



**COUNTY OF
SAN BERNARDINO**

BOARD OF SUPERVISORS

Brad Mitzelfelt *First District*
Paul Biane, Chair *Second District*
Dennis Hansberger *Third District*
Gary Ovitt, Vice-Chair *Fourth District*
Josie Gonzales *Fifth District*

March 27, 2007

The Honorable Robert Dutton
31st Senate District
State Capitol
Sacramento, CA 95814

RE: SB 709 (Dutton)– As Introduced February 23, 2007 - **SUPPORT**

Dear Senator Dutton:

The County of San Bernardino is pleased to support SB 709, which would permit a city or county to submit to the Director of Social Services additional documentation and evidence regarding the siting of a proposed residential care facility designed for six or fewer residents. SB 709 does not impact foster family homes and home for the elderly.

As you know, local governments currently have the ability to control the location of residential care facilities licensed for seven or more residents, since such facilities are subject to local use permits and zoning regulations. Current law generally treats facilities licensed for six or fewer residents as single-family homes for zoning purposes, except for the provision requiring denial of a license when facilities are separated by less than 300 feet (known as "overconcentration."). The Community Care Licensing Division (CCLD) of DSS is required to provide notice 45 days notice to local planning agencies prior to approving any new application for a residential care facility. Current law also permits a city or county to request that a license be denied due to overconcentration.

Presently, there is no mechanism in the licensing process for local governments to share relevant information about other facilities, whether licensed or unlicensed by other state or local agencies that may already exist in the neighborhood where the facility is proposed to be located. Overconcentration conditions create an excessive burden for neighborhood residents due to additional traffic, noise or other impacts that are not typically found in a traditional single-family neighborhood. Poorly-managed or unlicensed facilities can create public safety concerns.

This legislation authorizes local governments to provide relevant land use information to the Director of the California Department of Social Services (DSS) within a neighborhood or adjacent to the location of a proposed residential care facility. SB 709 will assist the director in making licensing decisions with a full understanding of the existing land uses in the neighborhood of the proposed facility. Additionally, the legislation clarifies that nothing in the Legislation is to be interpreted to require the director to take actions that are in violation of the federal Fair Housing Amendments Act. For these reasons, the San Bernardino County Board of Supervisors supports SB 709.

Sincerely,

PAUL BIANE
Chairman, Board of Supervisors

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.