RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulation or policies proposed to or pending before a local, state or federal government body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, there are an estimated 3.5 million people with diagnosable substance use disorders in California and a limited number of available recovery residences to effectively provide healthy living environments for long-term recovery; and

WHEREAS, in 2014 the Los Angeles Department of City Planning identified 934 substance-addiction rehabilitation facilities with 18,723 total beds available for patients; and

WHEREAS, licensed and unlicensed drug and alcohol addiction rehabilitation facilities, such as sober living homes, community care facilities, group homes, and other drug and alcohol addiction rehabilitation facilities, can provide a comprehensive service which assists patients in their substance-addiction recovery and reintegration into a community; and

WHEREAS, there are serious concerns about the quality of care provided to patients residing in licensed and unlicensed drug and alcohol addiction rehabilitation facilities across the City of Los Angeles and through the state; and

WHEREAS, licensed and unlicensed drug and alcohol addiction rehabilitation facilities that are operated by bad actors are often associated with long-term health concerns of the patients including, but not limited to, the efficacy of these providers to successfully rehabilitate individuals; and

WHEREAS, there have been and can be negative impacts on the surrounding community when facilities are not properly managed; and

WHEREAS, a variety of state and federal laws restrict the ability of the City of Los Angeles to guarantee the health and safety of the licensed and unlicensed drug and alcohol addiction rehabilitation facility patients; and

WHEREAS, past efforts to address the presence of bad actors in the licensed and unlicensed drug and alcohol addiction rehabilitation facility industry have encountered many land use regulatory complexities, legal, and public policy constraints; and

WHEREAS, without substantial reforms to state laws, the City of Los Angeles will be limited in the ability to guarantee the quality of licensed and unlicensed drug and alcohol addiction rehabilitation facilities for patients, and their adherence to relevant laws protecting people with disabilities; and

WHEREAS, AB 1779 would require licensed drug and alcohol addiction rehabilitation facilities to maintain comprehensive standards to support the quality of care the residents deserve; and

WHEREAS, AB 1796 and AB 447 would expand the number of licensed drug and alcohol addiction rehabilitation facility staff required to pass criminal background checks in order to prevent criminals with a high risk of abusing residents of facilities from entering into a position of care and supervision; and
WHEREAS, AB 1034 would require licensed drug and alcohol addiction rehabilitation facilities to maintain emergency and disaster plans to ensure the continued care of their patients who will experience heightened levels of physical danger and chance of relapse during an emergency; and

WHEREAS, AB 737 would expand state oversight of those with beneficial ownership of a licensed drug and alcohol addiction rehabilitation facility to include the individual(s) who provide real property, which will further limit the ability of bad-actors to unduly influence the quality of care that drug and alcohol addiction rehabilitation facilities can provide;

WHEREAS, the State Legislature has not authorized the State Department of Healthcare Services to regulate the overconcentration of licensed drug and alcohol addiction rehabilitation facilities, but should exercise its authority to do so; and

WHEREAS, the State Legislature should consider providing municipalities the authority to conduct enforcement on behalf of, or in conjunction with, the State Department of Healthcare Services; and

WHEREAS, the State Legislature has the authority to address concentration requirements for Community Care Facilities, but a California Attorney General opinion from the 1990s excludes licensed drug and alcohol addiction rehabilitation facilities from concentration requirements regulating similar facilities; and

NOW, THEREFORE, IT BE RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2019 – 2020 State Legislative Program SUPPORT for AB 1779 (Daly), which would establish and require the State to adopt and implement minimum standards for counties seeking to use state funding for recover residences; AB 1796 (Levine) which would prohibit the State Department of Social Services from granting a criminal record clearance or exemption until it receives a complete state and federal criminal record; AB 447 (Patterson), which would expand the requirement for a criminal record clearance to include individuals who are responsible for administration and staff supervision, who are non-clients that reside at the facility, who provide client assistance, who has direct contact with the clients, and additional executives and officers of the business; and AB 1034 (Friedman), which would require community care facilities to have a plan for emergencies and disasters as well as provide emergency training for staff.

BE IT FURTHER, IT IS ALSO BE RESOLVED, the City of Los Angeles hereby includes in its 2019 – 2020 State Legislative Program SUPPORT or SPONSORSHIP of legislation that will provide the State Department of Healthcare Services the authority to regulate the overconcentration of licensed drug and alcohol addiction rehabilitation facilities and/or delegate such authority to local governments.

BE IT FURTHER, IT IS ALSO BE RESOLVED, the City of Los Angeles hereby includes in its 2019 – 2020 State Legislative Program SUPPORT for California Attorney General review of the 1993 opinion by then-California Attorney General Lungren (No. 93-601) which removed drug and alcohol facilities from the density requirements of similar facilities, and to issue a new opinion that delineates how the various licensed and unlicensed drug and alcohol facilities, inclusive of but not limited to sober living homes and group homes, may be regulated and treated under State law.

PRESENTED BY, SECONDED BY

BOB BLUMENFIELD
Councilman, 3rd District

ALVINA RODRIGUEZ

ORIGINAL