

Group Living Arrangements

Created 11/16/2018

The City occasionally receives inquiries about group living arrangements (“GLA”s), particularly when they locate in single family residential neighborhoods. The purpose of this document is to provide information about different types of GLAs and the rules that apply to them. The topics covered in this document are as follows:

- What is a GLA?
- GLA Restrictions and Requirements
- City’s Enforcement Authority Relative to GLAs
- Contact Information to Report Issues of Concern

What is a GLA?

There is no standard definition of a “group living arrangement”. Therefore, people often use the term “group home” to describe several different types of GLAs. GLAs may house “at risk” youth, the elderly or chronically ill, mentally disabled individuals, or adults recovering from or being treated for alcohol or drug addiction. Depending upon the type of service provided, a state license may be required to operate a GLA. For purposes of this summary, the types of GLAs described below are categorized as either licensed or unlicensed.

Unlicensed GLAs

When people refer to “unlicensed” GLAs, they are typically referring to any of the following arrangements where unrelated individuals live as a single housekeeping or economic unit:

- 1) An **Independent Living Home** is a home where residents obtain care and supervision from a third party that is not the housing provider.¹
- 2) **Supportive Housing** is housing where individuals with disabilities receive community living support services voluntarily to enable them to live more independently in the community.² The State legislature has explicitly stated that **Supportive Housing** will not be considered “care and supervision” (and therefore, will not require licensing) because there is an urgent need to increase access to community living support services for persons with disabilities who want to live independently.
- 3) **Recovery Homes** or **Sober Living Facilities** are homes that provide group living arrangements for people who are recovering from a drug and/or alcohol addiction, but where care or supervision are not provided.³ Individuals in recovery from drug and alcohol addiction are defined as disabled under the Fair Housing Act.⁴

Licensed GLAs

When people refer to “licensed” GLAs, they typically mean **Residential Facilities** that are licensed by the State. **Residential Facilities** generally provide 24-hour non-medical care of persons in need of personal services, rehabilitation, supervision, or assistance with daily living.⁵ Oversight of licensed homes is provided by the State Department of Social Services/Community Care Licensing and the State Department of Health Care Services.

Boarding/Lodging House

A **Boarding/Lodging House** is a dwelling for lodging or sleeping for compensation that has no more than five guest rooms or suites of rooms and 10 persons total. Guests in a Boarding or Lodging House do not reside as a single housekeeping or economic unit. A Boarding/Lodging House must have an annual housing permit and a business license from the City of Chula Vista.

¹ CA Health & Safety Code 1505(p)

² CA Health & Safety Code 1504.5

³ CA Health & Safety Code 1505(i)

⁴ 24 C.F.R. 100.201

⁵ CA Health & Safety Code 1502

GLA Restrictions and Requirements

Unlicensed GLAs Where Unrelated Individuals Live as a Household

General Limits on Local Authority

In most circumstances, the City may not regulate unlicensed GLAs where unrelated individuals reside if those unrelated individuals are living as a single housekeeping, family, or economic unit. California's Constitution contains an express right to privacy, adopted by the voters in 1972. The California Supreme Court has found that this right includes "the right to be left alone in our own homes" and has explained that "the right to choose with whom to live is fundamental."⁶ Consequently, the California courts have struck down local ordinances that attempt to control who lives in a household—whether families or unrelated persons, whether healthy or disabled, whether renters or owners. Based on the privacy clause in the State Constitution, California case law requires cities to treat groups of related and unrelated people identically when they function as one household.⁷ Individual facts would need to be considered on a case-by-case basis to determine whether the household/home is operating as a single housekeeping unit or some other type of GLA, such as a Boarding/Lodging House.

