

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 80017(a)

Specific Purpose:

This section is amended to clarify anti-discrimination policies for applicants seeking licensure of community care facilities governed by Title 22, Division 6, Chapter 1, General Licensing Requirements.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Section 87118(a)

Specific Purpose:

This section is adopted to clarify anti-discrimination policies for applicants seeking licensure to operate a Residential Care Facility for the Elderly.

Factual Basis:

This adoption is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Sections 87118(b) and (c) (Renumbered from Sections 87118(a) and (b))

Specific Purpose/Factual Basis:

These sections are renumbered for clarity to accommodate the adoption of a new Section 87118(a).

Section 87817(a)

Specific Purpose:

This section is amended to clarify anti-discrimination policies for applicants seeking licensure to operate a Residential Care Facility for the Chronically III.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Section 88030(a)

Specific Purpose:

This section is adopted to clarify anti-discrimination policies for Foster Family Agencies (FFA) when considering certification or denial of potential foster applicants, or decertification of a certified foster family home(s).

Factual Basis:

This section is necessary to specify that foster family agencies must comply with California Unruh Civil Rights Act (Section 51 of the Civil Code) when processing applications for certification, or decertification of a certified family home(s).

Sections 88030(b) through (f) (Renumbered from Sections 883030(a) through (e))

Specific Purpose/Factual Basis:

These sections are renumbered for clarity to accommodate the adoption of a new Section 88030(a).

Section 89002 and Title

Specific Purpose/Factual Basis:

A new section number and title are adopted to meet the "clarity" standard of the Administrative Procedure Act, Government Code Section 11349(c).

Section 89002(a)

Specific Purpose:

This section is adopted to clarify anti-discrimination policies for applicants seeking licensure of an adoption agency.

Factual Basis:

This adoption is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Section 89002(b)

Specific Purpose:

This section is adopted to clarify anti-discrimination policies for adoption agencies when evaluating applicants seeking to adopt a child.

Factual Basis:

This adoption is necessary to specify that adoption agencies must comply with California Unruh Civil Rights Act (Section 51 of the Civil Code) when processing applications of individuals seeking to adopt a child.

Section 89317(a)

Specific Purpose:

This section is amended to clarify anti-discrimination policies for applicants seeking a foster family home license.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Section 101168(a)

Specific Purpose:

This section is amended to clarify anti-discrimination policies for applicants seeking a child care center license.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

Section 102368(c)

Specific Purpose:

This section is amended to clarify anti-discrimination policies for applicants seeking a family child care home license.

Factual Basis:

This amendment is necessary to meet the "necessity" and "consistency" standard of the Administrative Procedures Act, Government Code Sections 11349(a) and (d), respectively. This regulation is necessary for consistency with existing anti-discrimination law which includes Section 51 of the Civil Code (Unruh Civil Rights Act) and existing regulations for community care facilities.

b) Identification of Documents Upon Which Department Is Relying

- Unruh Civil Rights Act (Section 51 of the Civil Code)

c) Local Mandate Statement

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

d) Statement of Alternatives Considered

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Statement of Significant Adverse Economic Impact On Business

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.