



**LEGISLATION & PUBLIC
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March 20, 2017

Honorable Jim Wood
Assembly Health Committee Chair
Capitol Building, Room 6005
Sacramento, CA 95814

RE: AB 285 (Melendez) - OPPOSE

Dear Assembly Member Wood:

Disability Rights California, a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, opposes AB 285.

This bill would impose costly and unnecessary regulations that would discriminate against people with drug addiction or alcoholism and in doing so violate both the Federal and State Fair Housing Acts. It is also bad public policy. It is likely to incite unnecessary neighborhood opposition to and conflict with people with disabilities. As set forth in more detail below, DRC opposes this bill.

Both the California Fair Employment and Housing Act and the Federal Fair Housing Act prohibit any discrimination against people with disabilities. Under both laws, drug addiction and alcoholism are considered mental health disabilities protected from discrimination. (See the federal Fair Housing Act regulations at 24 CFR 100.201.) This bill imposes significant restrictions and regulations on individuals with these disabilities, and people who associate with or are perceived to be individuals with these disabilities, who choose to live together. No such restrictions or regulations are imposed upon similar individuals not living together who do not have these disabilities. It is discriminatory on its face and it will have a

discriminatory effect on people with disabilities.

While the bill purports to provide an “option” to be certified and regulated by the state, such “options” are not imposed on other housing and in practice this “option” is likely to be perceived and interpreted as a requirement. While some sober living houses may be run by treatment facilities, there are also sober living houses that are essentially created by recovering addicts who wish to live in a sober environment together. In either case, sober living homes are not medical facilities, nor do they provide medical treatment, and there is no need for the kinds of intrusive regulations imposed by this bill. Individuals who choose to live in them are making positive choices, and should not be subject to additional costs or infringement of their liberties. It is highly likely that people living in homes that “choose” not to become certified will face even more discrimination as a result of their decision.

While one intended purpose of the bill may be to improve such homes, the outcomes are likely to be much more harmful to people with disabilities than beneficial. Requirements to post information about the home on public websites, to submit to inspections, to require “certification,” and to encourage local governments to report neighbor complaints to the state, would exacerbate “not in my backyard” (NIMBY) problems for individuals with disabilities. These provisions, including Health & Safety Code Secs. 11384.19(h) and (c)(12)(e), create a witch-hunt environment. Any person who does not want a sober living facility in their neighborhood because of their own prejudices would be able to look up the address and phone number and harass the sober living house until individuals have no choice but to move. The requirement that the certified sober living house must have a “good neighbor” policy and is obligated to notify neighbors of its existence further exacerbates this. This bill would enable those who are against sober living houses in their neighborhoods to discriminate and force the people in the houses to move because of their disability.

Furthermore, Health & Safety Code Sec. 11384.19(a)(5), which purports to deem these certified homes “residential use of property and a use of property by a single family” is unnecessary. Fair housing laws already are clear that individuals with disabilities living together are considered residential, single family uses. The primary inference to be drawn from this language is that individuals with these disabilities who choose to live together in non-certified homes are not single-family residential uses, which

is not the law and would subject them to additional discrimination.

Based on the extensive requirements this bill outlines to be a certified sober living home, it is likely the costs to participate in one of these homes will increase. In order to be certified, the operator would be required to pay a fee to submit the paperwork and have extensive unnecessary protocols in place that will likely take time and money to create and enforce. The certified sober living homes run by an organization would push that cost onto the residents.

The bill also inappropriately limits the discretion of medical providers, courts and probation officers to refer individuals to non-certified living situations. Not only is this an unwarranted intrusion into professional judgment, it has two very negative effects. It creates a boondoggle for the certifying organizations, allowing them to charge very high fees by providing them a monopoly on the market. But more importantly, it is likely to greatly limit sober living options for people who most need it, particularly if there are not sufficient “certified” homes or if individual cannot afford the additional costs of these homes created by the bill. This could lead to increased recidivism and crime, as we remove options from people that might assist them in their rehabilitation.

Not only does this bill facilitate discrimination, it also would require the creation of an entire government infrastructure at both state and local levels that is unnecessary and costly. California’s current financial state is precarious. There are more important programs that have actually shown the need for action, that this money should be spent on. There is no need to create an unnecessary and costly program when the state’s fiscal future is so uncertain.

Sober living homes are meant to be a way for people recovering from drug addiction or alcoholism to live in an affordable, sober environment. People who want to live together to maintain their sobriety should not be subject to regulations that will be intrusive and regularly interfere with their lives. This bill creates regulatory agencies, prompts yearly inspections, allows frequent investigations and requires homes to notify local governments of their location. No such obligations are imposed on individuals without disabilities who choose to live with others. The residents of these homes should be treated as any other resident in the neighborhood would be treated.

For these reasons, we oppose this bill. Please contact me if you have any questions about our position on this bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "Curtis Child". The signature is fluid and cursive, with the first name "Curtis" and last name "Child" clearly distinguishable.

Curtis Child
Legislative Director
Disability Rights California

cc: Honorable Chair and Members, Assembly Health Committee
Rosielyn Pulmano, Chief Consultant, Assembly Health Committee
Honorable Melissa Melendez, Author, California State Assembly
Samantha Henson, Legislative Aide, Office of Assembly Member
Melendez