

RESOLUTION NO. 21-14

Resolution Of The City Council Of The City Of Emeryville Confirming The City Of Emeryville As A Sponsor Of SB 591 State Legislation Concerning Intergenerational Housing And Authorizing The Mayor To Sign A Letter Of Support

WHEREAS, the City Council selected an intergenerational housing project for development at the City-owned property located at 4300 San Pablo Avenue; and

WHEREAS, the City is interested in development of intergenerational affordable housing projects in Emeryville; and

WHEREAS, in order to address some potential issues related to that project type, City representatives have been pursuing legislation relating to financing of intergenerational affordable housing; and

WHEREAS, Senator Josh Becker (D-Menlo Park) agreed to author legislation related to financing of intergenerational affordable housing and submitted the necessary language to the state Senate and the assigned bill number is SB 591; and

WHEREAS, staff has recommended that the City Council approve a Resolution confirming that the City is a sponsor of SB 591, the legislation submitted by Senator Becker, so that City representatives may speak before the Legislature on behalf of the bill; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby confirms that the City of Emeryville is a sponsor of SB 591, legislation submitted in the California Senate to support the development of intergenerational housing; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the Mayor to sign a letter of support for the legislation referenced herein.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 2, 2021, by the following vote:

AYES:	<u>5</u>	Mayor Martinez, Vice Mayor Donahue, and Council Members Bauters, Medina, and Patz
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

DocuSigned by:

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 MAYOR

ATTEST:

DocuSigned by:

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 CITY CLERK

APPROVED AS TO FORM:



 CITY ATTORNEY

SENATE BILL

No. 591

Introduced by Senator Becker

February 18, 2021

An act to amend Section 51.3 of, and to add Section 51.3.5 to, the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 591, as introduced, Becker. Senior citizens: intergenerational housing developments.

Existing law requires the covenants, conditions, and restrictions or other documents or written policy of a senior citizen housing development to set forth the limitations on occupancy, residency, or use on the basis of age. Existing law requires that the limitations on age require, at a minimum, that the persons commencing any occupancy of a dwelling unit include a senior citizen who intends to reside in the unit as their primary residence on a permanent basis. Existing law defines "senior citizen housing development" for these purposes as a residential development for senior citizens that has at least 35 dwelling units. Existing law defines "qualifying resident" or "senior citizen" to mean a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

This bill would, among other things, permit the covenants, conditions, and restrictions to permit the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transition age youths. The bill would define, among other terms, "senior citizen" to mean a person 55 years of age or older for these purposes. The bill would permit the establishment of an intergenerational housing development if (1) at least 80 percent of the occupied dwelling units are occupied by at least one senior citizen, as specified, and up to 20 percent of the occupied dwelling units are occupied by at least one

caregiver or transition age youth, as defined, and (2) the development is an affordable rental housing development, as defined, and has received an allocation of low-income housing tax credits from the California Tax Credit Allocation Committee.

This bill would prohibit a housing facility or community from evicting or terminating the lease of a family with children in order to comply with the requirement that at least 80 percent of the occupied units be occupied by at least one senior citizen.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) A growing body of scientific research has linked social
4 isolation and loneliness in seniors to higher risks for a variety of
5 physical and mental conditions, including, but not limited to, high
6 blood pressure, heart disease, obesity, a weakened immune system,
7 anxiety, depression, cognitive decline, Alzheimer's disease, and
8 even death.

9 (b) Intergenerational housing decreases the health risks of social
10 isolation and loneliness by surrounding seniors in communities
11 with families and giving seniors structured opportunities to benefit
12 from, and contribute to, the lives of young people. According to
13 research conducted by the Eisner Foundation, nonmedical benefits
14 of intergenerational housing for seniors also include improved
15 mood and self-esteem, increased skills and knowledge, specifically
16 around technology and culture, increased exercise, access to
17 practical assistance in the form of help with chores and errands,
18 and improved perception of young people.

19 (c) Intergenerational housing has been successful at the
20 award-winning Treehouse Easthampton community which
21 combines seniors with foster families in western Massachusetts.
22 Outcome data for this community over 11 years showcases the
23 remarkable impact on the lives of youth.

24 (d) Additional benefits of intergenerational housing for youth,
25 according to research conducted by the Eisner Foundation, include
26 improved social skills, increased emotional support, increased

1 self-esteem, increased school attendance, increased knowledge
2 and perspective of the past, and improved perception of elders.

