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SB-591 Senior citizens: intergenerational housing developments. (2021-2022)

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Senate Bill No. 591

CHAPTER 364

An act to amend Section 11010.05 of the Business and Professions Code, and to add Section 51.3.5 to the Civil Code, relating to civil law.

[Approved by Governor September 28, 2021. Filed with Secretary of State September 28, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 591, Becker. Senior citizens: intergenerational housing developments.

Existing law requires the covenants, conditions, and restrictions or other documents or written policy of a senior citizen housing development to set forth the limitations on occupancy, residency, or use on the basis of age. Existing law requires that the limitations on age require, at a minimum, that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as their primary residence on a permanent basis. Existing law defines "senior citizen housing development" for these purposes as a residential development for senior citizens that has at least 35 dwelling units. Existing law defines "qualifying resident" or "senior citizen" to mean a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

This bill would authorize the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youth, if specified conditions are satisfied. The bill would require that the covenants, conditions, and restrictions and other documents or written policy for the development set forth the limitations on occupancy, residency, or use. The bill would prescribe definitions for "senior citizen" and "transition age youth" for these purposes. The bill would require at least 80% of the occupied dwelling units in an intergenerational housing development to be occupied by at least one senior citizen, as specified, and up to 20% of the occupied dwelling units in the development to be occupied by at least one caregiver or transition age youth, as specified. The bill would require the development to be affordable to lower income households. The bill would prescribe an optional process to be applied if a unit ceases to house a caregiver or transition age youth. The bill would prohibit the eviction or lease termination of a family with children in order to comply with the senior citizen occupancy requirement described above. The bill would make a conforming change in provisions regarding subdivided lands. The bill would create a state policy supporting intergenerational housing for senior citizens, caregivers, and transition age youth and would permit developers that have certain funds or tax credits designated for affordable rental housing to restrict occupancy to senior citizens, caregivers, and transition age youth, as specified.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) A growing body of scientific research has linked social isolation and loneliness in seniors to higher risks for a variety of physical and mental conditions, including, but not limited to, high blood pressure, heart disease, obesity, a weakened immune system, anxiety, depression, cognitive decline, Alzheimer's disease, and even death.

(b) Intergenerational housing decreases the health risks of social isolation and loneliness by surrounding seniors in communities with families and giving seniors structured opportunities to benefit from, and contribute to, the lives of young people. According to research conducted by the Eisner Foundation, nonmedical benefits of intergenerational housing for seniors also include improved mood and self-esteem, increased skills and knowledge, specifically around technology and culture, increased exercise, access to practical assistance in the form of help with chores and errands, and improved perception of young people.

(c) Intergenerational housing has been successful at the award-winning Treehouse Easthampton community which combines seniors with foster families in western Massachusetts. Outcome data for this community over 11 years showcases the remarkable impact on the lives of youth.

(d) Additional benefits of intergenerational housing for youth, according to research conducted by the Eisner Foundation, include improved social skills, increased emotional support, increased self-esteem, increased school attendance, increased knowledge and perspective of the past, and improved perception of elders.

(e) The purpose of this act is to facilitate the establishment of intergenerational housing developments in California.

SEC. 2. Section 11010.05 of the Business and Professions Code is amended to read:

11010.05. (a) A person who proposes to create a senior citizen housing development, as defined in Section 51.3 or 51.11 of the Civil Code, or an intergenerational housing development, as defined in Section 51.3.5 of the Civil Code, shall include in the application for a public report a complete statement of the restrictions on occupancy that are to be applicable in the development. Any public report issued for a senior housing development or an intergenerational housing development shall also include a complete statement of the restrictions on occupancy to be applicable in the development.

(b) This section shall become operative on July 1, 2001, and shall apply to all applications for a public report for a senior housing development submitted to the department on or after July 1, 2001.

(c) This section shall be operative for, and shall apply to all applications for a public report submitted to the department for, intergenerational housing developments on and after January 1, 2022.

SEC. 3. Section 51.3.5 is added to the Civil Code, to read:

51.3.5. (a) The Legislature finds and declares that this section is essential to establish and preserve specially designed, accessible, intergenerational housing for senior citizens. There are senior citizens who need special living environments and services and benefit from intergenerational housing environments, and find that there is an inadequate supply of this type of housing in the state.