Occupancy Limits Apply

If a group of people are living together as a "household" or "single housekeeping unit", they are still limited by the occupancy restrictions of the Uniform Housing Code (the "UHC"). The UHC establishes the number of people who may live in a house based on its size. Local jurisdictions cannot impose more restrictive occupancy limits than those established in the UHC. The UHC⁸ provides a minimum dwelling size, requiring that at least one room in a dwelling unit have at least 120 square feet. Other rooms used for living must have at least 70 square feet (such as a living, family or dining room with the exception of kitchens). If more than two persons are using a room for sleeping purposes, there must be an additional 50 square feet for each additional person. For example, a one bedroom apartment containing 350 sq. ft. for a living room and bedroom could lawfully room up to seven (7) people (120 sq. ft. minimum + 230 additional sq. ft.). A two bedroom house with 450 sq. ft. for a living room and two (2) bedrooms could lawfully house ten people.

Licensed GLAs Serving Six or Fewer Residents

Oversight of licensed GLAs is provided by the State Department of Social Services/Community Care Licensing and the State Department of Health Care Services. However, state law requires local jurisdictions to consider a licensed GLA serving six or fewer residents as a residential use of property and as a family for purposes of any law or zoning ordinance that relates to residential uses of property. Treating licensed GLA with six or fewer residents differently than any other residential use may be considered discriminatory under the [Federal Fair Housing Act](#) Amendments (42 U.S.C. Section 3601) and the [California Fair Employment and Housing Act](#) ("Fair Housing Laws").

As a result, a licensed GLA serving six or fewer residents is a permitted use in all residential zones in which a single-family home is permitted, with the same parking requirements, setbacks, design standards, etc. applicable.⁹ No conditional use permit, variance, or special permit can be required for these small, licensed GLAs unless the same permit is required for single-family homes. Similarly, local jurisdictions cannot subject small, licensed GLAs to additional parking

⁶ Coalition Advocating Legal Housing Options v. City of Santa Monica, 88 Cal. App. 4th 451, 459-60 (2001)

⁷ City of Santa Barbara v. Adamson, 27 Cal. 3d 123, 134 (1980)

⁸ Cal. Health and Safety Code 17922(a)(1) and 1997 Uniform Housing Code Section 503(b)

⁹ Facilities for persons with disabilities and other facilities (Welfare & Inst. Code 5116), residential health care facilities (Health & Safety Code 1267.8, 1267.9, & 1267.16), residential care facilities for the elderly (Health & Safety Code 1568.083 - 1568.0831, 1569.82 - 1569.87), community care facilities (Health & Safety Code 1518, 1520.5, 1566 - 1566.8, 1567.1, pediatric day health facilities (Health & Safety Code 1267.9; 1760 - 1761.8), and facilities for alcohol and drug treatment (Health & Safety Code 11834.23)

standards or special design standards. State law prohibits local jurisdictions from attempting to re-define small, licensed GLAs in any way that differs from a family dwelling.¹⁰ Homeowners' associations and other residents are also prohibited from enacting restrictive covenants or using other means to exclude GLAs for the disabled serving six or fewer persons.¹¹

Anti-Discrimination Rules that Apply Regardless of GLA Size/Occupancy

California law explicitly protects both unlicensed GLAs operating as a household unit and licensed GLAs serving six or fewer residents. However, other laws provide protection for GLAs, regardless of their size, if they serve certain protected persons. These laws prohibit discrimination based upon disability, familial status, source of income, race, occupancy by low and moderate income persons, and many other factors. In effect, these laws prohibit restrictive regulations on GLAs serving these protected classes no matter how many people live in the home or whether a state license is required. Such laws include the [Federal Fair Housing Act](#) (42 U.S.C. Section 3601) and the [California Fair Employment and Housing Act](#).

City's Enforcement Authority Relative to GLAs

Common Requests for City Enforcement

The most common GLA complaints received by the City include the following: a large **number of people** are residing in the home (overcrowding); the **property is unmaintained** with trash, junk and debris; the **garage has been illegally converted** to living space; **unpermitted construction** has been performed in the home to add more rooms; a **high number of vehicles are parked** on the property and on the streets; and residents are noisy, "loitering" outside and/or engaging in illegal conduct.