3 (e) The purpose of this act is to facilitate the establishment of
4 intergenerational housing developments in California.

5 SEC. 2. Section 51.3 of the Civil Code is amended to read:

6 51.3. (a) The Legislature finds and declares that this section
7 is essential to establish and preserve specially designed accessible
8 housing for senior citizens. There are senior citizens who need
9 special living environments and services, and find that there is an
10 inadequate supply of this type of housing in the state.

11 (b) For the purposes of this section, the following definitions
12 apply:

13 (1) “Qualifying resident” or “senior citizen” means a person 62
14 years of age or older, or 55 years of age or older in a senior citizen
15 housing development.

16 (2) “Qualified permanent resident” means a person who meets
17 both of the following requirements:

18 (A) Was residing with the qualifying resident or senior citizen
19 prior to the death, hospitalization, or other prolonged absence of,
20 or the dissolution of marriage with, the qualifying resident or senior
21 citizen.

22 (B) Was 45 years of age or older, or was a spouse, cohabitant,
23 or person providing primary physical or economic support to the
24 qualifying resident or senior citizen.

25 (3) “Qualified permanent resident” also means a disabled person
26 or person with a disabling illness or injury who is a child or
27 grandchild of the senior citizen or a qualified permanent resident
28 as defined in paragraph (2) who needs to live with the senior citizen
29 or qualified permanent resident because of the disabling condition,
30 illness, or injury. For purposes of this section, “disabled” means
31 a person who has a disability as defined in subdivision (b) of
32 Section 54. A “disabling injury or illness” means an illness or
33 injury ~~which~~ *that* results in a condition meeting the definition of
34 disability set forth in subdivision (b) of Section 54.

35 (A) For any person who is a qualified permanent resident under
36 this paragraph whose disabling condition ends, the owner, board
37 of directors, or other governing body may require the formerly
38 disabled resident to cease residing in the development upon receipt
39 of six months’ written notice; provided, however, that the owner,
40 board of directors, or other governing body may allow the person

1 to remain a resident for up to one year after the disabling condition
2 ends.

3 (B) The owner, board of directors, or other governing body of
4 the senior citizen housing development may take action to prohibit
5 or terminate occupancy by a person who is a qualified permanent
6 resident under this paragraph if the owner, board of directors, or
7 other governing body finds, based on credible and objective
8 evidence, that the person is likely to pose a significant threat to
9 the health or safety of others that cannot be ameliorated by means
10 of a reasonable accommodation; provided, however, that the action
11 to prohibit or terminate the occupancy may be taken only after
12 doing both of the following:

13 (i) Providing reasonable notice to and an opportunity to be heard
14 for the disabled person whose occupancy is being challenged, and
15 reasonable notice to the coresident parent or grandparent of that
16 person.

17 (ii) Giving due consideration to the relevant, credible, and
18 objective information provided in the hearing. The evidence shall
19 be taken and held in a confidential manner, pursuant to a closed
20 session, by the owner, board of directors, or other governing body
21 in order to preserve the privacy of the affected persons.

22 The affected persons shall be entitled to have present at the
23 hearing an attorney or any other person authorized by them to
24 speak on their behalf or to assist them in the matter.

25 (4) “Senior citizen housing development” means a residential
26 development developed, substantially rehabilitated, or substantially
27 renovated for, senior citizens that has at least 35 dwelling units.
28 Any senior citizen housing development ~~which~~ *that* is required to
29 obtain a public report under Section 11010 of the Business and
30 Professions Code and ~~which~~ *that* submits its application for a
31 public report after July 1, 2001, shall be required to have been
32 issued a public report as a senior citizen housing development
33 under Section 11010.05 of the Business and Professions Code. No
34 housing development constructed prior to January 1, 1985, shall
35 fail to qualify as a senior citizen housing development because it
36 was not originally developed or put to use for occupancy by senior
37 citizens.

38 (5) “Dwelling unit” or “housing” means any residential
39 accommodation other than a mobilehome.

1 (6) “Cohabitant” refers to persons who live together as spouses
2 or persons who are domestic partners within the meaning of Section
3 297 of the Family Code.