(b) An intergenerational housing development may be established to provide intergenerational housing consisting of units for senior citizens, caregivers, or transition age youths if all of the following conditions are satisfied:

(1) (A) At least 80 percent of the occupied dwelling units are occupied by at least one senior citizen. This requirement shall commence when at least 25 percent of the units are occupied. A dwelling unit is occupied by at least one senior citizen if, on the date the exemption for housing designed for intergenerational housing is claimed, one of the following conditions is satisfied:

(i) At least one occupant of the dwelling unit is a senior citizen.

(ii) If the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacated was a senior citizen.

(B) Up to 20 percent of the occupied dwelling units are occupied by at least one caregiver or transition age youth. A dwelling unit is occupied by at least one caregiver or transition age youth if, on the date the exemption for housing designed for intergenerational housing is claimed, one of the following conditions is satisfied:

(i) At least one occupant of the dwelling unit is a caregiver or transition age youth.

(ii) If the dwelling unit is temporarily vacant, at least one of the occupants immediately prior to the date on which the unit was temporarily vacant was a caregiver or transition age youth.

(2) The development is affordable to lower income households as defined in Section 50079.5 of the Health and Safety Code.

(3) (A) If a unit that is identified for occupancy by a caregiver or transition age youth ceases to house a caregiver or transition age youth, the owner, board of directors, or other governing body may require, at their discretion, the household in that unit to cease residing in the development upon receipt of a minimum of six months written notice, for the sole purpose of ensuring that the unit may be made available to a qualifying caregiver or transition age youth. This action shall not constitute a violation of Section 51 or of Article 2 (commencing with Section 12955) of Chapter 6 of Part 2.8 of Division 3 of Title 2 of the Government Code (California Fair Employment and Housing Act).

(B) The housing facility or community shall not evict or terminate the lease of a family with children in order to comply with the requirement that at least 80 percent of the occupied units be occupied by at least one senior citizen. This provision does not otherwise alter or affect applicable protections for tenants.

(C) The covenants, conditions, and restrictions and other documents or written policy for the development shall set forth the limitations on occupancy, residency, or use consistent with this section.

(4) Housing established pursuant to this section shall comply with all applicable fair housing laws, including, but not limited to, the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code) and the Fair Housing Act (42 U.S.C. Sec. 3601).

(5) Notwithstanding any other law, any occupied dwelling units within an intergenerational housing development established pursuant to this section that are occupied by caregivers or transition age youth as described in subparagraph (B) of paragraph (1) shall not count toward the housing type goal for seniors under the qualified allocation plan adopted by the California Tax Credit Allocation Committee in accordance with Section 50199.14 of the Health and Safety Code.

(c) This section specifically creates a state policy supporting intergenerational housing for senior citizens, caregivers, and transition age youth, as described in Section 42(g)(9) of the Internal Revenue Code, and, further, permits developers in receipt of local or state funds or tax credits designated for affordable rental housing to restrict occupancy to senior citizens, caregivers, and transition age youth, including permitting developers in receipt of tax credits designated for affordable rental housing to retain the right to prioritize and restrict occupancy, so long as that housing does not violate any other applicable laws.

(d) For the purposes of this section, the following terms have the following meanings:

(1) "Caregiver" means a person responsible for meeting the daily care needs of a senior citizen, or a person hired to provide live-in, long-term, or terminal health care to a qualifying resident, or a family member of the qualifying resident providing that care. For purposes of this section, the care provided shall be substantial in nature and shall include either assistance with necessary daily activities or medical treatment, or both.

(2) "Senior citizen" or "resident" means a person 55 years of age or older.

(3) "Transition age youth" means a person who is 18 to 24 years of age, inclusive, and who is either of the following:

(A) A current or former foster youth who has been adjudged a ward or dependent of the juvenile court pursuant to Section 300, 601, or 602 of the Welfare and Institutions Code.

(B) A homeless youth or former homeless youth, who has met the McKinney-Vento Homeless Assistance Act of 1987 definition of "homeless children and youths," as that term is defined in Section 11434a of Title 42 of the United States Code.