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**AB-3 Alcohol and drug treatment facilities: local regulation.** (2025-2026)

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AMENDED IN ASSEMBLY MARCH 20, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 3**

Introduced by Assembly Member Dixon

December 02, 2024

An act to amend Section 11834.23 of the Health and Safety Code, relating to alcohol and drug treatment facilities.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 3, as amended, Dixon. Alcohol and drug treatment facilities: local regulation.

Existing law declares that it is the policy of the state that each county and city shall permit and encourage the development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need. Existing law requires an alcoholism or drug abuse recovery or treatment facility that serves 6 or fewer persons to be considered a residential use of property for the purposes of local regulation, regardless of whether or not unrelated persons are living together.

This bill would exempt an alcoholism or drug abuse recovery or treatment facility ~~licensed on or after January 1, 2026,~~ from being considered a residential use of property for the purposes of local regulation if ~~the facility is located within 300 feet of another recovery or treatment facility, both facilities share the same owner or director or share programs or amenities, and the total number of residents in both facilities is greater than 6.~~ *multiple single-family dwellings are being used as a licensed or unlicensed alcohol or other drug recovery or treatment facility, they share an owner, a director, programs, or amenities with another facility, and any of the dwellings are within 300 feet of that facility, or if a single-family dwelling being used as an alcohol or other drug recovery or treatment facility shares an owner, a director, programs, or amenities with another facility that is commercially owned, operated, and licensed that is located anywhere in the state.*

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

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

**SECTION 1.** Section 11834.23 of the Health and Safety Code, as amended by Section 53 of Chapter 847 of the Statutes of 2024, is amended to read:

**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.

~~(g) This section does not apply to a facility licensed on or after January 1, 2026, located within 300 feet of another facility described in this section, as measured from the nearest property line on which a facility is located to the nearest property line of the other facility, if both facilities share the same owner or director or share programs or amenities, and the total number of residents in both facilities is greater than six.~~

*(g) This section does not apply if there are multiple single-family dwellings that are being used as a licensed or unlicensed alcohol or other drug recovery or treatment facility that shares an owner, a director, programs, or amenities with another facility and any of the dwellings are located within 300 feet of that facility, as measured from the nearest property line on which the facility is located to the nearest property lines of the individual single-family dwellings.*

*(h) This section does not apply if a single-family dwelling being used as a licensed or unlicensed alcohol or other drug recovery or treatment facility shares an owner, a director, programs, or amenities with a commercially owned, operated, and licensed facility that is located anywhere in the state.*