4 (7) “Permitted health care resident” means a person hired to
5 provide live-in, long-term, or terminal health care to a qualifying
6 resident, or a family member of the qualifying resident providing
7 that care. For the purposes of this section, the care provided by a
8 permitted health care resident must be substantial in nature and
9 must provide either assistance with necessary daily activities or
10 medical treatment, or both.

11 A permitted health care resident shall be entitled to continue ~~his~~
12 ~~or her~~ *their* occupancy, residency, or use of the dwelling unit as a
13 permitted resident in the absence of the senior citizen from the
14 dwelling unit only if both of the following are applicable:

15 (A) The senior citizen became absent from the dwelling unit
16 due to hospitalization or other necessary medical treatment and
17 expects to return to ~~his or her~~ *their* residence within 90 days from
18 the date the absence began.

19 (B) The absent senior citizen or an authorized person acting for
20 the senior citizen submits a written request to the owner, board of
21 directors, or governing board stating that the senior citizen desires
22 that the permitted health care resident be allowed to remain in
23 order to be present when the senior citizen returns to reside in the
24 development.

25 Upon written request by the senior citizen or an authorized
26 person acting for the senior citizen, the owner, board of directors,
27 or governing board shall have the discretion to allow a permitted
28 health care resident to remain for a time period longer than 90 days
29 from the date that the senior citizen’s absence began, if it appears
30 that the senior citizen will return within a period of time not to
31 exceed an additional 90 days.

32 (c) The covenants, conditions, and restrictions and other
33 documents or written policy shall set forth the limitations on
34 occupancy, residency, or use on the basis of age. Any such
35 limitation shall not be more exclusive than to require that one
36 person in residence in each dwelling unit may be required to be a
37 senior citizen and that each other resident in the same dwelling
38 unit may be required to be a qualified permanent resident, a
39 permitted health care resident, or a person under 55 years of age
40 whose occupancy is permitted under subdivision (h) of this section

1 or under subdivision (b) of Section 51.4. That limitation may be
2 less exclusive, but shall at least require that the persons
3 commencing any occupancy of a dwelling unit include a senior
4 citizen who intends to reside in the unit as ~~his or her~~ *their* primary
5 residence on a permanent ~~basis~~; *basis, unless the dwelling units*
6 *are established as an intergenerational housing development that*
7 *includes senior citizens along with caregivers and transition age*
8 *youths pursuant to Section 51.3.5.* The application of the rules set
9 forth in this subdivision regarding limitations on occupancy may
10 result in less than all of the dwellings being actually occupied by
11 a senior citizen.

12 (d) The covenants, conditions, and restrictions or other
13 documents or written policy shall permit temporary residency, as
14 a guest of a senior citizen or qualified permanent resident, by a
15 person of less than 55 years of age for periods of time, not less
16 than 60 days in any year, that are specified in the covenants,
17 conditions, and restrictions or other documents or written policy.

18 (e) Upon the death or dissolution of marriage, or upon
19 hospitalization, or other prolonged absence of the qualifying
20 resident, any qualified permanent resident shall be entitled to
21 continue ~~his or her~~ *their* occupancy, residency, or use of the
22 dwelling unit as a permitted resident. This subdivision shall not
23 apply to a permitted health care resident.

24 (f) The condominium, stock cooperative, limited-equity housing
25 cooperative, planned development, or multiple-family residential
26 rental property shall have been developed for, and initially been
27 put to use as, housing for senior citizens, or shall have been
28 substantially rehabilitated or renovated for, and immediately
29 afterward put to use as, housing for senior citizens, as provided in
30 this section; provided, however, that no housing development
31 constructed prior to January 1, 1985, shall fail to qualify as a senior
32 citizen housing development because it was not originally
33 developed for or originally put to use for occupancy by senior
34 citizens.

35 (g) The covenants, conditions, and restrictions or other
36 documents or written policies applicable to any condominium,
37 stock cooperative, limited-equity housing cooperative, planned
38 development, or multiple-family residential property that contained
39 age restrictions on January 1, 1984, shall be enforceable only to

1 the extent permitted by this section, notwithstanding lower age
2 restrictions contained in those documents or policies.

3 (h) Any person who has the right to reside in, occupy, or use
4 the housing or an unimproved lot subject to this section on January
5 1, 1985, shall not be deprived of the right to continue that
6 residency, occupancy, or use as the result of the enactment of this
7 section.

