the nearest property line of*
13 *the other facility, if both facilities share the same owner or director*
14 *or share programs or amenities, and the total number of residents*
15 *in both facilities is greater than six.*