



## When Do You Need A License?

People needing the care and supervision that Community Care Facilities (CCF's) provide are often vulnerable to abuse or exploitation as a result of advanced age, intellectual deficits, or psychiatric disorders. In an effort to protect such people, California law requires CCF's to be licensed.

A license is a basic permit to operate a CCF. The State Department of Social Services (DSS), Community Care Licensing Division (CCLD), is the agency responsible for licensing CCF's in California, as well as providing ongoing monitoring and regulation of them.

Licenses are issued to sole proprietors, Partnerships, Limited Liability Companies, non-profit and for profit corporations meeting the terms and conditions contained in California Code of Regulations, Title 22, and related laws.

In addition to meeting initial licensing criteria, CCF's must maintain certain standards to remain licensed. CCF's are currently inspected by a Licensing Program Analyst (LPA) from once a year to once every 5 years, or more often if needed. The inspections are designed to ensure compliance with Title 22, and the protection of resident health, safety, and personal rights. If a facility fails to maintain the legally required standards, CCLD has the authority to issue citations, fines, and the termination of the license.

Per Title 22, Section 80005, unless a facility is exempt from licensure as specified in Section 80007, no adult, firm, partnership, association, corporation, county, city, public agency, or other governmental entity shall operate, establish, manage, conduct or maintain a community care facility, or hold out, advertise or represent by any means to do so, without first obtaining a current valid license from the licensing agency. You can review online the California Code of Regulations, Title 22, [Division 2 and 6](#).

Per Title 22, Section 80007, the following are exempt from licensure through CCLD:

- Any health facility, as defined by Section [1250](#) of the Health and Safety Code.
- Any clinic, as defined by Section [1204](#) of the Health and Safety Code.
- Any family day care home providing care for the children of only one family, in addition to the operator's own children.

- Any juvenile placement facility approved by the California Youth Authority or any juvenile hall operated by a county.
- Any facility conducted by and for the adherents of any well-recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.
- Any school dormitory or similar facility where all of the following conditions exist: The school is certificated/registered by the State Department of Education; The school and the school dormitory are on the same grounds; All children accepted by the school are six years of age or older; The program operates only during normal school terms unless the academic program runs year-round; The school's function is educational only; The school program is not designated as providing rehabilitative or treatment services; The school's function does not promote intent to provide community care services, including but not limited to children with developmental disabilities, mental disorders or physical handicaps, juveniles declared dependents of the court under Welfare and Institutions Code, Section [300](#), and juveniles declared wards of the court under Welfare and Institutions Code, Sections [601](#) and [602](#); The facility does not receive any public funds designated for care, including but not limited to, AFDC-FC and SSI/SSP. The facility shall be permitted to receive public funds intended for educational programs; No public or private agency, including but not limited to county welfare department and probation offices, provides social services to children in the facility.
- Any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, which provides no element of care and supervision, as defined in Title 22, Section [80001 c \(3\)](#).
- Any cooperative arrangement between parents for the day care of their children by one or more of the parents where no payment for the day care is involved, including but not limited to the exchange of child day care services between two or more families.
- Any care and supervision of persons by a relative, guardian or conservator.
- Any care and supervision of persons from only one family by a close friend of the parent, guardian or conservator, provided that such arrangement is not for financial profit and does not exceed 10-hours

per week. Provision of longer hours of care shall not be precluded when provided for a brief period of time, for reasons including but not limited to family emergencies, vacation, and military leave.

- Any arrangement for the care and supervision of an adult or adults from only one close friend, who is not a licensee or current employee of a Residential Care Facility for the Elderly or of an Adult Residential Facility, and whose friendship pre-existed a provider/recipient relationship, and all the following are met: The care and supervision is provided in a house or residence chosen by the recipient, regardless of who owns the home or residence; the arrangement is not of a business nature, in that the provider does not represent himself or herself as being in the business of provision of care, and any compensation that may be paid to the provider is only for the value of the services rendered; The arrangement occurs and continues only as long as the needs for care and supervision of the recipient are being adequately met.
- Any facility exclusively used by a licensed home-finding agency and issued a certificate of approval by the agency. Such facilities shall not be required to obtain a license, but shall be in compliance with all other requirements set forth in Title 22, Division 2 and 6. The facilities compliance with requirements shall be monitored through and assured by the home-finding agency. For the purposes of this section, an exclusive-use facility shall mean a non-licensed residential facility that has been certified by a licensed home-finding agency as conforming to the regulations pertaining to the Small Family Home (SFH) category. A facility in the exclusive-use of a licensed home-finding agency shall accept only those children placed by that agency which certified the home.
- A home which meets all of the following criteria: Approved by a licensed adoption agency, or the Department, for the adoptive placement of a child, and, the child is legally free for adoption, and, the agency or the Department is providing supervision of the placement pending finalization of the adoption.
- A home that meets all of the following criteria: Placement for adoption by a birth parent, and, a petition for adoption has been filed by the prospective adoptive parent(s), and is pending, and, a final decision on the petition has not been rendered by the court.

- Any placement agency as defined in Health and Safety Code, Section [1536.1](#) or an individual who places individuals for care in a facility licensed to receive and care for such persons.
- A county probation or welfare department that places children in certified license pending homes as set forth in Section 87007.1.
- Any housing project for elderly or disabled individuals that meets federal requirements specified in Health and Safety Code, Section [1505\(p\)](#)
- The Department.
- Any similar facility as determined by the Director.

*RA Mears Consulting* can provide the following services for obtaining a license to operate an ARF-DD, ARF-MD, or RCFE:

- Part A Application.
- Part B Application.
- Application Sections and Components.
- Plans Of Operation, Exception, and Waiver Requests.
- Application Reviews.
- 2-Hour Consultations For Various Topics.

**Note:** See our [Complete Products & Services Price List](#) and [Policies](#) for full details.

The above information is based on knowledge gained during more than 40 years experience with CCF's, daily interaction with new CCF applicants and existing CCF's, and expertise in California Code of Regulations, Titles 17 and 22.

THIS SUMMARY IS PROVIDED AS A MATTER OF INFORMATION AND EDUCATION ONLY. IT IS NOT INTENDED TO PROVIDE LEGAL ADVICE, LEGAL CONSULTATION, NOR INFORMATION TO ADDRESS SPECIFIC MATTERS YOU MAY CURRENTLY BE ADDRESSING. DO NOT TAKE ACTION IN SPECIFIC CASES WITHOUT FULL KNOWLEDGE OF THE FACTS. PLEASE VISIT THE COMMUNITY CARE LICENSING DIVISION [WEBSITE](#).