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**INTRODUCED BY SENIOR SENATOR MARTIN**

Legislative Counsel’s Digest

SP 7: TEMPORARY HOUSING OF MINOR RELATIVES IN SENIOR CITIZEN COMMUNITIES.

UNDER EXISTING LAW, THE UNRUH CIVIL RIGHTS ACT PROHIBITS BUSINESS ESTABLISHMENTS FROM DISCRIMINATING ON THE BASIS OF VARIOUS CRITERIA, INCLUDING AGE, AND THESE PROHIBITIONS APPLY TO THE SALE AND RENTAL OF HOUSING. EXISTING LAW PERMITS AGE RESTRICTIONS IN CONNECTION WITH HOUSING AND DEFINES SENIOR CITIZEN HOUSING DEVELOPMENT, QUALIFYING RESIDENT, AND QUALIFIED PERMANENT RESIDENT FOR THESE PURPOSES. EXISTING LAW CREATES AN EXCEPTION TO THESE AGE RESTRICTIONS FOR A DISABLED OR INJURED CHILD OR GRANDCHILD OF A QUALIFYING RESIDENT OR QUALIFIED PERMANENT RESIDENT.

THIS MEASURE WOULD MEMORIALIZE THE LEGISLATURE AND THE GOVERNOR TO ENACT LEGISLATION THAT WOULD CREATE AN EXCEPTION TO THE AGE RESTRICTIONS DESCRIBED ABOVE FOR A PERMITTED TEMPORARY MINOR RESIDENT, TO BE DEFINED AS A MINOR FOR WHOM A PROBATE COURT OR JUVENILE COURT PLACEMENT IS PENDING AND WHO IS THE GRANDCHILD OR GREAT-GRANDCHILD OF A QUALIFYING RESIDENT OR A QUALIFIED PERMANENT RESIDENT. THE MEASURE WOULD FURTHER MEMORIALIZE THE LEGISLATION TO REQUIRE A WRITTEN CERTIFICATION TO BE MADE TO THE OWNER, BOARD OF DIRECTORS, OR GOVERNING BOARD THAT THE GRANDCHILD OR GREAT-GRANDCHILD IS CURRENTLY SUBJECT TO COURT PLACEMENT PROCEEDINGS AND LIMIT THE MINOR’S RESIDENCY TO 6 MONTHS OR UNTIL HIS OR HER PLACEMENT IS RESOLVED, WHICHEVER IS EARLIER, SUBJECT TO AN EXTENSION OF UP TO 6 MONTHS, AS SPECIFIED.

VOTE: MAJORITY.

SP 7: RELATING TO SENIOR HOUSING

WHEREAS, THE RIVERSIDE COUNTY GRANDPARENTS RAISING GRANDCHILDREN (GRG) PROGRAM PROVIDES A UNIQUE COUNTY SERVICE FOR GRANDPARENTS WHO TAKE THEIR GRANDCHILDREN INTO THEIR HOME TO PROVIDE NURTURE AND SAFETY IN PLACE OF PARENTS, AND THAT PROGRAM RECEIVES MULTIPLE REQUESTS FOR ASSISTANCE EACH YEAR FROM GRANDPARENTS WHO RECEIVE EVICTION NOTICES FROM THEIR 55+ COMMUNITY BECAUSE THEY HAVE TAKEN CUSTODY OF THEIR GRANDCHILDREN; AND

WHEREAS, ACCORDING TO THE 2011 AMERICAN COMMUNITY SURVEY BY THE UNITED STATES CENSUS BUREAU, THERE ARE 316,374 HOMES IN THE STATE OF CALIFORNIA WHERE A GRANDPARENT IS HEAD OF HOUSEHOLD (MEANING THEY PROVIDE OVER 50 PERCENT OF ANNUAL SUPPORT) AND IN 73,082 (23 PERCENT) OF THOSE HOMES THE GRANDPARENT IS RAISING THE GRANDCHILDREN WITHOUT A PARENT PRESENT. IN THE 2009 SURVEY, THE NUMBER OF GRANDPARENTS RAISING THEIR GRANDCHILDREN WAS 70,124, SHOWING A 4 PERCENT GROWTH IN TWO YEARS. THIS GROWTH IS EXPECTED TO CONTINUE AS OUR POPULATION AGES; AND