Municipal Code or Criminal/Vehicle Code Violations

For the reasons described above, the City is limited in its ability to enforce issues related to occupancy or parking requirements unless those requirements would apply to other residences in the same zone. Also, in general, anyone is allowed to park on a public street. The City can enforce code violations related to illegal construction and conversions or unpermitted trash, junk, and debris, as those requirements apply equally to all residential properties in the same zone. Similarly, the Chula Vista Police Department is able to investigate criminal activity and vehicle code violations, regardless of whether they occur in relation to a GLA or non-GLA residents/property.

Illegal Boarding/Lodging Houses

The City has also received complaints of homes operating as illegal Boarding/Lodging Houses in violation of the Chula Vista Municipal Code. These cases can be complicated to investigate and confirm if the home residents present themselves as a single housekeeping unit. Code Enforcement Officers need publicly available information (such as a rental advertisements), copies of lease agreements (voluntarily provided), and/or other substantial evidence to disprove the residents' single housekeeping unit claim.

In cases where an illegal Boarding/Lodging House complaint is substantiated, such property may be brought into compliance by obtaining the appropriate permits and licenses, converting the home back into an allowable use for the zone, or having the zoning for the property changed that allows for a Boarding/Lodging House. Boarding/Lodging Houses must comply with the applicable building and fire codes at the time of construction/conversion.

It should be noted that in cases where an alleged illegal Boarding/Lodging House involves disabled occupants (which could include occupants recovering from drug or alcohol addiction), California privacy rights and fair housing laws may require the City to make reasonable accommodations to its zoning, permitting, and building requirements.

¹⁰ CA Health & Safety Code 1566.3 & 11834.23

¹¹ CA Government Code 12955

Private Rights of Action

In limited circumstances, individuals may have a private right of action against a nuisance property in their neighborhood. A private nuisance is generally defined as a substantial and unreasonable non-trespassory interference with the private use and enjoyment of an individual's land. The City cannot provide legal advice to individuals on such matters. If you believe you might have a private right of action against a nuisance property, you should consult an attorney. The San Diego Superior Court provides an attorney referral service; more information about the service can be obtained by calling (800) 464-1529 or visiting: <https://www.sdcba.org/index.cfm?pg=mainlrjs>

Contact Information to Report Issues of Concern

Licensed Facility Concerns

The following websites provide information and a list of existing licensed facilities:

- California Department of Social Services (DOSS), Community Care Licensing Division (CCLD): www.cdss.ca.gov or [Care Facility Search](#).
- California Department of Health Care Services (DHCS): www.dhcs.ca.gov

To report an issue regarding a licensed facility, please contact the corresponding regulatory agency:

California Department of Health Care Services
State Department of Mental Health Licensing and Certification
7575 Metropolitan Dr. #211, San Diego, CA 92108
Phone: 619.688.6465 / 916.323.1864

California Department of Social Services
Regional Office: 7575 Metropolitan Drive, San Diego, CA 92108
Phone: 619.767.2200 / 844.538.8766.
CCLD Complaint Hotline at 1-844-LET-US-NO (1-844-538-8766)
Email: letusno@dss.ca.gov
[Information regarding filing a complaint](#)

County Health and Human Services Agency
1600 Pacific Highway, Room 206, San Diego, CA 92101
Phone: 888.724.7240.

Criminal Conduct and Vehicle Violation Concerns

For issues related to criminal conduct and vehicle violations, please contact the Chula Vista Police Department.

Chula Vista Police Department
Non-Emergency Incidents call 619-691-5151 or for emergencies please dial 911.
Who to Call for Assistance [English](#) | [Spanish](#)
Report Suspicious Activity & Crime [English](#) | [Spanish](#)
[Preventing Crime & Disorder](#) website

Property Maintenance, Building, and Zoning Concerns

For issues related to property maintenance, building requirements, and zoning issues, please contact the City of Chula Vista Code Enforcement Division.

Development Services Department, [Code Enforcement Division](#)
Report a Violation [Online](#) | [Print & Fax/Mail Form](#) | Phone (619) 691-5280 | [ACT Chula Vista](#)