8 (i) The covenants, conditions, and restrictions or other
9 documents or written policy of the senior citizen housing
10 development shall permit the occupancy of a dwelling unit by a
11 permitted health care resident during any period that the person is
12 actually providing live-in, long-term, or hospice health care to a
13 qualifying resident for compensation. For purposes of this
14 subdivision, the term “for compensation” shall include provisions
15 of lodging and food in exchange for care.

16 (j) ~~Notwithstanding any other provision of this section, this~~ *This*
17 section shall not apply to the County of Riverside.

18 SEC. 3. Section 51.3.5 is added to the Civil Code, to read:

19 51.3.5. (a) Notwithstanding any law, an intergenerational
20 housing development may be established to provide
21 intergenerational housing consisting of units for senior citizens,
22 caregivers, or transition age youths if all of the following conditions
23 are satisfied:

24 (1) (A) At least 80 percent of the occupied dwelling units are
25 occupied by at least one senior citizen. This requirement shall
26 commence when at least 25 percent of the units are occupied. A
27 dwelling unit is occupied by at least one senior citizen if, on the
28 date the exemption for housing designed for intergenerational
29 housing is claimed, one of the following conditions is satisfied:

30 (i) At least one occupant of the dwelling unit is a senior citizen.

31 (ii) If the dwelling unit is temporarily vacant, at least one of the
32 occupants immediately prior to the date on which the unit was
33 temporarily vacated was a senior citizen.

34 (B) Up to 20 percent of the occupied dwelling units are occupied
35 by at least one caregiver or transition age youth. A dwelling unit
36 is occupied by at least one caregiver or transition age youth if, on
37 the date the exemption for housing designed for intergenerational
38 housing is claimed, one of the following conditions is satisfied:

39 (i) At least one occupant of the dwelling unit is a caregiver or
40 transition age youth.

1 (ii) If the dwelling unit is temporarily vacant, at least one of the
2 occupants immediately prior to the date on which the unit was
3 temporarily vacant was a caregiver or transition age youth.

4 (2) The development is an affordable rental housing
5 development, as defined in subdivision (d) of Section 50675.2 of
6 the Health and Safety Code, with affordable rent, as defined in
7 subdivision (a) of Section 50675.2 of the Health and Safety Code,
8 and has received an allocation of low-income housing tax credits
9 from the California Tax Credit Allocation Committee.

10 (3) (A) If a unit ceases to house a caregiver or transition age
11 youth, as defined in subdivision (b), the owner, board of directors,
12 or other governing body may require, at their discretion, the
13 household in that unit to cease residing in the development upon
14 receipt of a minimum of six months written notice, so that the unit
15 may be made available to a qualifying caregiver or transition age
16 youth. This action shall not constitute a violation of Article 2 of
17 Chapter 6 (commencing with Section 12955) of Part 2.8 of Division
18 3 of Title 2 of the Government Code (California Fair Employment
19 and Housing Act).

20 (B) The housing facility or community shall not evict or
21 terminate the lease of a family with children in order to comply
22 with the requirement that at least 80 percent of the occupied units
23 be occupied by at least one senior citizen.

24 (b) For the purposes of this section, the following terms have
25 the following meanings:

26 (1) "Caregiver" means a person responsible for meeting the
27 daily care needs of a current or former foster child or youth who
28 resides with them. Current or former foster child or youth includes
29 a child or youth who has been adjudged a ward or dependent of
30 the juvenile court pursuant to Section 300, 601, or 602 of the
31 Welfare and Institutions Code and is served by a county child
32 welfare agency or probation department, and a child or youth who
33 has exited foster care to reunification, guardianship, or adoption.

34 (2) "Senior citizen" means a person 55 years of age or older.

35 (3) "Transition age youth" means a person who is 18 to 24 years
36 of age, inclusive, and who is any of the following:

37 (A) A current or former foster youth who has been adjudged a
38 ward or dependent of the juvenile court pursuant to Section 300,
39 601, or 602 of the Welfare and Institutions Code.

1 (B) A homeless youth or former homeless youth, who has met
2 the McKinney-Vento Homeless Assistance Act of 1987 definition
3 of “homeless children and youths,” as that term is defined in
4 Section 11434a of Title 42 of the United States Code.

5 (C) A youth who has been involved in the juvenile justice
6 system.

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