

Assembly Bill 1993

Maximum Number of Residents for Residential Care Facilities for Elderly (RCFE)

Assemblymember Ash Kalra

SUMMARY

Assembly Bill (AB) 1993 would amend the California Residential Care Facilities for the Elderly (RCFE) Act for small RCFEs to expand the number of individuals they can serve by replacing the six-bed cap with a “ten or fewer cap” in California code. This change would allow small RCFE operators to serve more aging individuals consistent with Department of Social Services (CDSS) regulations and standard building codes. Allowing smaller RCFEs to serve more than six beds can help open more in need spots at assisted living homes to serve a growing aging population.

BACKGROUND

The six-resident cap was established during the development of the mental health system of the 1930s. Despite board and care facilities expanding to provide care for other populations, the threshold for private care homes has remained at six or fewer residents. In 1973, the California Community Care Facilities Act consolidated and codified rules for community-based housing, such as Residential Care Facilities for the Elderly (RCFEs), which offer housing arrangements in residential properties at varying levels of non-medical care and supervision.

Agencies like California’s licensing agency, CDSS and Community Care Licensing (CCL) Division determine the maximum number of residents a facility may permit based on the licensee’s ability to serve the residents. CCL regulations also stipulate that no more than two adults may share a single bedroom and establish personal space requirements for storage and furniture. These licensing determinations must align with the local fire agencies’ based on the ability to vacate the facility during an emergency.

Smaller RCFEs that serve more than six residents must obtain a conditional use permit from their city or county, which is upheld by local zoning and use laws before operating. However, conditional use permits are rarely issued, and the process can be complicated for small RCFE operators to navigate,

which limits their ability to expand, and as a result is a barrier for an otherwise available bed.

Older adults are the fastest-growing population of unhoused persons in California. Since 2017, the number of adults over the age of 55 experiencing homelessness has grown by 90%, while those over the age of 65 have increased by 166%. Older adults who require assistance with daily activities have an exceptionally hard time finding accommodations that can accommodate their specialized needs in the setting of their choice.

SOLUTION

AB 1993 would amend the RCFE Act to allow small RCFE homes to expand to serve ten or fewer individuals who need assisted living. This would help ensure that more older adults and their families who choose an assisted living home are able to remain in their communities or in proximity to their loved ones while also receiving the 24-hour non-medical care they need.

SPONSORS

California Commission on Aging
6 Beds, Inc.

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