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DIVISION 3. OBLIGATIONS [1427 - 3273.69] (*Heading of Division 3 amended by Stats. 1988, Ch. 160, Sec. 14.)*

PART 4. OBLIGATIONS ARISING FROM PARTICULAR TRANSACTIONS [1738 - 3273.69] (*Part 4 enacted 1872.)*

TITLE 5. HIRING [1925 - 1997.270] (*Title 5 enacted 1872.)*

CHAPTER 2.5. Transitional Housing Participant Misconduct [1954.10 - 1954.18] (*Chapter 2.5 added by Stats. 2016, Ch. 714, Sec. 5.)*

ARTICLE 1. General Provisions and Definitions [1954.10 - 1954.12] (*Article 1 added by Stats. 2016, Ch. 714, Sec. 5.)*

1954.10. This chapter shall be known and may be cited as the Transitional Housing Participant Misconduct Act.

(*Added by Stats. 2016, Ch. 714, Sec. 5. (SB 944) Effective January 1, 2017.*)

1954.11. In enacting this chapter, it is the intent of the Legislature to prevent the recurrence of acts of substantial disruption or violence by participants in transitional housing programs against other such participants, program staff, or immediate neighbors of the participants.

(*Added by Stats. 2016, Ch. 714, Sec. 5. (SB 944) Effective January 1, 2017.*)

1954.12. The following definitions shall govern the construction of this chapter:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or sexual assault or placing another person in reasonable apprehension of imminent serious bodily injury to himself, herself, or another, where the injured person is another participant, program operator's staff, or a person residing within 100 feet of the program site.

(b) "Homeless person" means an individual or family who, prior to participation in a transitional housing program, either lacked a fixed, regular, and adequate nighttime residence or had a primary nighttime residence, that was one of the following:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including, but not limited to, welfare hotels, congregate shelters, and transitional housing for the mentally ill.

(2) An institution that provides a temporary residence for individuals intended to be institutionalized.

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(c) "Participant" means a homeless person under contract with a program operator to participate in a transitional housing program and to use a dwelling unit in the program site. For the purposes of naming a defendant under this part, or a person to be protected under this part, "participant" shall include a person living with a participant at the program site. The contract shall specifically include the transitional housing program rules and regulations, a statement of the program operator's right of control over and access to the program unit occupied by the participant, and a restatement of the requirements and procedures of this chapter.

(d) "Program misconduct" means any intentional violation of the transitional housing program rules and regulations which (1) substantially interferes with the orderly operation of the transitional housing program, and (2) relates to drunkenness on the program site, unlawful use or sale of controlled substances, theft, arson, or destruction of the property of the program operator, persons living within 100 feet of the program site, program employees, or other participants, or (3) relates to violence or threats of violence, and harassment of persons living within 100 feet of the program site, program employees, or of other participants.

(e) "Program operator" means a governmental agency, or private nonprofit corporation receiving any portion of its transitional housing program funds from a governmental agency, which is operating a transitional housing program. "Program operator" also includes any other manager or operator hired by a governmental agency or nonprofit corporation to operate its transitional housing program.

(f) "Program site" means the real property containing a dwelling unit, the use of which is granted to a participant, and other locations where program activities or services are carried out or provided, subject to the participant's compliance with the transitional housing program rules and regulations.

(g) "Transitional housing program" means any program which is designed to assist homeless persons in obtaining skills necessary for independent living in permanent housing and which has all of the following components:

(1) Comprehensive social service programs which include regular individualized case management services and which may include alcohol and drug abuse counseling, self-improvement education, employment and training assistance services, and independent living skills development.

(2) Use of a program unit as a temporary housing unit in a structured living environment which use is conditioned upon compliance with the transitional housing program rules and regulations.

(3) A rule or regulation which specifies an occupancy period of not less than 30 days, but not more than 24 months.

(Added by Stats. 2016, Ch. 714, Sec. 5. (SB 944) Effective January 1, 2017.)