WHEREAS, GRANDPARENTS AND OTHER RELATIVES ARE THE MOST STABLE PLACEMENT FOR CHILDREN WHO ARE SEPARATED FROM THEIR PARENTS; HOWEVER, IF SENIORS ARE LIVING IN 55+ COMMUNITIES, THEY ARE IN JEOPARDY OF EVICTION FROM THEIR HOMES IF THEY TAKE CUSTODY OF THE CHILDREN; AND

WHEREAS, SENIORS LIVING IN 55+ COMMUNITIES POTENTIALLY MAY BECOME RESPONSIBLE FOR ONE OR MORE GRANDCHILDREN IN AN EMERGENCY SITUATION. CURRENT RESTRICTIONS MAY FORCE GRANDPARENTS IN THIS SITUATION TO HIDE THEIR GRANDCHILDREN, LIMITING THE CHILD’S ACTIVITIES AND CAUSING DIMINISHED SELF-ESTEEM; AND

WHEREAS, THERE IS NO LEGAL PROTECTION FOR CAREGIVING GRANDPARENTS LIVING IN 55+ COMMUNITIES; AND

WHEREAS, GRANDPARENTS LIVING IN A 55+ COMMUNITY WHO CHOOSE TO ACCEPT EMERGENCY PLACEMENT OF A GRANDCHILD IN THEIR HOMES MAY HAVE TO BREAK THEIR CONTRACTUAL OBLIGATION AND MAY FACE PENALTY FINES OR EVICTION; AND

WHEREAS, THE FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY INVESTIGATED A COMPLAINT FROM A GRANDPARENT WITH AN EVICTION NOTICE AND ASSURED THE COMMUNITY THAT ALLOWING CHILDREN TO RESIDE IN THE COMMUNITY WOULD NOT HAVE A NEGATIVE IMPACT ON THE STATUTORY REQUIREMENTS FOR DESIGNATION AS A 55+ COMMUNITY; AND

WHEREAS, CHILD PROTECTIVE SERVICES HAS A PROCESS THAT PROVIDES SERVICES TO THE BIOLOGICAL PARENT FOR A SIX-MONTH PERIOD WITH A POSSIBLE EXTENSION OF SIX MONTHS TO DEMONSTRATE THAT THEY CAN HAVE THE CHILDREN RETURNED AND RELIEVE THE GRANDPARENTS OF THE NEED TO HOUSE THE CHILDREN IN THEIR HOME; AND

WHEREAS, IF THE MINOR IS 17 YEARS OF AGE OR OLDER, HE OR SHE WOULD BE CONSIDERED AN ADULT AT 18 YEARS OF AGE WITHIN THE YEAR AND THE GRANDPARENT WOULD NOT BE REQUIRED TO PROVIDE HOUSING AND SUPERVISION. IF THE GRANDPARENT DECIDES TO PROVIDE FOR HIS OR HER 17-YEAR OLD GRANDCHILD, THE GRANDPARENT MUST RELINQUISH HIS OR HER HOME IN THE 55+ COMMUNITY AND BEAR THE FINANCIAL BURDEN OF THE TRANSITION BECAUSE OF THIS BRIEF PLACEMENT; AND

WHEREAS, THE RESTRICTION OF THE 55+ COMMUNITY MAY PROHIBIT THE EMERGENCY PLACEMENT OF THE CHILD, PARTICULARLY IN A CHILD PROTECTION CASE, RESULTING IN A NONRELATIVE FOSTER PLACEMENT; AND

WHEREAS, THE PREFERRED PLACEMENT IN A FAMILY CRISIS SITUATION IS WITH ANOTHER FAMILY MEMBER, OFTEN THE GRANDPARENT. STUDIES SHOW THAT CHILDREN RAISED IN A PLACEMENT WITH A FAMILY MEMBER HAVE A BETTER CHANCE OF COMPLETING THEIR EDUCATION AND SECURING SUCCESSFUL EMPLOYMENT THAN THOSE RAISED IN THE FOSTER CARE SYSTEM; AND

WHEREAS, THE INCREASE IN SUCCESSFUL TRANSITION TO INDEPENDENCE FOR YOUTH PLACED WITH RELATIVES REDUCES THE FINANCIAL AND ADMINISTRATIVE BURDEN ON SOCIAL SERVICES LATER IN THEIR LIVES; AND

