



FAQ

Residential Care Facilities or “Group Homes” in the City of Oakley

Staff developed this Frequently Asked Questions (FAQ) in response to common questions raised regarding Residential care facilities, commonly known as “group homes” that serve six or fewer persons. Facilities serving more than six persons may fall under different requirements not discussed in this FAQ.

Should you have any questions, or desire more information, please contact the Planning Division at (925) 625-7000. PlanningGroup@ci.oakley.ca.us.

WHAT IS A GROUP HOME?

A group home is a residential care facility that provides various types of supervised and unsupervised care depending on the needs of the residents. The homes may serve children, the elderly or chronically ill, mentally disabled individuals, or adults recovering from or being treated for alcohol or drug addiction.¹

WHAT RULES APPLY TO “GROUP HOMES”?

“Group homes” serving six or fewer people may be licensed or unlicensed. Oversight of licensed homes is provided by the State Department of Social Services/Community Care Licensing and the State Department of Health Care Services.

The types of individuals who might reside in licensed facilities include children or adults in need of personal services. Group homes may also consist of a temporary residence for adults who are mentally or developmentally disabled. Care facilities for older adults or chronically ill patients also fall under “group homes”. Additionally, persons undergoing treatment for alcohol or drug addiction may reside in “group homes”.

Some “group homes” do not require a license. Examples are independent living homes for people with disabilities where care is provided by a third party, not the housing provider, or homes for residents who are in alcohol or substance abuse recovery programs. Homes where unrelated adults reside

¹ CA Health and Safety Code Section 1502.

may not be regulated in any way by the City.

WHY ARE “GROUP HOMES” ALLOWED IN SINGLE-FAMILY NEIGHBORHOODS?

State law requires “group homes” with six or fewer residents to be regulated the same as a residential use and treated the same as any single-family home.

Parking requirements, setbacks, and design standards must be applied uniformly to “group homes” as well as family residences. Generally, cities have no regulatory control over “group homes” unless there are public safety or code enforcement issues.

The Fair Housing Act, as amended in 1988, and the Americans with Disabilities Act (ADA), promote the integration of individuals with disabilities into the community and also require that local government make reasonable accommodations in policies and practices when accommodations are necessary to provide equal housing opportunities.²

ARE THERE SEPARATION REQUIREMENTS FOR “GROUP HOMES”?

State law requires certain types of licensed group homes be separated by 300 feet such as: intermediate care/developmentally disabled facilities, residential care facilities, as defined in

Section 1502 of the Health and Safety Code, pediatric day health facilities, or respite care facilities. “Congregate living health facilities” which are facilities for terminally or intermittently ill, or severely disabled, must be separated by 1,000 feet. The California Department of Social Services must deny an application for certain “group homes” if the new facility would result in “overconcentration”.

“Overconcentration” is defined as a separation of less than 300 feet from another licensed residential care facility.

Community care facilities for the elderly and drug and alcohol treatment centers do not have any spacing requirements or provision in State Law to avoid overconcentration.³

WHAT IF THE GROUP HOME HAS CONVERTED THE GARAGE TO A LIVING AREA OR MADE OTHER CONSTRUCTION CHANGES TO THE HOUSE SO THAT SIX OR FEWER TENANTS CAN LIVE THERE?

All construction changes to any house, whether occupied by a group home use or is a standard single family residence would require a building permit issued by the City. For example, structural, electrical, plumbing or other types of construction regulated by the City’s building codes would need to be approved and inspected. Typically, if

² CA Welfare and Institutions Code Section 5116.

³ CA Health and Safety Code Sections 1502, 1520.5 and 1267.9(b)(2).

there are concerns that construction has occurred that may not have been properly permitted, you may contact the City’s Code Enforcement Division. Contact information can be found at the end of this FAQ.

IS A HOUSEHOLD WITH SIX OR FEWER UNRELATED ADULTS RESIDING, WHETHER LICENSED OR NOT, PERMITTED IN A SINGLE-FAMILY ZONE?

California court cases have determined that local zoning regulations may not define what constitutes a “family”. Therefore, the City is prohibited from regulating who may live in an otherwise legally established dwelling unit (house, apartment, condo, etc.). The City is limited to ensuring that a residence meets all applicable building and safety codes relating to the structure and its use as a living space. The State of California establishes the building code for all cities.

ARE SOBER LIVING FACILITIES REGULATED?

Independent living facilities, housing unrelated individuals, are not regulated by the State, nor can they be regulated by cities. Such facilities include cooperative living arrangements with a commitment or requirement to be free from alcohol and other drugs. These living arrangements are often times referred to as sober living facilities, sober living homes, transitional housing, or alcohol and drug free housing.

As long as these types of facilities house six or fewer residents, they are permitted “by right” in single-family zoned districts. Any changes to these regulations have to be made by the State legislature.

WHAT CAN THE CITY DO IF A “GROUP HOME” IS CAUSING PROBLEMS IN THE NEIGHBORHOOD?

It is the responsibility of the Community Development Department to investigate all allegations of zoning code violations such as non-permitted land uses or property maintenance issues that are reported to the City. If the problems in the neighborhood violate the municipal code the City can initiate due process to gain compliance with municipal code provisions.

Any problems related to public safety or disruption may be referred to the Police Department. Contact information can be found at the end of this FAQ.

WHO IS RESPONSIBLE FOR REGULATING CERTAIN “GROUP HOMES” WITH SIX OR FEWER UNRELATED ADULTS?

Group homes are regulated by various state agencies such as:

- The Mental Health and Substance Use Disorder Services Division of the California Department of Health Care Services license a variety of residential health care facilities serving six or fewer persons that

provide residential non-medical services.

- The California Department of Health Care Services has the sole authority in state government to license adult alcoholism, drug abuse recovery or treatment facilities.
- The California Department of Social Services licenses community care facilities such as child care, foster care and older adult living facilities.
- The County Health and Human Services Agency provides alcohol and drug services, adult protective services, child welfare services and behavioral health services.
- For any safety or noise disturbance related concerns please contact the Oakley Police Department at (925) 625-8060 or for emergencies please dial 911.
- For any property maintenance and building code related issues please contact the Oakley Code Enforcement Division at (925) 625-7031 or by email at Code-Enforcement@ci.oakley.ca.us.
- East Contra Costa Fire Protection District can be reached at (925) 634-3400 or for emergencies please dial 911.
- You can report a concern on the City’s website at: <http://user.govoutreach.com/oakley/faq.php>

WHO CAN I CALL IF THERE ARE PROBLEMS WITH A “GROUP HOME” IN MY NEIGHBORHOOD AND HOW MAY I CONTACT THE SPECIFIC AGENCY?

- California Department of Health Care Services / State Department of Mental Health Licensing and Certification: Phone (916) 323-1864. MHLC@dhcs.ca.gov.
- California Department of Social Services Regional Office: 744 P Street #6400, Sacramento, CA 95814. Phone (800) 952-5253.
- Contra Costa Health and Human Services: 1025 Escobar Street, 4th Floor, Martinez, CA 94553. Phone (925) 655-2050 or (925) 655-2051. Enid.mendoza@cao.cccounty.us.

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