

**SANTA CRUZ COUNTY PLANNING DEPARTMENT POLICY/ORDINANCE  
INTERPRETATION**

Interpretation No.: RES-CARE-01 (Adult Residential Care Homes)

Effective Date: December 14, 2009

Originally Issued: None

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**Question**

*Is the owner or operator of an “Adult Residential Care Home/ Adult Small Family Home” as defined in Section 13.10.700-R, when the home serves six or fewer residents, required to live on-site?*

**Applicable Regulatory Section(s)**

13.10.700-R

13.10.322(b)

**INTERPRETATION:**

No, the owner or operator of an adult residential care home/ adult small family home serving six or fewer residents is not required to live on-site.

**Reason**

The definition for “Residential Care Home or Small Family Home, Adults”, reads:

13.10.700-R: A family residence in which room, board, and non-medical personal care services including supervision of and assistance with eating, dressing, personal hygiene, daily activity, health maintenance, transportation and protective safeguards for one or more adults, not including members of the licensee’s family, are provided.

This definition could be read as requiring the owner or licensee to reside in the residential care home, in order to meet the definition of “family residence.” However, such an interpretation would be contrary to state law. Health and Safety Code Section 1569.84 requires local governments to regulate residential care facilities for six or fewer elderly residents identically to any residential dwelling in the same zone district. State law (Health and Safety Code Section 1569.85) also requires local jurisdictions to consider a residential care facility for 6 or fewer elderly residents as a residential use, and to consider the residents and operators of the facility as a family. Since our local regulations do not require the owner of any other residential dwelling to live on the property, we are preempted by state law from requiring the owner or operator of an adult residential care home for 6 or fewer elderly residents to reside on site.

Owners or operators of other types of adult residential care homes serving 6 or fewer residents such as group homes, women’s shelters, and halfway houses, are also not required to reside on site. This approach is consistent with state law, and consistent with policies in the General Plan to remove governmental constraints for housing and to promote housing for those with special needs. As is consistent with state law, only those residents being served or cared for in the home count towards the total number of residents allowed in the facility.

Adult residential care homes serving more than six residents are considered discretionary uses, as is consistent with state law and noted in County Code Section 13.10.322(b), and may be conditioned appropriately. (Note: Small Family Childcare homes for six or fewer children are regulated differently by the State and by the County of Santa Cruz. Small family childcare homes are intended to provide care for children within a traditional home setting, and must be operated in conjunction with a residential use.)

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Tom Burns, Planning Director

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Date