WHEREAS, FOSTER CARE COSTS MORE PUBLIC FUNDS THAN PLACEMENTS WITH RELATIVES. NATIONALLY, THE AVERAGE ANNUAL COST OF FOSTER CARE PLACEMENT IS $22,000 WHILE PLACEMENT WITH A GRANDPARENT OR OTHER FAMILY IS $4,000; AND

WHEREAS, THERE IS NO CONSISTENT STATEWIDE POLICY PROVIDING TEMPORARY HOMEOWNERS’ ASSOCIATION ALLOWANCES FOR GRANDPARENTS WITH GRANDCHILDREN RESIDING IN 55+ COMMUNITIES; AND

WHEREAS, GRANDPARENTS BEING FORCED TO RELINQUISH THEIR HOMES RESULTS IN ABANDONMENT, SHORT SALES, AND UNMAINTAINED PROPERTIES AFFECTING PROPERTY VALUES IN THE COMMUNITY. THE GRACE PERIOD WILL PROVIDE A WINDOW OF OPPORTUNITY FOR PARTIES INVOLVED TO FACILITATE AN APPROPRIATE AND FISCALLY SOUND LIVING ARRANGEMENT FOR THE MINOR CHILD; AND

WHEREAS, IT IS NOT OUR INTENT TO ABROGATE THE DESIGNATION OF HOUSING FOR ADULTS 55 YEARS OF AGE OR OLDER BY PERMANENT RESIDENCY OF A MINOR; NOW, THEREFORE, BE IT

RESOLVED, BY THE SENIOR SENATE AND THE SENIOR ASSEMBLY, JOINTLY, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA AT ITS 2015 REGULAR SESSION, A MAJORITY OF THE MEMBERS VOTING THEREFOR, HEREBY PROPOSES THAT SECTION 51.3 OF THE CIVIL CODE BE AMENDED TO PROVIDE FOR PERMITTED TEMPORARY MINOR RESIDENCY IN SENIOR CITIZEN HOUSING TO ALLOW RESIDENCY FOR A MINOR FOR WHOM A PROBATE COURT OR JUVENILE COURT PLACEMENT IS PENDING AND WHO IS THE GRANDCHILD OR GREAT-GRANDCHILD OF A QUALIFYING RESIDENT OR A QUALIFIED PERMANENT RESIDENT AND TO QUALIFY A PERMITTED TEMPORARY MINOR RESIDENT, THE QUALIFYING RESIDENT OR QUALIFIED PERMANENT RESIDENT MUST CERTIFY IN WRITING TO THE OWNER, BOARD OF DIRECTORS, OR GOVERNING BOARD THAT THE GRANDCHILD OR GREAT-GRANDCHILD IS CURRENTLY SUBJECT TO COURT PLACEMENT PROCEEDINGS AND THE PERMITTED TEMPORARY MINOR RESIDENT SHALL BE ENTITLED TO RESIDENCY FOR SIX MONTHS OR UNTIL HIS OR HER PLACEMENT IS RESOLVED, WHICHEVER IS EARLIER. IF THE PLACEMENT OF THE PERMITTED TEMPORARY MINOR RESIDENT IS NOT RESOLVED WITHIN SIX MONTHS, THE QUALIFYING RESIDENT OR QUALIFIED PERMANENT RESIDENT MAY REQUEST, AND UPON REQUEST SHALL BE GRANTED, AN ADDITIONAL RESIDENCY OF SIX MONTHS OR UNTIL THE MINOR’S PLACEMENT IS RESOLVED, WHICHEVER IS EARLIER; AND BE IT FURTHER

RESOLVED, THAT THE SENIOR LEGISLATURE OF THE STATE OF CALIFORNIA RESPECTFULLY MEMORIALIZES THE LEGISLATURE AND THE GOVERNOR OF THE STATE OF CALIFORNIA TO ENACT APPROPRIATE LEGISLATION THAT WOULD ADDRESS THE CONCERNS SET FORTH IN THIS MEASURE; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THIS MEASURE BE TRANSMITTED TO THE PRESIDENT PRO TEMPORE OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE GOVERNOR OF THE STATE OF CALIFORNIA.