



**LEGISLATION & PUBLIC  
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April 21, 2017

Honorable Ed Hernandez  
Chair, Health Committee  
California State Senate  
Capitol Building, Room 2080  
Sacramento, CA 95814

**RE: SB 34 (BATES), as amended April 20, 2017 - OPPOSED**

Dear Senator Hernandez:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, **opposes SB 34**. This bill is scheduled for hearing in the Senate Health Committee on April 26, 2017.

This bill, as amended April 20, 2017, would require a report to the Legislature from the Department of Health Care Services (DHCS) regarding the effect of the concentration of residential alcohol or drug abuse recovery treatment facilities and requires DHCS to post on its website information regarding the effect of the concentration of those facilities.

While DRC appreciates that the author has deleted the contents of this bill that we assert individually and collectively violate state and Federal Fair Housing laws, we remain opposed to the bill. As we stated in our April 11, letter to the Committee, incorporated herein by reference, the long-standing exemption for treatment facilities that serve six or fewer persons is a cornerstone of important treatment, housing and civil rights goals in California. The report and posting requirements in SB 34 are a part of the ongoing effort to chip away at the protections of current law and make

NIMBY a barrier to protecting persons with disabilities rights to reside in the least restrictive community residential settings.

As to the report requirements in the bill, they are overly broad in their scope and lack the clarity sufficient to guide DHCS obligations in the contents of the report. Moreover, the language lacks any balance in the report requirements on such matters as unmet needs for residential treatment facilities, barriers to siting facilities, and constraints posed by state and federal Fair Housing laws and the U.S. Supreme Court decision in *Olmstead*.

DRC submits that the remaining provisions in the bill is a search to limit housing options for persons with disabilities. Protecting the opportunities for persons with disabilities to reside in the least restrictive community residential setting should be held inviolate.

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", written in a cursive style.

Curtis Child  
Legislative Director

cc: Honorable Patricia Bates, California State Senate  
Sarah Couch, Legislative Aide, Office of Senator Bates  
Honorable Members, Senate Health Committee  
Reyes Diaz, Principal Consultant, Senate Health Committee