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HEALTH AND SAFETY CODE - HSC

DIVISION 10.5. ALCOHOL AND DRUG PROGRAMS [11750 - 11975] (*Heading of Division 10.5 amended by Stats. 2013, Ch. 22, Sec. 18.)*

PART 2. STATE GOVERNMENT'S ROLE TO ALLEVIATE PROBLEMS RELATED TO THE INAPPROPRIATE USE OF ALCOHOLIC BEVERAGES AND OTHER DRUG USE [11760 - 11872] (*Heading of Part 2 amended by Stats. 2004, Ch. 862, Sec. 43.)*

CHAPTER 7.5. Licensing [11834.01 - 11834.50] (*Chapter 7.5 added by Stats. 1984, Ch. 1667, Sec. 2.)*

ARTICLE 2. Local Regulation [11834.20 - 11834.25] (*Article 2 added by Stats. 1984, Ch. 1667, Sec. 2.)*

11834.20. (a) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development of sufficient numbers and types of alcohol or other drug recovery or treatment facilities as are commensurate with local need.

(b) The provisions of this article apply equally to any chartered city, general law city, county, city and county, district, and any other local public entity.

(c) For the purposes of this article, "six or fewer persons" does not include the licensee or members of the licensee's family or persons employed as facility staff.

(Amended by Stats. 2024, Ch. 847, Sec. 50. (AB 2995) Effective January 1, 2025.)

11834.21. (a) Any person licensed under this chapter who operates or proposes to operate an alcohol or other drug recovery or treatment facility, the department or other public agency authorized to license such a facility, or any public or private agency that uses or may use the services of the facility to place its clients, may invoke the provisions of this article.

(b) This section shall not be construed to prohibit any interested party from bringing suit to invoke the provisions of this article.

(Amended by Stats. 2024, Ch. 847, Sec. 51. (AB 2995) Effective January 1, 2025.)

11834.22. An alcohol or other drug recovery or treatment facility which serves six or fewer persons shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other single-family dwellings are not likewise subject. This section does not forbid the imposition of local property taxes, fees for water service and garbage collection, fees for inspections not prohibited by Section 11834.23, local bond assessments, and other fees, charges, and assessments to which other single-family dwellings are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to alcohol or other drug recovery or treatment facilities which serve six or fewer persons.

(Amended by Stats. 2024, Ch. 847, Sec. 52. (AB 2995) Effective January 1, 2025.)

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

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

(c) This section does not forbid a city, county, or other local public entity from placing restrictions on building heights, setback, lot dimensions, or placement of signs of an alcohol or other drug recovery or treatment facility that serves six or fewer persons as long

as the restrictions are identical to those applied to other single-family residences.

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

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

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

(Amended by Stats. 2024, Ch. 847, Sec. 53. (AB 2995) Effective January 1, 2025.)

11834.24. A fire inspection clearance or other permit, license, clearance, or similar authorization shall not be denied to an alcohol or other drug recovery or treatment facility because of a failure to comply with local ordinances from which the facility is exempt under Section 11834.23, if the applicant otherwise qualifies for a fire clearance, license, permit, or similar authorization.

(Amended by Stats. 2024, Ch. 847, Sec. 54. (AB 2995) Effective January 1, 2025.)

11834.25. For the purposes of any contract, deed, or covenant for the transfer of real property executed on or after January 1, 1979, an alcohol or other drug recovery or treatment facility which serves six or fewer persons shall be considered a residential use of property and a use of property by a single family, notwithstanding any disclaimers to the contrary.

(Amended by Stats. 2024, Ch. 847, Sec. 55. (AB 2995) Effective January 1, 2025.)